



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Wednesday, 18th January 2023

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

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

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

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Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

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Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Rulings and decisions of the Speaker – Statement by Mr Speaker

Clerk: (iii) Communications from the Chair.

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

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

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

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

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

That ends my Statement.

ANNOUNCEMENTS

Changes to parliamentary procedure – Statement by the Chief Minister

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

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

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

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

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

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

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

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

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

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

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

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

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Hon. K Azopardi: Mr Speaker, thank you.

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

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

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

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Hon. K Azopardi: If the hon. Member –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

450 **Hon. Chief Minister:** Thank you, Mr Speaker.

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

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

470 I do have to say to her that I thought it was a little bit of a betrayal of the approach that she is taking to this and other matters to refer to Brexit and the pandemic as an excuse, which was the word she used. I really wish that Brexit were just an excuse and that COVID and the pandemic were just an excuse. They are not an excuse. They have been the most difficult issues to deal with, and members of the public, who sometimes have a better ability to reflect on matters than any of us here have, I think do understand that these were genuine hurdles in the way of us being able to continue the practices that we introduced in December-January 2011-12. She was here from 475 2015, so she had the benefit before June 2016. Indeed, the campaign started and we did not have a meeting that May or that June because of the campaign. She knows that we were having those meetings. She knows that they had that third week of the month. Hon. Members who left in 2015 knew that they could plan in that way. So we have not waited until the last minute. We have not done this with any lack of genuine desire to make changes in the last month of a Parliament or in 480 the last months of a Parliament. We are bringing back and further improving the reforms that we led on from January 2012.

I hope she will reflect on what I have said in reply and that she will see this as a genuine approach by the Government to deliver against this desire that we have espoused to assist them and assist members of the public to better follow these proceedings, and indeed to make it easier 485 for people who may have families and might want to, in the future, consider forming a part of the

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

Mr Speaker: The Hon. Roy Clinton.

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

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

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

Then there is a comment that says:

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

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

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

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

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

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

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

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

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

Mr Speaker: The Hon. Elliott Phillips.

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

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

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

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

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

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q1/2023

Employment Tribunal – Number of cases and progress

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

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

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

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

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

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

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

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

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Mr Speaker: The Leader of the Opposition.

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

720 **Mr Speaker:** Next question.

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

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

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

Q4 and Q6/2023
Island Games facilities –
Completion and remedial works outstanding; Lathbury Barracks stadium parking

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

Q5/2023
Sport England –
Whether similar scheme under consideration

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

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

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

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

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

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

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

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

TRANSPORT

Q8/2023

Road resurfacing programme – Update

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

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

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

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

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

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

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

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

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

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

980 **Mr Speaker:** Next question.

Q9/2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1055 **Mr Speaker:** Next question.

Q10-11/2023
Vehicle emissions –
Two-stroke motorcycles; vehicles entering from Spain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1130 Anything that we prohibit entry, the chances are that there will be a prohibition on exit, so where do you draw the line in terms of emissions? There are vehicles which are Euro 3 and prior to that, that people own and cross the Frontier with as well, so again I think I have said because these vehicles, although they are undesirable – I agree completely, they are undesirable – and the noise they make sometimes is greater than a four-stroke, I think we will and we have seen a massive decrease, and the work that we are trying to do with emission zones will help in the future.

1140 **Mr Speaker:** Next question.

Q12/2023

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

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

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

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

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

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

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

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

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

1175

Mr Speaker: Next question.

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

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

1205

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

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

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

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

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

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

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

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

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

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

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

1250 The road is the other one, through Gibdock – that is why the reference is to easements etc. through Gibdock and the new ownership of Gibdock – and that is connecting the south of Queensway through to the area, more or less, of New Mole House, which provides an alternative route to the south, but that is vehicular.

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

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

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

Mr Speaker: Next question.

BUSINESS, TOURISM AND THE PORT

Q14/2023

Watergardens Small Boats Marina – Refurbishment

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

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

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

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

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

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

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

Q15/2023

Parcel post office – Relocation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q16/2023
Transport infrastructure –
Proposals for improvement

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

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

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

1345

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

1350

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

1355

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

1360

The main reason why fewer cruise ships are coming to Gibraltar

– which is a very worrying trend and concern –

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

It goes on:

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

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

1365

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

1370

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

1375

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

1380

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

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

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

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

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

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

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

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

1400

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

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

1405

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

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

1415 **Hon. V Daryanani:** Mr Speaker, the figures are accurate and current. As with all bookings for future calls, there is always an element of uncertainty. There are some last-minute cancellations as well as additional bookings, which is the norm for the cruise industry, so I would say that the schedule for 2023 and 2024 is as accurate as can be at this moment in time.

1420 The meeting the hon. Member is referring to took place when COVID was rife and the cruise industry was at a complete standstill. This meeting took place on the company's newest ship, *Viking Venus*, which was in Gibraltar on an operational call. The Chairman of Viking Cruises flew in to meet the ship and requested a meeting with me, which was arranged. The news was carried by the *International Cruise Press* and was excellent positive publicity for Gibraltar. The *Viking Sea* made its inaugural call in Gibraltar on 3rd December 2021 and the *Viking Star* called at our port on 3rd March 2022.

1425 **Hon. D J Bossino:** I am glad that the hon. Member is confident about the information in relation to cruise line calls for 2023 and 2024, because actually there is a very worrying statistic and maybe

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

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

1435 **Hon. D J Bossino:** Mr Speaker, with the greatest of respect to the hon. Member, my question is a supplementary to Question 17, which arises from the Gibraltar Port cruise schedules for 2023 and 2024, so I think it is relevant.

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

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

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

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

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

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

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q19/2023 Online Safety Bill – Progress

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

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

1470

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

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

1475

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

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

1485

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

1490

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

1495

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

1500

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

1505

Thank you.

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

1510

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

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

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1520 is a Bill which is a little different to the Bill that was being promoted by Nadine Dorries as Minister for Culture under the leadership of Boris Johnson, but we think it probably still does the job.

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

1525 This not just about protecting children. It is principally about protecting children, but it is about protecting everybody who uses online services, in particular social media, and trying to bring to social media an element of regulation of the space and how people act there, by creating a national law that addresses these issues, because otherwise people will find that they are very often at the mercy of the law of the place of incorporation of the entity that provides the service.
1530 We are all subjecting ourselves, every day, to the laws of California and the United States by going online with any of the many social media platforms that we use. This repatriates the place of use of the social media platform, the regulatory landscape affecting individuals who are using that platform in Gibraltar, the United Kingdom and Ireland, to use the examples that I have given. It is hugely important. Gibraltar cannot pretend to act in a way that would create a different type of
1535 jurisdiction. We need a jurisprudence to build up around this, and we need a regulatory space which is more or less looking the same between at least the common law jurisdictions of Europe – not the European Union, but of Europe – and that is the exercise that the hon. Lady has been embarked upon for some time with my full support, and I look forward to also working with them on the subject.

1540

Mr Speaker: Next question.

Q20/2023
Public events –
Policing

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

1545 **Hon. K Azopardi:** Mr Speaker, does the Government agree that the Police should not provide security for events such as the Cavalcade and other public events?

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

1550 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, there is no suggestion that the RGP will not provide security at public events. The security of Gibraltar and events in Gibraltar is, of course, a matter for the Royal Gibraltar Police. This was very clearly explained by the Commissioner of Police in a GBC interview on 5th January. He also explained that a private company was engaged for the marshalling of that event, to ensure that the public remained within the cordons and stipulated areas. There is a
1555 difference between marshalling and policing.

We will all agree with the Commissioner that we must use police resources efficiently and not have police officers deployed to do the jobs of civilians. Indeed, in the case of this year's Cavalcade, there was a significant police engagement for what are policing functions prior to and during the event, which included traffic planning, safety inspections of the floats, security searches and a
1560 physical deployment throughout.

1565 **Hon. K Azopardi:** Mr Speaker, we do agree that the police resources should be used efficiently, and indeed we welcome the clarification of the Minister listing the duties in relation to security that the Police carried out in respect of the Cavalcade. But she will also be aware that not only were there public comments by the Commissioner but there were also public comments by the organisers, who made the point that what had been the traditional services given by the Police were no longer being provided this year, which had caused a financial outlay to organisers in respect of which they had had to seek a Government contribution. So clearly the role has altered.

1570 Can I ask the Minister, was the Government consulted by the Police, or indeed did they have discussions with the organisers once the organisers found out that the Police were not going to provide those services that traditionally they had provided in the context, presumably, of a reassignment of resources on the basis that they consider that this is more effective?

1575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there is another question on the Order Paper, to the Minister for Culture, which I think is the right place to address that because he will refer to his discussions with the members of the Cavalcade committee, costs etc. which were involved.

1580 The issue is one which has been ventilated across the Government. There is an HMIC report about how the Police should be doing certain things, which they have to comply with, of course – it is a recommendation, but ... I think all of those issues are addressed in the later question, which the Hon. Minister for Culture deals with because his was the engagement at the front line.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q21/2023

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

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

1585 **Hon. E J Reyes:** Will Government be assisting the Scout Association to improve security measures at Governor's Lookout campsite in order to curtail recurrences of recent vandalism?

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

1590 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, yes, sir.

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

1595 I wondered whether this was a convenient time to break. Instead of continuing for three hours and stopping for one, I wonder whether this is a convenient time to break and return at quarter to six.

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

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

Q21/2023

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

Clerk: We resume with Answers to Oral Questions.

1600

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

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

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

1605

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

1615

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

1620

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

1625

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

1630

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

1635

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

1640

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

1645

Mr Speaker: I agree.

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

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

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

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

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

Mr Speaker: Next question.

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

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

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

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

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

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

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

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

Q23/2023

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

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

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

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

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

1700

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

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

1710 **Hon. Prof. J E Cortes:** Yes, clearly, Mr Speaker, and there is a range. In some cases it will be therapists, in other cases it will be the Care Agency, and in other cases there may have to be police involvement if there has been some activity of a nature that at least needs a conversation between the Police and the parents. But, yes, clearly this a multidisciplinary approach that has to be had, tailored to the individual needs of the child, absolutely.

1715 **Mr Speaker:** Next question.

Q24/2023

**Unightly bin sheds –
Replacement**

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

1720 **Hon. E J Phillips:** Mr Speaker, can the Government state when unsightly bin sheds will be replaced?

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

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

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

1730 This question comes up a lot with me from members of the community – I am sure the hon. Gentleman probably gets them as well – and there are a number that are presented to me where it appears that they have been in a derelict state for some significant time, boarded up with temporary measures, if I can call it that with the greatest respect to him. I wonder whether there is a programme that literally replaces them, because it appears that there are touch-up jobs being done on these bin sheds and they are very unsightly in terms of tourism and members of the public more generally, of course.

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

1740

1745 **Mr Speaker:** Next question.

Q25/2023

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

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

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

1750

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

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

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1760 These levels are all below current EU levels, although the nitrogen-dioxide level is above the proposed EU levels, and all are above the new WHO levels. However, the data are provisional and not yet ratified. The conclusion, as if we did not know it, is that we must reduce the use of petrol and diesel vehicles further.

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

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1770 These are obviously average takings from 8th September until 30th December. Clearly the data will reveal spikes at certain times during the day, and in reality when people are walking around and being exposed to this level of pollutants, as he suggests. So I think he would agree with me, would he not, that if the average indication, particularly in relation to NO₂, is at 32 g/m³ as he says, we need to be looking at a more radical way of dealing with these types of pollutants? Does he not agree with that?

1775 **Hon. Prof. J E Cortes:** Mr Speaker, the goal posts are moving all the time. Clearly, the ultimate goal post is pollution free. The EU set a standard which we did not meet until very recently and which we currently meet in all of those. They are now upping the standards by reducing the acceptable level and we will meet the particulate one ... Sorry, if we had those standards now, we would have met the particulate one. We would not have met the nitrogen-dioxide. The World Health Organization is much more strict now. A couple of years ago it changed its levels. As we have said here before, we need to do more. The data are recent, so they will be ratified by Ricardo's, the consultant, and they will then provide a graph with all the spikes and so on.

1780 To tell you the truth, for an area which is quite busy for traffic I would have expected higher levels, so even though I am not satisfied, I am almost pleasantly surprised. This is something that clearly came across in my hon. Friend the Hon. Paul Balban's presentation yesterday on that strategy. It is something that we all have to work towards, reducing vehicular use, because clearly in this particular location that is probably going to account for almost all these levels. We are not talking about near the Port or near the Airport, where there could be other aspects, or near a building site where some of the particulates ... This seems to be purely from traffic and it is a good indication and confirmation of what we are trying to do, which is to reduce the use of vehicles.

Q26/2023
Vaping products –
Disposal and recycling

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

1790 **Hon. E J Phillips:** Mr Speaker, in relation to vapes, what measures are being considered, including taxing these items, given the difficulties around indiscriminate disposal and difficulties around their recycling?

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

1795 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Environment Department is presently considering introducing dedicated collecting points exclusively for used vaping products. However, vaping products with batteries can presently be disposed of in the pink recycling bins. Other measures aimed at discouraging vaping are currently being considered in addition to the new legislation banning these products for under-18s.

1800 **Hon. E J Phillips:** Mr Speaker, I would be grateful to learn what other measures the Minister is currently considering, because clearly people who dispose indiscriminately of these objects are causing an impact to our environment. In this House he and I have exchanged views on cigarette butts, for example, but this is significantly polluting in terms of life cycle, and I wonder whether he might be able to set out more those other measures.

1810 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, a wide range of possible actions, including the possibility of taxing and even the possibility of banning as single-use plastic items. These are all being considered and we are doing a little bit of research as to whether one or the other, or somewhere in between, should happen.

Q27/2023
Upper Rock CCTV cameras –
Reason for removal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1905 **Hon. Prof. J E Cortes:** Yes, absolutely. Mr Speaker, a couple of points here. I think there is an implication, almost, here that the fact that we did not have official fireworks led to the fireworks that people had, but I can tell you that from my experience – as, I am certain, others here – we have that every year, almost in competition with the formal fireworks, and sometimes some of these displays are more lush even than the formal ones. I do not know where they get them. (Interjection by Hon. Chief Minister) Yes, exactly. And the formal one, as the Hon. Chief Minister is very helpfully reminding me, is only visible from a defined area.

1910 There are people who enjoy fireworks, there are people who are adamantly against fireworks for environmental and other reasons, so there is leeway for all of that, but I think we are satisfied that this year it was the right decision; next year, maybe there will be another one. This is something that was considered, a decision taken, and I think we need to stand by it and concentrate – in my answer to the other questions – on how we can try, difficult as it is, to control the setting off of fireworks in private areas and on private estates.

1920 **Hon. E J Phillips:** Mr Speaker, just one further question. As the Hon. Minister may have seen from his television box – or LCD platform, or whatever you call them now, TVs – the rest of the world celebrated in the technicolour that we are all used to in terms of New Year’s Eve, and everyone saw in New Year’s Eve in a particular style. I appreciate very much, and I am not seeking to argue otherwise, that it was a decision because of the budgetary constraints that he has spoken about, but the point I am trying to make here is that insofar as safety is concerned, I think it is right that the Government manage it, and I think he will agree with that, but also, even if it is sponsored by someone else – and what I mean by that is if it is paid for by someone else – of course it should be the Government that provides that assurance to the public that it is controlled in a secure and safe way for members of the public.

1930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid I cannot agree with the hon. Gentleman’s logic, and perhaps when I respond he will agree with me that he does not agree with himself.

1935 What the hon. Gentleman has seen on television when he sees the display first in Auckland, then in Sydney, then in Moscow if cameras are allowed, then in Berlin and then in London are the official organised displays there. That does not mean that in the rest of Auckland, and indeed the rest of New Zealand, they are not setting off fireworks wherever they want, or indeed anywhere else.

1940 The hon. Gentleman has set up the question for the Hon. Minister by saying, ‘Everywhere else, you saw this; here, you had unregulated fireworks,’ and that, Mr Speaker – if he will agree with me and we do not fall into the trap of political exchanges – just by way of logic is not correct. I think he will accept that although we see on our television screens the news of those official fireworks displays, that does not mean that we do not suffer from, in all of those areas potentially, also the same thing that he is suggesting we suffer from, which is what we are calling, for the purposes of the debate, unregulated use of fireworks by private individuals in private spaces.

1945 In Auckland they may have had World War IV, as we had here, and in Madrid they might have had a lovely display at the Plaza del Sol and 1704 and the Batteries of Elliott at the same time, as they had in London, where they had a lovely display on the Thames but in Peckham you might have been going good luck to Del Boy and his cousin.

1950 So I am afraid, Mr Speaker, I would say that the question is unfairly put. The only point I would make, other than reinforcing all the things that the Hon. Minister has said, is that what I found quite remarkable this year with the run up to Christmas and New Year, in which had been the discussion about the cost of living crisis etc., was that the display went on for as long as ever. Obviously many people who tell us that they cannot make ends meet manage to make enough to make the end of the flame meet the end of the firework for half an hour in all our estates, outside of our estates and elsewhere.

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

1960 **Hon. D J Bossino:** It was very humorous when he referred to World War IV, and I could not agree with him more. It was quite incredible – (*Interjection*) I suppose! – and it was really bad, although I am not sure it was as bad as in previous years, I must say. (**A Member:** Worse!) Worse, you reckon? Okay. As in last year, I mean.

1965 Just by way of preamble, I wrote a letter in the *Chronicle* because it is an issue which has been bugging me now for some time. People mention to me – and, I am sure, to many of us across the floor of this House – that this is an issue for special needs children in particular, especially those within the autistic spectrum. Many of them have to be drugged. Many of us drug our dogs, but to drug a human being because they have to go through this is, quite frankly, shameful ... and infirm people and people with Alzheimer’s etc.

1970 Can I just also, by way of slight preamble, welcome what the hon. Member has said, that he is looking at legislation, I think he said? In respect of that, if I may, Mr Speaker, two supplementary questions, just to bundle them together because I think it is going to be easier for him. May I ask which stakeholders he says he is going to be meeting the day after tomorrow? When does he expect the legislation to be up and running and put in place, and does he expect it to be there before the celebrations next year when we are welcoming 2024, when hopefully we will be on that side of the House?

1980 **Hon. Chief Minister:** Sorry, can I just do a footnote, Mr Speaker, before the Hon. Minister answers, because on this I have to hold my breath. I think I agree entirely with the Hon. Mr Feetham, and I am just going to say this by way of footnote before we start.

1985 The hon. Gentleman has prefaced his question to the hon. Member about fireworks. Actually, I think what we all hate are *petardos*, right? We have to understand that the display, the fireworks, the ones that go up and create a beautiful ... they do not actually create as much of a bang. Some of them create a bigger bang, some of them create less of a bang, but the ones we all hate, the ones that create the bang where, whoever you are, you jump out of your skin, that require those who we want to look after ... We are civilised because we look after animals and, in particular, our children – special needs children and non-special needs children. Some are worse than others, but it is quite dreadful. I do not know what possesses somebody to want to set off one of those bangs like that. Those are the *petardos*, not the fireworks. Perhaps we can graduate our debate in respect of fireworks in some way, so that what we are dealing with is the bang. It is the noise that is the problem here, it is not the display, and most of those that create the display do not create a bang in a way that is potentially problematic.

1995 I am saying this by way of footnote to the answer because there are, of course, issues also of personal liberty here and the ability to be able to enjoy displays etc., so the balance, but I do that by my deep agreement with Mr Feetham on this, just by way of footnote on this subject.

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

2000 Mr Speaker, by way of my own preamble, I can confirm, as the Chief Minister suspects, that despite the fireworks display in London there were other areas of the United Kingdom where there were private fireworks. My daughter, who is a student, sadly could not be here for New Year but she was a victim of a lot of noise in her own area of Bristol, too, and from the danger point of view, my granddaughter was narrowly missed by a firework this last New Year’s Eve. So this something that is very close to all of us and the potential danger I do remember when I was Minister for Health – no, earlier than that, when I was manager of the Health Service back in the

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

2010 Regarding the meeting, there will be representatives from the Law Offices – of course, because it is a drafting issue – the Royal Gibraltar Police, the Fire and Rescue Service, HM Customs, the Environment Department and the Ministry of Culture and the cultural team, for two reasons: one is that they would be the ones to organise the formal official display, and also because the entertainment licence is issued by the Ministry. So it would be all those entities. I may be forgetting one, but those are the main ones that I can recall.

2015 **Hon. D J Bossino:** Has he answered the point in relation to timing?

2020 **Hon. Prof. J E Cortes:** On timing, I think we have a pretty good idea. We had met before this last New Year and already discussed possibilities. We already have a draft, which I am not altogether happy with but I think we should be able to have quite a robust draft within the next ... I would like to say one month, but to be realistic I would say two months, so clearly before this Government once again considers what it does at New Year.

Mr Speaker: The Hon. Daniel Feetham.

2025 **Hon. D A Feetham:** Mr Speaker, thank you very much. As the Chief Minister was agreeing with me, I had a nervous glance behind my chair to see whether the assassin lurked in the shadows, so to speak.

2030 May I ask the Minister whether he agrees with me that there are two issues that we need to look at in relation to this? One is enforcement. I say that from this perspective: that I know from the Upper Rock, where I live, for example Genoese Battery and Devil's Gap are two areas where there are unlawful fireworks and *petardos* that go off during Christmas and New Year, and at other times as well during the year, and therefore if police officers or other enforcement officers are not present, it becomes very difficult to actually prevent that. That is one issue, as to whether the Minister is going to be looking at that.

2035 The second is, of course, the period as well. You can say that you are going to cater for official fireworks displays, for example, outside Casemates. I think it would be helpful as well if that were confined to specific periods of time, because although I know that logically perhaps they are not connected, that sends a message, to others within the community who want to set off fireworks and *petardos*, that that is the period of time. Of course, the obvious retort to that is if it is going to be during an official period and at an official place, it should not be taking place somewhere else. I accept that as an argument, as a retort against, but it is also very difficult to actually prevent people, for all the reasons that the Minister has developed in his answer, from importing into Gibraltar and then setting off in Gibraltar. Perhaps actually saying, 'It is this area but this period and no other period outside it' ... Does he agree with me in relation to that?

2045 **Hon. Chief Minister:** Mr Speaker, let me start by saying that the hon. Gentleman has been in politics for long enough to know that the rule is that the enemy is usually behind you, not in front of you. That is in the United Kingdom.

2050 **Hon. D A Feetham:** I know that from experience.

Hon. Chief Minister: Of course, absolutely.

2055 **Hon. D A Feetham:** He is a very skilful.

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

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

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

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

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

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

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

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

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

Mr Speaker: The Hon. Hon. Roy Clinton.

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

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

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

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

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Mr Speaker: The Hon. Marlene Hassan Nahon.

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

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

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

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Mr Speaker: Next question.

Q33/2023

Devil's Tower Road –

Provision of green spaces and recreational parks for residents

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

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

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

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

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

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

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

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Q34/2023

Review of entertainment legislation –

Update

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

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

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

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

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

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

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

2225 **Hon. D J Bossino:** And in respect of the question I asked about a taster of the measures he thinks those pieces of legislation are likely to cover, is he able to give us some information in relation to that? I would have thought there would be an element of control as to timings, because clearly it is a very difficult balance that needs to be struck here between those who are bothered by the music noise and those who want to express themselves through music.

2230 **Hon. Prof. J E Cortes:** It is almost a little bit worse than that because there are certain provisions in the Public Health Act and then are provisions in the Crimes Act, and they do not always ... they have different authorities – the Police do one, the Environmental Agency do one – and it is confusing for a restaurateur or an event organiser to have to deal with all these different ... We try to do it administratively. Certainly we are all talking together a lot more, but it is difficult to go into details without just saying that yes, it will deal with things like times, decibel levels and that sort of thing, so that people have a clear indication of what is and what is not allowed. It might also be that on particularly special days – say, for example, National Day – there would be more ability to be open longer and that sort of thing. That is what we are talking about, so that people can enjoy leisure activities with the least possible negative effect on, very often, residents who live nearby.

Q35/2023
Cavalcade –
Cost of private security

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

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

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

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

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

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

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

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

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

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2295 the Cavalcade, but if there are a number of events, the annual cost of the Police decision in this case might actually be much more significant than that. Does the hon. Member agree? And if so, has that been discussed with the Police to get a finer understanding of why, in respect of these matters, the Police cannot still do the traditional services that they were doing?

2300 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot speak for the Police. Clearly the decision of the Police is not for me, it is for the Police, but the implication that there will be other areas in which event organisers, be it the Government or others, may need to spend some more money on separate security is a correct assessment.

2305 **Hon. K Azopardi:** I was just trying to probe whether the Government has had a discussion with the Police, given that the Police are making an assessment on effective policing and as to its role, but it is against the backdrop of a wider public finances situation, whether the Government has engaged with the Police in relation to this issue on a value-for-money basis given the current situation.

2310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Member is asking the Minister for Culture a question about value for money for the Police across the board. *(Interjection by Hon. K A Azopardi)* Well, it would not come up in the discussion because the Hon. Minister for Culture would not be discussing with the Police value for money across the public finances and everything that it does. I referred him to this question when he was asking the Minister for Justice about the Cavalcade, but now he is asking the Minister whose responsibilities include the Cavalcade as a cultural event about the responsibilities of the Minister for Justice and, indeed, my own.

2315 The HMIC report, which is the relevant determining factor for the Police, arrived, I believe, sometime in the early autumn. The next spending round, as it would be known in the UK – the next Budget – will be fixed by the end of the first quarter of this calendar year. We will have the negotiations and discussions across all the Departments for spending, and of course this will be an issue that will be raised in the context of the Ministry for Justice’s budget and the Police budget and something that will be raised by Sports and Culture Ministries in respect of their respective events also, I am sure.

2320 The HMIC report, which is the relevant determining factor for the Police, arrived, I believe, sometime in the early autumn. The next spending round, as it would be known in the UK – the next Budget – will be fixed by the end of the first quarter of this calendar year. We will have the negotiations and discussions across all the Departments for spending, and of course this will be an issue that will be raised in the context of the Ministry for Justice’s budget and the Police budget and something that will be raised by Sports and Culture Ministries in respect of their respective events also, I am sure.

2325 So it will have an effect. It requires a discussion. We completely respect the independence of the Police to determine what they should and should not do with the resources that are allocated to them by the Parliament and we do recognise that policing has changed and that policing the modern world is not the same as policing the world in which we might all remember the Cavalcade etc. I certainly agree that a police officer paid as a police officer is not the sort of individual we would consider it is value for money to see marshalling in the Cavalcade, but as I think the hon. Member was told in the first answer by the Minister for Justice, the Police were doing all the things we would expect the Police to be doing – traffic issues etc. and also plain-clothes policing, ensuring that they were making us safe and noting that there was no threat during the course of the Cavalcade for those of us who attended the Cavalcade.

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Mr Speaker: Next question.

Q36/2023
Outdoor cleaning –
Satisfaction level re contractors

2335 **Clerk:** Question 36/2023. The Hon. Ms M D Hassan Nahon.

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

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

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

2345 I must add, as the Chief Minister stated last time we discussed this in the House, that the issue of cleanliness starts with those anti-social individuals who deposit litter and rubbish in the first place.

2350 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. I understand when he says that the issue of cleanliness starts with all of us, but it is a fact that everywhere one looks in Gibraltar, streets, pavements and corners are dirty. This is not 'rumourology'; this is clear evidence. Nowadays, with social media, people post things which are, some of them, down to our own responsibility, but other cases – most cases, from what we see – are a basic, fundamental lack of maintenance and cleaning. So when the Minister says he is fairly happy and he is continuing to monitor, can I ask in what way does he maintain the line of communication or accountability of these cleaning contractors, to make sure that they keep up or improve the level of cleanliness we currently have?

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

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

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

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

2380 **Clerk:** Question 37 –

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

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

2390 We have endless complaints in the community about the cleanliness of our streets. Something has to be done about that. I do not think we are getting the best value from the service that we are paying for, and this is reflected by the comments that Members of this House receive on a daily basis. I think more needs to be done. Does he not agree with that?

2395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is not just Members opposite who get reflections from members of the public; we get them, too. We get the good and the bad. A lot of people have expressed concern about the cleanliness of the streets. In some instances, as the hon. Member says, the comments we get now are better than they were before, but the comments we get – even with the ones we were getting, which were bad – are nowhere near as bad as the comments we were getting before we granted this new contract.

2400 We had a situation where we had a huge number of complaints. We worked with that contractor to try to fix those complaints. We could not fix them, we were not making progress, so we changed the contractor. In keeping with the rules of the contract and the tender rules, we went out to tender, we selected a new contractor, we got very positive comments as a result of the new contract and things had turned the corner. I am sorry to say, and it is not an excuse, 2405 COVID happened, Brexit happened – COVID in particular, here, seems to have put a bit of a spanner in the works – and things got worse. They are now getting better. We are very much on top of it. We want it to be perfect. I would like to be able to eat a fried egg from the street, when it gets hot enough to fry one, just by laying it on the tarmac, but you cannot even do that in Switzerland, to use the notional cleanest place in the world. You might be able to do it in North 2410 Korea, but we are not proposing that regime. We will stay on top of it.

I must say I also think it is important to reflect that, as hon. Members have heard me say before, the Hon. Minister and I live this. This is so important that it has come to my office. The Hon. Minister has usually run this, but he has asked me for help on particular aspects and, in particular, the finance aspects. We see what the contractor also sees, an area cleaned spotless at 10 o'clock 2415 in the morning – and I will tell the hon. Gentleman the area: it is the area from Waterport Terraces up to the North Mole where the cruise liner terminal is – a cruise ship arrives and people start to come ... A photograph from a citizen on social media, 'Disgraceful – people coming from the cruise ships and this area is dirty with dog doo-doo and all the rest of it all over the place; the contractor really needs to get its act together.' The contractor comes and says, 'I cannot believe this. Here is my photograph of 10 o'clock in the morning. This photograph is 11 o'clock in the morning. There 2420 was no dog doo-doo there.'

One of the things we are hoping to introduce is that the contractor, when they leave the place spic and span, will photograph it and put it on social media: 'Waterport Road, spic and span, 10 o'clock in the morning – Yours, the contractor,' so that when the next photograph comes up – 2425 'Disgraceful, Waterport Road, dog doo-doo and tourists there, 11 o'clock in the morning' ... It is the dog's fault, unless somebody is moving the doo-doo there. (*Interjection*) Well, exactly, it is the owner's fault. I was obviously speaking in jest. The poor animal needs to do it somewhere. I am sure it is *our* fault. Mr Speaker, the modern Gibraltarian rightly cares about the cleanliness of the street, but should also rightly not allow his dog to do the thing there when the area was spick and span at 10 o'clock in the morning. 2430

We had the same issue in the estates. In the estates: 'It's disgraceful – look at how dirty this area is.' Then you see the photographs. It was perfect at nine o'clock in the morning when they left, or it was perfect at 11 o'clock when they left – they do different places at different hours – and then it is not the 500 people living in the estates, it is the five *g-u-a-r-r-o-s* in the estate who do what they do in that period who create the problem. We had it – you are never off when you are a Minister, Mr Speaker – over Christmas. A refuse dump in an estate ready to receive all of the rubbish that the households were going to generate – perfect. What does one clever bloke do? 'I cannot be bothered opening the door and going in.' We discussed this in the last House. It happened again. Boom! His pile of rubbish at the entrance. What happens? The next guy comes 2435 along and says, 'Oh, there is rubbish there. It must be full inside. I am not going to open it.' Boom! 2440

I have the photographs of the pile of rubbish inside and the spotless refuse area inside with the door working perfectly. It is not that the door did not work or it required a weightlifter to open it, because the door had also been fixed. Perfect. Come on! There are limits to what we can require Government to do for us. Otherwise, we have not got enough Ministers, even if I went off my
2445 senses, went to the Governor and made *them* all Ministers too, we posted each other outside each refuse area in every estate, waiting for people to come, and took the rubbish from them as they arrive at the refuse collection point. Again, it is not the 900 families living in an estate, it is the nine that create the problem for all the others on the roads and the estates etc.

There must be a solution. Civic pride is part of it, responsibility is part of it, the contractor is
2450 part of it, the Government is part of it, but none of it does it all. It requires the same level of input from all of us, the conviction from all of us that we want a cleaner Gibraltar, that we will do our bit. If we do our bit as individual citizens, then we may find that the contractor is doing his bit, that the Government is funding it to do sufficient work and that what is missing is the guy who
2455 owns the dog that does its doo-doo and its pee in the corner, which then goes black. That is not 'rumourology', the corners are black, but after dogs doing it and doing it you would have to get on your knees and scrub every day, and it is just impossible to fund that, even when we had a surplus of £80 million. We cannot fund somebody to get down on their knees with Vim and a wire brush on every corner in Gibraltar to get rid of the dog pee. We have to recognise that this is a
2460 problem of our making and only we can unmake it – there is no contractor out there, there is no money that we can give, there is nothing more than civic pride – and that those few who are spoiling it for everyone should wake up and smell the dog doo-doo that all the rest of us have to smell, which they leave there, and understand the consequences of what they do.

Forget the tourists, forget us. What about one of our children falling down and scraping a knee
2465 in that area and getting an infection? That is the sort of thing that matters. Do you know how soul destroying it is for the Chief Minister of Gibraltar to take his children to school every day, to have funded to be cleaned the areas around every school in Gibraltar, for them to be clean at seven o'clock in the morning and covered in dog ... I want to say the word ... doo-doo, so that our children, all of our children, have to walk over it or stumble over it or step on it and take it into
2470 the classroom? Come on! Who is being this irresponsible? Don't blame the contractor at eight o'clock in the morning when it is being cleaned. We have to have that civic pride. We have to turn a corner. I do not know what has happened, but those few who have turned the wrong corner need to turn back.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Chief Minister for his answer and I
2475 think I can get on board with a lot of what he is saying – I agree – but when he talks about doo-doo, and quite often, which is an issue, that brings me to have to ask what is going on with the enforcement of the dog DNA. We invested in that. Why are we constantly asking ourselves who these people are? Don't we have the infrastructure to catch these perpetrators out through the DNA system?
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Hon. Prof. J E Cortes: Mr Speaker, I gave figures recently, but the Hon. Chief Minister has suggested that all of us be tasked with the job of preventing the depositing of litter. If all of us were tasked with collecting samples of DNA, we still would not be able to cope. We do enforce, we do chase up, there have been fines and prosecutions, but we do need, as the Chief Minister
2485 has said, the support of the public in general in order to prevent this happening.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you so much, I am really grateful.
I think a lot of it is down to education. I have seen some awareness come out on TV and media, but what about if we took it a little bit further and made sure that, like other countries, we provide
2490 little bins, little bin liners and little tools in order to help people be more responsible and aware of what they need to do?

2495 **Hon. Prof. J E Cortes:** Mr Speaker, (*Interjections by Hon. Chief Minister and Hon. Ms M D Hassan Nahon*) you do not need to hand people bags and you do not need to provide special bins. I am a recent dog owner. You take your little bags, you pick it up, seal it and put it in a normal bin, like people do, and then you make sure that you – and we legislated to ensure that you have to – pour liquid, usually with soap in it, which does help. So there are ways to prevent all this ‘doo-doo’, for want of a better word, remaining there and becoming a problem.

2500 As the Chief Minister was saying, we cannot exonerate those who are responsible, and no matter how much we spoon feed them with bags and special bins and so on, if they are not going to be responsible they are not going to be responsible. It is a question of education and enforcement, and we are trying very hard.

2505 **Mr Speaker:** Next question.

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

2510 A lot of this debate has now veered into the deposit of litter, or whether certain dog owners are responsible or not. But that only deals with one aspect of the debate. Does the Minister agree that on the wider issue of adequacy of the cleaning – not the removal of litter or refuse or dog poo, but rather the adequacy of the cleaning, the scrubbing of the streets ...? Is the Minister satisfied with that? A lot of the complaints that we get are more about the adequacy of the cleaning.

2515 **Hon. Prof. J E Cortes:** Mr Speaker, our level of satisfaction is fair. Is that satisfactory? But it is absolutely the same thing. You clean the street by removing the litter, removing the rubbish that has been deposited, then you come in and scrub it with the equipment or whatever and it is spotless at seven in the morning – and then at nine o'clock it may well not be. It is part of the same thing.

2520 **Hon. Chief Minister:** The hon. Gentleman says it is not spotless. In some areas it is absolutely spotless, in some areas it is not. That is why our level of satisfaction is fair rather than excellent. If we had said it was excellent, the hon. Member would say, ‘Well, look, it is not excellent.’ (**Hon. K Azopardi:** It is not.) But I think we are agreeing that it is fair. Although they are pressing us, I think we are agreeing that it is fair. That is to say fair is below good (**Hon. K Azopardi:** Yes.) and it is well below excellent, (**Hon. K Azopardi:** Yes.) but it is not terrible, because terrible, at least judging by the number of complaints we had, is where we were when we had the contractor we inherited.

2530 **Mr Speaker:** Next question.

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

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

2535 **Hon. Ms M D Hassan Nahon:** Has Gibraltar Public Health Department got any plans to spread awareness or launch campaigns on the effects of smoking and vaping and on laws relating to smoking and vaping for under-18s?

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

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

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

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

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

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

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

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

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

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

2590 Clearly this a priority, this a concern. As a grandparent now of a child in the first year of one of the secondary schools, it is a concern to me and my family, as well as to her and her family.

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

2595 I also mentioned before the possibility of other measures in relation to the disposable ones, which will be relevant because I suspect that the majority of young vapers will be using these colourful disposable ones, rather than the bigger ones.

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

2600 Just one more point, and if he has already covered it in his long answer I apologise – maybe I did not catch it. Can I ask the Minister, if he has not already said, whether they will be upping their media campaigns on TV and on social media, which really is where the youth are mostly engaged? Do they have plans or do they have a budget to increase the exposure on social media and TV primarily?

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

Q38/2023
National Theatre –
Funds raised and target budget cost

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

2610 **Hon. Ms M D Hassan Nahon:** Since its calls for funding for a National Theatre, how much has the Ministry for Culture raised and what is the target budget cost in terms of funds required to execute the build and delivery of the theatre?

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

2615 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, funds have been contributed or pledged via the National Theatre Foundation, which is independent of the Government and so it would not be appropriate for me to give the details of its fundraising activities and plans here. A number of donations, however, are already in the public domain and further sizeable contributions from sponsors are expected to be announced soon by the Foundation, together with details of further fundraising activities.

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

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2630 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister again for his answer and the information he has provided. Considering that I think it is in two manifestos already from the GSLP that they talk about theatre land ... I know they bought the Queen's with the intention of that being the beginning of the theatre district. All this in a manifesto to now the Government not contributing at all and the Ministry for Culture having to find donations, yet the Government helps by way of £100 million to the sporting fraternity. How do we go from two manifestos of the arts and culture and promising to provide a great big National Theatre – which I think would be

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

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

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

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

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

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

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

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

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

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

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

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

2700 Hon. Members sometimes try to lead our community by the nose into believing a reality that is not extant anywhere else in the world, and perhaps if we were an oil-producing state we could do it, but we are not an oil-producing state yet.

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Mr Speaker: Next question.

Q39/2023

Music Festival –

Whether to be hosted by Government this year

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

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

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

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

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

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

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q40/2023

School intranet problems –
Update

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

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

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

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

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

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

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

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

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Mr Speaker: Next question.

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

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

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

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

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

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

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

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

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

2820 **Mr Speaker:** Next question.

Q42/2023
Knee operations –
Waiting time

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

Q43/2023
Excess deaths –
Number in last 10 years

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

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

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

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

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

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Answer to Q42/2023

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

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

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

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

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

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

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

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

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

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

2890 **Hon. E J Phillips:** Mr Speaker, I appreciate it is a complicated formula. In fact, in various countries across Europe and the United Kingdom they eventually end up with a percentage that then is broadcast to various news agencies that report this. Recently, there has been a very significant BBC report on excess deaths, the number of which obviously has been amplified as a direct result of COVID. Just for the hon. Gentleman's information, I think the figures were, from memory, Italy 3.5%, the UK 3.2%, Spain 1.8% and in France I think it was 1.4%. Whilst I understand that you have to understand how that figure is arrived at, as he has rightly said, I think it is interesting statistically for our community to understand what that figure might be. These are figures that are publicly available across the world, so whilst I understand the answer he has given me and I understand that a lot needs to be fed into that, I think, as with many statistics that the Government publishes, it is important to understand what that rate is in our community, so I would be grateful if he might be able to give us an indication at some point in the future when that would be publicly available.

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

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

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

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

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

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

2945 **Mr Speaker:** Next question.

Q44-47/2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q48-49/2023

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

Q50-51/2023

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

Q48-49/2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q53/2023

**Micro Business Systems Ltd –
Employment of clerks at GHA**

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Does the Hon. Daniel Feetham have any supplementaries on Questions 44 to 47? 3200

Hon. D A Feetham: Thank you very much, Mr Speaker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Mr Speaker: Next question.

Q54-55/2023
Seasonal flu vaccinations –
Number administered by age

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q56/2023
GHA Director General –
Extension of contract

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

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

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

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

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

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

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3350 **Hon. A J Isola:** Mr Speaker, yes, it is something that we are actively engaged with the Director on. The GHA is very keen to retain him, as is the Government. It is a question of how long he stays for. He has always viewed his appointment, as I said last time, as interim. What I have no doubt about is that we will not be left in the lurch. In other words, he will continue to support us for as long as it takes, if we are not able to agree a longer term, to see us through the period in which we need to find a replacement. But I would certainly, were he to be leaving shortly, want to have him sitting with me making that decision, because of the knowledge he has attained and the understanding he has of the GHA, in any recruitment process.

3360 **Hon. K Azopardi:** Yes, Mr Speaker, but if the GHA wants him to stay and he wants to stay, what is the issue that is holding this up? I see the hon. Member shaking his head, so I will give him an opportunity to answer.

3365 **Hon. A J Isola:** Well, Mr Speaker, I have always said the Director General has always seen his appointment as interim. This was never a permanent appointment. If you look at the original press release, that was made quite clear. That position remains the same, so the work ongoing is to seek to persuade him to stay longer, nothing more than that.

3370 **Hon. K Azopardi:** In the discussions with the GHA, does he at least accept that as we get closer to the expiry deadline and if the GHA runs out of time ...? Is it the attitude of the GHA and of the individual concerned that he will at least accept a short-term appointment to allow a recruitment process of someone else to happen?

3375 **Hon. A J Isola:** Mr Speaker, I think the support of the Director General to the GHA is such that, as I mentioned before, I do not believe he would leave us in the lurch and he would help us through that process were we to be in that position. I do not want to pre-empt where we will end up, but I think it is fair to say that he will continue to work with us to ensure that we are not left in any way exposed or that the GHA in any way finds itself without some direction and leadership.

Q57-58/2023

GHA Medical Director –

Reason for resignation; expected date of new appointment

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

3380 **Hon. K Azopardi:** Mr Speaker, what was the reason for the resignation of the GHA Medical Director?

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

3385 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 58.

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

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

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

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

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

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

3410 In respect of the recruitment, the statement on 3rd January said ‘the recruitment process for a new Medical Director will begin next week’. It has begun. There is a deadline for those positions to be applied for, so the process has already started and I hope it will be dealt with satisfactorily and expeditiously by the GHA shortly, quickly.

3415 **Hon. K Azopardi:** Yes, so the Hon. Minister has just confirmed that his original answer, which referred me to the statement on 3rd January 2023, did not actually answer the question I had put, because the 3rd January statement says that he has resigned but I have asked for the reason for the resignation.

3420 Is the Government not aware of the reason for his resignation? Did he not give reasons for it in his discussions with the GHA? If someone as important as the Medical Director, who occupied a post as Medical Director, who then did not occupy a post as Medical Director during such time as there was litigation ongoing, then suddenly is restored as Medical Director and resigns ... Are we being asked to believe that the Minister for Health did not ask what the reason for the resignation was?

3425 **Hon. A J Isola:** Mr Speaker, I think the hon. Member needs to understand the basic premise of my appointment as Minister for Health, which is in respect of matters of policy. All operational matters, including the appointment of nurses, doctors and consultants, are in the hands of the GHA and the senior management team of the GHA, which has a board to whom they are answerable. So it has nothing to do with me, the resignation of any member of staff, whether it is a cleaner, a nurse or the Medical Director. If the hon. Member wants to understand what the reason for somebody resigning is, ask them. I am certainly not going to get involved in speculating as to what could or could not have been the reason for an individual resigning. So in respect of
3430 that part, it is an operational matter entirely in the hands of the senior management of the GHA who has that responsibility.

3435 In respect of the recruitment, the statement says ‘the recruitment process for a new Medical Director will begin next week’ and it did, so that process is in train. That is what the statement said on 3rd January 2023, so I do not know what more I can tell my hon. Friend.

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

3440 say, 'Well, why?' If someone as important as the Medical Director – he is, at the end of the day, in charge of the clinical directorate of the GHA, central to the implementation of, in effect, the delivery of healthcare in Gibraltar – resigns, is the hon. Member really saying that when he heard that the Medical Director had resigned he did not ask why?

3445 **Hon. A J Isola:** Mr Speaker, the question would have more credence if I was told that he was going to resign and I wanted to see if I could in any way interject to stop him from resigning, but that is not what I was told. I was told, 'He has resigned, it is a matter of fact and arrangements are being put in place as quickly as possible to ensure that the GHA continues to operate to its full strength and capacity as quickly as possible.' So on 3rd January the statement is issued, recruitment starts the following week, and I hope that by the end of this month the closing date will happen, applications will be in and the senior manager at the GHA will do what they have to do, which is execute their professional judgement and employ a new Medical Director.

3450 If the hon. Member is saying that I should be involved in the resignation or reasons for the resignation, should I also be involved in the recruitment of his successor because it is an important position? Of course not. I do not for a second believe that I should be involved in the recruitment of the next Medical Director of the GHA. It is entirely for the senior management team of the GHA to exercise their professional judgement as to who is best prepared and equipped to carry the GHA forward as its new Medical Director.

3455 **Hon. K Azopardi:** Mr Speaker, I am asking a very simple question. I am asking him: when he found out that the Medical Director had resigned, did he ask why?

3460 **Hon. A J Isola:** Mr Speaker, if he wants the details, when I found out I was in Portugal suffering from a very bad tummy bug. I was informed, I accepted the information that I received and I asked to be sent a copy of the press statement as and when it was issued, which is what they did.

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Hon. K Azopardi: Mr Speaker –

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

3470 **Hon. K Azopardi:** Mr Speaker, I have asked repeatedly. The answer might be he is not prepared to tell me, but I do not want to know where he was in Portugal. What I want to know is: if he is informed that the Medical Director of Gibraltar has resigned, is he saying that he did not ask why he had resigned? Is he really saying that he did not ask why he resigned?

3475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is here to answer questions about things for which we are responsible. If the Medical Director had been sacked, the hon. Gentleman could ask us why he was sacked, because we, as the Government, with the GHA, even though the GHA is operating independently, will be responsible for him being sacked. But if the Medical Director of the GHA has resigned, that is a decision made by him for which we are not responsible. Therefore, it is not something on which we should be asked to answer a question because it is not something that the Government has done, it is something that somebody else has done and has a consequence and effect on the Government. The hon. Member has said to him, 'I wanted to know how a new one was going to be recruited,' etc. He is asking us about the decision-making processes of a third party.

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

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

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

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

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

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

Mr Speaker: Next question.

Q59/2023

GHA Medical Director – Reason for resignation; expected date of new appointment

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

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

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I am informed by the GHA that when a referral is deemed appropriate and approved by the Clinical Tertiary Referral Board the following steps are taken. A referral is approved by the consultant and an appointment at the relevant hospital is obtained. Once the appointment is confirmed, the patient is informed. Sponsored patients are then notified of the appointment and the patient is advised to contact the Sponsored Patients office to make the necessary arrangements: flights, including return, if possible to plan in advance depending on the procedure; ground transport, if appropriate and required; accommodation in Calpe House or other, if required, when visiting a UK tertiary centre. The following are then reimbursed via the SP office upon presentation of receipts: public transport from the accommodation to the centre and return, and a food allowance of £25 per night between patient and escort that can be claimed in Calpe House or upon return via the Sponsored Patients office. Additionally, patients who have not booked in advance can book return flights either via Calpe House if they are staying there, or via
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3525 24 hours a day, seven days a week via the on-call arrangements.
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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. Can I ask him, regarding the Tertiary Referral Board, is it functional as it was 10 months ago, or is it any different? I have several reports from constituents who had a referral approved 10 months ago
3535

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

3540

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

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3550

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

3555

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

3560

Mr Speaker: Next question.

Q60/2023

GHA Unit General Manager – Recruitment process

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

3565

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

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

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

3575

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

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

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

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

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

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

ADJOURNMENT

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

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

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

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

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

The House adjourned at 8.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 9.21 p.m.

Gibraltar, Thursday, 19th January 2023

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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*]

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

Questions for Oral Answer

CHIEF MINISTER

**Q91/2023
LNG and diesel –
Amount spent in 2022**

**Q92/2023
Power outages in 2022 –
Overtime costs**

Clerk: Meeting of Parliament, Thursday, 19th January 2023.
We continue with Answers to Questions.

5 **Mr Speaker:** Are we suspending Standing Orders?

Chief Minister (Hon. F R Picardo): No.

10 **Clerk:** Question 91/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how much it has spent on LNG and diesel in 2022?

Clerk: Answer, the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 92.

Clerk: Question 92/2023. The Hon. E J Phillips.

20 **Hon. E J Phillips:** Mr Speaker, can the Government state how much the power outages in 2022 cost the taxpayer in overtime?

Clerk: Answer, the Hon. the Chief Minister.

25 **Hon. Chief Minister:** Mr Speaker, before we are able to answer this question, the hon. Gentleman would assist us by clarifying if he seeks calendar year information or financial year

information. For financial year 2021-22, he has the figures in the final Budget Book. For financial year 2022-23, he will have the Estimates Book in the first week of April, of course.

30 **Hon. E J Phillips:** Mr Speaker, I think it would be helpful if he would clarify Question 92. Does he have a general figure in relation to power outages in 2022?

Hon. Chief Minister: Mr Speaker, this is the point I am trying to make to him in my response. We do not keep calendar year information, we keep financial year information.

35

Hon. E J Phillips: The only question I would ask in relation to that is can you not provide the House with a specific number in relation to power outages for 2022? You do not keep that information? *(Interjection)* Yes, for a year. It should, hopefully, have been done.

40 **Hon. Chief Minister:** Sorry, Mr Speaker, this is fairly basic. Let me try to take the hon. Gentleman through it. I will try. I do not know whether he will understand it or not.

The first three months of 2022 *(Interjection)* relate to the financial year 2021-22, so we account for the overtime in the financial year 2021-22, not broken down by month necessarily. The next nine months of 2022 are accounted for in the financial year 2022-23, not by month, they are
45 accounted for by way of financial year. The Hon. Mr Clinton has a question I will answer now which will deal with the first six months of the financial year 2022-23. That is why I am saying to the hon. Gentleman is he asking us for the calendar year information or the financial year information? Nine months of the financial year 2022 are in the financial year 2022-23. That is why I am saying to him he will have the information in that respect in the Estimates Book when we get to the end
50 of March, and he will have the Estimates Book provided to him in the first week of April in the usual way; and in respect of the first three months of the year, not broken down by month, he has it in the other Estimates Book.

This is why I am trying to put it to him that before we can give him a detailed answer I need to know whether he wants calendar year or financial year. Calendar year will require us to break
55 down the figures we have for the first three months of the year for 2021-22 and try to apportion that overtime per month, which is an exercise. That is why I was putting it to him in that way.

Hon. E J Phillips: Mr Speaker, it is a calendar question. I think it reads like that. I did not say for financial year 2021-22 or financial year 2020-21. It is obvious from the question that it appears to
60 be a calendar year. I cannot believe it would take civil servants months to prepare an answer to this question; it is a fairly simple question. I suspect he has some of the information before him that might help this House in understanding the answer.

Hon. Chief Minister: Mr Speaker, it is very unusual to be asked to provide information in calendar-year terms in this way. That is the issue. Because we account in financial years, which
65 start on 1st April, providing a figure for the calendar year is a little harder. If the hon. Gentleman considers that he wants it for calendar year although we account for everything in financial years ... I do not think I have, in the information I have available, the calendar-year provision because we just do not keep the information in that way; it is not maintained in that way.

I would invite him to have the information in financial-year terms, in which case what he is asking me for is a further breakdown of the figures already provided for 2021-22, and I will refer
70 him to 2022-23 when we have it. Otherwise, if he wishes to put the question again in respect of calendar year 2022, we would not take the issue that he is asking it again within six months, but it will require an exercise to be done to break down per month all of the amounts and provide it
75 per calendar year.

Hon. E J Phillips: Is there any information contained in the answer by civil servants that would help us in any event?

80 **Hon. Chief Minister:** Yes, Mr Speaker, I believe I am able to give him, if he wants it, the figure of the sum spent on LNG and diesel on the basis that those are invoiced to us monthly, so I am provided with the figure on the basis of the costs for the months in 2022 – if he wants that? Okay, well, the expenditure on LNG for the calendar year 2022 is £24,895,600.95 and the expenditure on diesel, which is automotive gas oil, for 2022 amounts to £9,331,879.25.

85 **Hon. K Azopardi:** Thank you, Mr Speaker. I want to go back to Question 92, if I may. The Chief Minister has referred us to the Budget Book for 2021-22 in respect of that. I do not have it in front of me. The Budget Book will have a collective cost of overtime but surely will not give us a breakdown of overtime in respect of power outages, which is the question we are asking. So referring us to the Budget Book will not give us the specific answer.

90 **Hon. Chief Minister:** It will not give you the specific answer but you will have the amount for overtime, and then what you are asking me for is a breakdown of that overtime so that then I can tell you how much of that overtime in respect of that head relates to payments that arise from a power cut. But you are asking for it then in the context of each of the financial years. Otherwise, we have to do a breakdown by month of the overtime and see how much of that overtime by month relates to a power cut, and then bring, for calendar year rather than financial year, that amount. That is what I am saying to him.

100 **Hon. K Azopardi:** Given, therefore, that I will not find the answer in the Book – and he has explained the difference between the financial year and calendar year approach, which I understand – does he have a figure in front of him for financial year 2021-22 broken down in respect of power outages?

105 **Hon. Chief Minister:** No, Mr Speaker.

Mr Speaker: Next question.

Q93/2023

Civil servants acting as directors of private companies – If allowed and whether register is kept

Clerk: Question 93/2023. The Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, can the Government advise whether civil servants are allowed under General Orders to act as directors for private companies; and, if so, does the Chief Secretary keep a register of such individuals to monitor potential conflicts of interest?

Clerk: Answer, the Hon. the Chief Minister.

115 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the General Orders chapter regarding private activities of civil servants was revised in 2021. This now provides more flexibility and clearer guidelines in relation to declarations of any involvement in financial interests, business activities, private work and private trading. This includes the declaration or request for permission to hold directorships of companies and private work amongst other business interests, as long as these do not conflict with their role within the Service or prejudice the Service in any way. This follows
120 UK Civil Service practices.

The Human Resources Department keeps, for the Chief Secretary, a register of all declarations and requests of such activities and, where appropriate, continues to monitor post approval for any potential conflicts of interest.

125

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

I was wondering whether it is permissible to give us a copy of that revision to General Orders.

Secondly, would the Government consider it reasonable for us to ask for ... obviously, I do not believe he will give us names of people who have sought clearance from the Chief Secretary, but perhaps numbers of people according to classes of requests for permission – for example, directorships or things like that – without actually disclosing names?

130

Hon. Chief Minister: Mr Speaker, I have a copy here of the bulletin, which I am happy to circulate to hon. Members when the Clerk comes. Thank you.

I am happy to provide the hon. Gentleman, across the floor of the House, if he asks me for it, the information he has requested.

135

I have not checked with the Chief Secretary, but I do not believe it would be objectionable for hon. Members, if they wish to see the register, to ask to come and see it on the basis that it is shared with them in confidence, in the sense that they cannot then bandy those names around. In my view, that would be unfair.

140

I will give you the information you have asked for in terms of numbers and classes. Perhaps we could agree the sorts of classes they want. If they are interested in it, we could happily put that on the website as a statistic that is updated every three months – it does not necessarily have to be updated every month ... and to come and see the register on the basis that it is not a publicly accessible register, but in the context of Members of this House having oversight in respect of Government business, I have no difficulty with them seeing the register on the basis that they would not then use the names.

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Hon. R M Clinton: Mr Speaker, I thank the Chief Minister again. I think what he has just said is entirely reasonable and it is something that we will obviously consider on our side. If I can just add by way of an aside, I am gratified to see that such a register is in place.

150

Mr Speaker: Next question.

Q94/2023

Departmental expenditure – Totals for six months ended 30th September 2022

Clerk: Question 94/2023. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government provide, as in prior years, an analysis of total individual departmental expenditure outturn for the six months ended 30th September 2022?

160

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the analysis of total individual departmental expenditure outturn for the six months ended 30th September 2022 is, subject to the usual caveats, in the schedule I now provide the hon. Member.

Answer to Q94/2023

Department	Estimated Expenditure as at 30/09/2022
Treasury	£13,327,196.29
No 6. Convent Place	£3,940,119.20
Customs	£5,395,694.28
Income Tax	£1,390,546.12
Parliament	£783,241.39
Human Resources	£2,459,751.51
Immigration and Civil Status	£821,514.64
Government Law Offices	£3,577,225.91
Financial Secretary's Office	£448,511.60
Drugs & Alcohol Awareness & Rehabilitation Services	£518,047.88
Office of the Deputy Chief Minister	£1,120,255.38
Civil Aviation	£813,873.50
Environment	£7,497,750.39
Utilities	£4,581,583.65
Collection and Disposal of Refuse	£4,131,379.18
Upper Rock Tourist Sites and Beaches	£3,132,612.04
Education	£25,453,539.47
Heritage	£847,293.48
Technical Services	£1,862,652.78
Driver and Vehicle Licensing	£852,386.84
Town Planning and Building Control	£568,870.42
Statistics Office	£178,065.90
Economic Development	£1,600,667.34
Procurement Office	£180,522.71
Housing	£1,681,942.98
Equality	£527,661.92
Health and Social Care	£453,651.90
Policing	£8,614,751.28
Prison	£2,123,469.91
Gibraltar Law Courts	£919,570.27
Justice	£877,334.47
Tourism	£709,889.77
Employment	£935,014.92

Department	Estimated Expenditure as at 30/09/2022
Maritime Services	£616,356.92
Social Security	£9,986,309.41
Civil Contingency	£749,785.37
Fire and Rescue Service	£2,842,525.02
Gibraltar University	£499,999.98
Culture	£1,693,638.15
Broadcasting	£2,648,571.43
Youth	£311,859.40
Sports and Leisure	£760,879.94
Financial Services	£1,564,092.39
Gambling Division	£424,497.25
Postal Services	£1,841,581.94
Gibraltar Audit Office	£595,835.26
Gibraltar Regulatory Authority	£1,200,000.00
Contribution to the Covid-19 Response Fund	£44,106,418.83
Information Technology and Logistics Department	£4,333,066.58
Office of Fair Trading	£300,841.97
Office of Chief Technical Officer	£162,709.08
Business	£308,919.67
Airport Fire and Rescue Service	£1,437,062.54
Digital Services	£798,435.05

165

Hon. Chief Minister: Mr Speaker, whilst it is delivered to the hon. Member, I would just repeat that the usual caveats are that these are the interim financial statements for the period and are based on the Treasury's accounting records as they stood in about November. The figures contained in the schedule are, therefore, still subject to reconciliation by the responsible

170 Government bodies and may therefore be subject to corrections and, as such, should not serve as
an indicator of the likely outturn for the year in any way.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the analysis. Unfortunately, it does not have a total, so it is a bit hard for me to come up with any comment at this stage. If we may come back to this later on, with your permission? If not, I will lodge a question for the next session. Thank you.

Hon. K Azopardi: Just quickly, I appreciate that the question asks about Departments, so the answer might lie in that, but skimming very quickly through it, unless I have missed it I do not see a cost for the Gibraltar Health Authority.

Hon. Chief Minister: Yes, Mr Speaker, because the question is about Departments and the information I think we regularly provide is for the Department heads. We do not provide it for the agencies or authorities on the six-month basis.

Hon. K Azopardi: I thought that might be the case. However, I was asking the question because I did see on the list the Gibraltar Regulatory Authority.

Hon. Chief Minister: Because I think the accounts of the Regulatory Authority are managed more directly by the Treasury than the GHA, which has its own accounting infrastructure.

Hon. K Azopardi: Obviously, the Chief Minister will not have that information, but would he write to me with the equivalent information for the Gibraltar Health Authority?

Hon. Chief Minister: I will, Mr Speaker, if he writes to me so that I have something to reply to. I am just conscious that I could forget if I say I will, and I might not. I know that I have something to send him already from the last session, which I know is being prepared.

Hon. R M Clinton: Mr Speaker, as regards the Chief Minister's observation that in the past it has only been departmental expenditure, I would draw his attention to the Estimates Book, on pages 13 and 14. The Health Authority is included within total departmental expenditure, and if my memory serves me correctly, in the past the Health Authority has been included in the list we have been provided with in order that we can do a full analysis of estimate to outturn. So I would just like to make that point, that in the Estimates Book the GHA is included within departmental expenditure.

Hon. Chief Minister: The contribution is included by way of departmental reference, not ... the contribution, yes. The GHA is dealt with at the back of the Book. It is not dealt with by way of departmental expenditure.

I think it is important to clarify what the hon. Gentleman has said. What appears in the departmental expenditure section of the Book is the contribution. There is a reference, in the list I have given him, to Health and Social Care, which is a low amount. It is not the GHA proper. If the hon. Gentleman says that in the past when we have given it to him it has included the GHA, I am surprised because the same people who have prepared that have prepared this and given it to me on the basis of what is usually given, but I am quite happy to go back and, if they have added the GHA in the past, add it and/or, as lawyers love to say, also provide it to the Leader of the Opposition if he writes to me. I have no difficulty with the hon. Members having the six month outturn-ish, as we have said, on the basis of the caveats provided.

Mr Speaker: Next question.

Q95-96/2023

**Government housing –
Expected reduction in waiting list; government rental flats**

220 **Clerk:** Question 95/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government know by what number the housing waiting list will be reduced following the release of the 161 flats in the government rental housing stock following, in turn, the affordable housing developments becoming available?

225

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 96.

230 **Clerk:** Question 96/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government have any intention to build any flats for government rental?

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

Hon. Chief Minister: Mr Speaker, as we discussed at length during the last meeting, the housing waiting list will be reduced directly by at least 161, in the first instance as a result of the sale of affordable homes. The subsequent reduction of the housing list cannot be provided with any accuracy now, but can be up to three or four times that. Additionally, the housing list would similarly be reduced by the move of elderly residents to the new government rental stock being developed for pensioners. These are 44 units at Chatham Views and 83 at Bob Peliza Mews. The new facility at Rooke will also likely relieve the list, and I should just say, as an aside, that I know the hon. Gentleman has another question on the Order Paper directly about that issue in relation to Rooke. As set out in relation to Chatham Views and Bob Peliza Mews, a number of government rental projects are already on foot.

Hon. D J Bossino: Mr Speaker, just by way of premise and by very brief preamble, the question arises as a result of a press release from Action for Housing which I think raised legitimate points following our exchange in this House, which dealt with ... I think it was described as the domino effect by the Hon. the Chief Minister, and questioned really the positive effect that that would or would not have on the government housing waiting list. I think he described it as ... well, he did describe it as – reading directly from the text of his press release – excessive and farfetched.

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255 His view is that the reduction is going to be three or fourfold in number. On what basis does he say that? I understand that he may not have any empirical evidence at this stage and he has already said it is impossible to do so at this stage, but on what basis does he come up with what is actually, I think, a very ambitious result?

Hon. Chief Minister: Mr Speaker, I think we had this debate ad nauseam at the time of the last House, before the Christmas festivities, but I am quite happy to explain again to the hon. Gentleman that our experience – having developed the affordable housing at Mons Calpe and the affordable housing at Beach View Terraces in the time that we have been in government this time round and the work that was done in the early 1990s as a result of the first affordable projects, and indeed, what we see was the management of the creation of the affordable and rental housing stock in their time – shows that if you properly manage the allocations of the houses that become available after people move to the affordable housing, you can take what they leave and use it to create that domino effect.

As I explained the last time but am happy to explain again, if people leave a five-bedroom house because they are going to an affordable home that they have bought, the five-bedroom house will be taken by somebody who is in a four bedroom waiting for a five, the four bedroom house will be taken by somebody who is in a three bedroom awaiting a four, the three-bedroom house will be taken by somebody who is in a two bedroom awaiting a three, the two-bedroom house will be taken by someone who is in a one bedroom awaiting a two, and the one bedroom house will be taken by somebody who is in a bedsitter awaiting a one. That is how you create the massive domino effect. You can take three, four or five people and move them as a result of one property being vacant.

Additionally – and this is the point that we also discussed last time and Action for Housing did not take into consideration in the letter they published in the press – there is also the rental housing being made available at Chatham and Bob Peliza Mews, which is not just, therefore, for 161. You have to add to the 161 the 83 and the 44, so that is 205 plus 83, 208 plus 80, 288. When you multiply that four or fivefold, you are able to move a lot of people from where they are on the housing list. When you add Rooke, which is going to add not housing but the sort of living that elderly people who need care need, and you move them from homes that they may be in ... It is impossible to say what number at Rooke. There is another question on the Order Paper I do not want to get into, but Rooke has 267 flats, I think, from memory, but a number of them may be taken by people who are in other areas, so we do not know how many would come from government flats that would become vacant – say a hundred. That is 388 moves from government property into new properties, the affordable, the rental and Rooke; 388 multiplied by five – okay, multiply it by four – creates a domino effect which deals in very large measure with the numbers on the housing waiting list. But then, of course, you have to break it down into the appropriate categories, so you might still have four or five people who are on the five RKB waiting list, even at the end of that, because although you have moved a lot of people and you might even have availability of three-bedroom properties, you have not got what they need, which is a five bedroom.

So it is not possible to say that you are going to completely get rid of the housing waiting list, because there may be some configurations where you might not be able to do so entirely for a short period, because there is always churn on the list, but you are going to be able to do what we say we expect to be able to do without that prediction being fairly described as excessive or farfetched, because if you factor in all of the information and one does not allow oneself to be led by the nose by the Opposition's view of 161 flats, you actually have all of the information at your disposal which we disclosed in this House – the 161 Rooke and the rental homes that we are building – and then you do get to do a calculation that gets you much closer to where you need to be.

Hon. D J Bossino: I think that is a very interesting exposé and explanation and I do acknowledge that a lot of what he said he did say in the last session of the House, but I wanted to drill down further because of the comments made by one of the NGOs that deals with this issue, and I thought it was important to raise it across the floor of the House, Mr Speaker.

I suspect the answer is going to be no, because I suppose it is a question really of suck it and see, but would he venture at this stage to say by what figure he thinks the housing waiting list – which I understand, and I have not checked this figure but according to Action for Housing, stands currently at 792 applicants – can be reduced by?

Hon. Chief Minister: Mr Speaker, I have done a lot of work with Action for Housing in the time I have been in government. I have a lot of time for their commitment. That does not mean I have to agree with their arguments. In fact, it is my job to deliver housing; it is their job to continue to put pressure on the Government to deliver housing. Those are two different jobs. One does not come with the level of responsibility that the other comes with because, of course, in delivering

320 housing we also have to deliver housing in the way that is the best value for money for the taxpayer, which is our other responsibility as custodians of the public purse.

325 So I am afraid that, given the hon. Gentleman has raised this across the floor of the House, it is not possible for the Government to accept that what we are doing is figure juggling to try to convince the general public that this exercise will go a long way towards resolving our chronic housing problem, quite the opposite. What Action for Housing are failing to do in the way they present their figures – and I am dealing with that because the hon. Gentleman has put it to me across the floor of the House – is to factor in not just the 161 but the 83 at Chatham, the 83 at Bob, the 44 at Chatham and the Rooke issue. When you put all that together, you are not figure juggling. You still cannot break it down in terms of the constituent room composition requests because it is dynamic and also because Hassan Centenary Terraces will be ready on one date, Chatham on another, Bob on another and Rooke on another, and therefore you are going to have a different housing waiting list at different times, which is not one picture.

330 This is not on 1st September everything is ready, what is the housing waiting list on 1st September, boom, it happens. It is dynamic, it happens at different times, so the effect of one, which is one of the affordable housing estates, will happen in part because it is in two phases during the period of the summer of this year. The second phase of Hassan Centenary Terraces, Bob Peliza and Chatham will happen on another date and the housing waiting list will be a different picture then, and Rooke will happen perhaps sooner than all of them, so the housing waiting list will be different and therefore you do not have one target that you are dealing with on one date.

340 That is why I cannot give him a figure, and if he were sitting where I am sitting he would be doing exactly the same thing, unless the argument is – and this is where I think it is completely wrong – you have to just build to the housing list. If what you are saying is build rental stock for the housing list, then you are not looking at value for money because if you are going to deliver an apartment for an elderly couple to which you are going to move them from a five bedroom but you are also going to build a five bedroom, what are you doing in terms of value for money for the taxpayer? Better you build, for the price of one five bedroom, three pensioner flats. That releases three five bedrooms, and in that way you move the list in the right direction.

345 That is the philosophical difference between us and Action for Housing. It is a good-faith philosophical difference because we both want to achieve the same thing. We have the obligation to achieve it not esoterically or philosophically, but looking at value for money for the taxpayer, and this is how we have demonstrated in the past it can be done and how we believe we will now demonstrate it can be done again.

355 **Hon. D J Bossino:** In relation to that final point, is it the case, because when Action for Housing ...? There is a call out there, by some sectors of our society, for another government housing estate, *à la* Mid Harbours, Varyl Begg and all the rest of it, which is, I think, where Action for Housing are ... basically the point they are driving at when they make the point that really the only solution ... They do not accept what the hon. Member opposite is saying, so they are saying the only way of breaking the back of this problem is to build another Mid Harbours, let's say.

360 Do I take it from the hon. Gentleman's answers that that is most definitely not the intention of the Government and that the rationale for that thinking is that it is not value for money for the taxpayer to go down that route? In respect of the specific question I asked, which related to government flats, he referred to the 44 and 83 in number that are being built, I think, for the elderly in the two affordable housing schemes that the Government is embarked upon and is about to start putting bricks on the ground, but apart from that, there is not a commitment to build a new – if I can put it in these terms – proper government housing estate?

370 **Hon. Chief Minister:** Mr Speaker, he has asked me, really, two questions, so let me start by answering the first, the idea that you can only resolve the housing list by building a new estate, that some apparently have taken the view is the correct position. By some, I assume he includes himself, because I understand this is the position they have taken: at the last General Election they

said they were going to build a new estate. Whether it is 'they' the GSD, 'they' Action for Housing, or 'they' the people who Mr Bossino says are saying this, they would be wrong to argue that the only way to deal with a housing list, as we have at the moment, is to build a new housing estate. I will demonstrate why they are wrong. In 1988, Gibraltar had a housing list which was greater than it had ever been. I think, from memory, it exceeded 2,000. By 1996, the housing list had been eradicated. No government housing rental estate had been built. The management of the building of affordable housing and the beginning of the provision of housing for pensioners, although not building but providing houses in existing estates for pensioners, had enabled us to do that. In fact, some were built for pensioners at the bottom of Gib5 and were provided as rental. So you can get rid of a housing list that is three times the size of what it is today without building an estate for rental. Full stop. Demonstrated. Empirical. There is the evidence.

You can build an estate for rental and not solve the housing list problem. I will demonstrate it. In 1996, the housing list was at its lowest ebb ever. In 2002, it was once again longer than it had ever been since 1988 and Mid Harbours had been built. So building a housing estate for rental does not solve it. The hon. Gentleman seems to take issue with some of the facts I am saying. Mid Harbours – *(Interjection by Hon. D J Bossino)* The dates are not wrong. *(Interjection by Hon. D J Bossino)* No, between 1996 when they took office, and 2011 when they left office, Mid Harbours had been built – *(Interjection)* Sorry. Mid Harbours had been built, but the housing list in 2011 was longer than it had ever been, except in 1988.

So you can build affordable housing, which they built, you can build pensioner rental, which they built, you can build government rental straight and still not deal with the housing list. But if you build affordable, if you build government rental for the elderly and you manage the elderly problem, you can get rid of the housing list, as we did between 1988 and 1996 and as we will do now.

One more final fact, Mr Speaker. Mr Clinton should perk up. An estate with 350 homes – the sort of size of estate you would expect to build – at £3,000 per square metre with an average of 70 square metres per apartment, which is the average: £73½ million. If you are going to reduce debt, if you are going to solve the housing crisis and if you are going to end the pay freeze, better hon. Members think a little about how we are proposing to deal with the issue without spending £73 million.

Mr Speaker: This will be the final supplementary.

Hon. D J Bossino: Mr Speaker, simply to make the point ... I am actually keeping a tally of my supplementaries, and indeed of hon. Gentlemen's and the hon. Lady's supplementaries. I think this will be my fourth of two questions, so on that basis I think it is a bit ... The replies are also long, and I am not complaining about that because they are full replies and I think it is an important social issue.

He talks about the rounded figure of £74 million, which he has calculated very quickly – we can check those figures ourselves, no doubt – but then there is also the ongoing maintenance cost, which also falls on the Government into the future; windows have to be fixed and all the rest of it, painted. That is a point on which I am assisting him in his argument. *(Interjection)* Yes, exactly. But in relation to the point when he was explaining the flats that would be made available, which would assist in bringing down the housing waiting list figure, he mentions Rooke but he does not mention the project which is on line to build by the Laguna Club. I think he knows which one I mean. Would that also assist? He is shaking his head, so maybe he can explain why he did not include it as part of his response.

Hon. Chief Minister: Mr Speaker, the reason I am shaking my head is because, as the hon. Gentleman, I think, will recall when I remind him, that project is to build for elderly residential for sale, principally for people who are living in existing affordable housing. The example that we imagine as we try to plot this and see whether it is an issue, is somebody who bought in the

affordable housing schemes in the late 1980s and early 1990s, has built a family there, now wants
to sell, can sell for 10 times what they bought for, but 10 times what they bought for – which is a
425 very tidy sum; if you bought for £35,000 you might sell for £350,000 to £400,000 – does not buy
you a one bedroom in one of the private estates or developments near town, and you probably
want to be near town because you are elderly. So to create churn in the affordable housing
estates, even though they are at open market, we need to provide an opportunity for people to
buy also at an affordable-ish rate but with different covenants going forward, which we discussed
430 generally here we were going to make policy decisions on as the whole thing progressed. Indeed,
I understand that today or tomorrow a press release will be issued by the Ministry for Economic
Development asking for expressions of interest from people who might want to buy in those sorts
of estates in the future, just to gauge the interest that we believe is there and to confirm that it is
there to purchase those estates. Minister Bossano will be issuing a statement in that respect in
435 coming days, which I urge people to look out for.

Mr Speaker, just to clarify my answer before, and so that we are talking on the same basis, I
am reminded by the keen ear of former Minister and much-loved former Member of this House,
Pepe Baldachino, who is watching and listening, that the housing waiting list in 1988 was 2,126.
And just so that we are talking about the same numbers, the hon. Gentleman said he would like
440 to check the calculation I have done, which I said before, but just to be very clear about it, is £3,000
per square metre to build, more or less, today, and 70 square metres per apartment – it is an
average; you have bigger ones and smaller ones, but the average tends to be, for the purposes of
working out the cost of developing, 70 square metres – and I calculated 350 flats in an estate. You
can build a bigger one, you can build a smaller one, but if you build a smaller one do not pretend
445 that you are going to be able to deal with the housing waiting list by building your way out of it,
because then you would have to build 792, which I understand is the waiting list, more or less,
now.

That is why we are saying the combination of the things we are dealing with, not the building
of affordable homes for pensioners, because those are for people who are already in affordable
450 homes and therefore are not housing-list fodder, so to speak ... The building of rental for the
elderly, the building of affordable homes where people are given priority if they vacate properties
that they hold which are government rental, and the building of adequate elderly residential
facilities of the sort we are seeing at Rooke will be able to deal with the housing waiting list and
we do not believe that this is a calculation that is excessive or farfetched.

I ask Action for Housing to take into consideration not just the domino effect on the 161, which
is what they referred to in their public statement that the hon. Gentleman has raised with me, but
also the additional homes that we are going to provide, the 83 and the 44 for elderly rental at
Chatham and Bob Peliza Mews and the Rooke facility.

460 **Hon. D J Bossino:** Simply for the benefit of the House, I think the Hon. the Minister for
Economic Development has already issued the press release – it is out – inviting people to write
to him at 31 Town Range if they wish to express an interest in the flats he was referring to.

465 **Hon. Chief Minister:** I am grateful to the hon. Gentleman for clarifying that. I believed it was
about to go out; I did not know it had gone out. I very much hope people will read the press release
and indicate their interest, if they are interested, so that we can gauge how many of these units
we have to build. We are convinced that there will be a serious take-up and that the project at
Laguna will be only the first of many such projects which will address the point that the Hon. Sir
Peter Caruana, the former leader of the party opposite, when he was already a backbencher on
470 the other side, said was one of the key issues that we had to deal with: when do we stop building
affordable housing and how do we deal with numbers then? Our view is that one of the ways –
perhaps not the only way, but one of the ways – we deal with it is by creating churn in the
affordable housing market with a way out ... I hesitate to say 'at the end' ... later in life when one
is older and wants to buy a smaller unit. Thank you.

475 **Hon. K Azopardi:** Mr Speaker, I just want to ask a net question. I was listening carefully to what
the Chief Minister said about creating churn, and to a very large extent of course we agree that
creating churn alleviates the housing issue as well. I am not sure we are exactly where he is in
respect of government rental housing. There are different arguments as to whether you can do it
that way, in the way he has described – without going over that territory again – or whether
480 actually, if insufficient rental housing is built over many decades, it causes a logjam because also
you have to take into account the growth of the population, which is very obvious over the last
few decades, the growth of the Gibraltarian population. But anyway, that is not the question I
wanted to ask. I suppose that is the basis for a housing symposium that would lead us to perhaps
different philosophical positions or different positions of approach.

485 What I wanted to ask him is, in relation to the 161 figure, does he have a number of how many
of those are going to be released this year?

Hon. Chief Minister: Mr Speaker, it could, in fact, lead to a symposium, which would not, I
think, start on the basis of the premise that he has set out – the idea that sufficient has not been
490 built for rental over a number of decades, because if we look at the past decade and a half only,
we have seen Mid Harbour Estate being built, we have seen Bishop Canilla House being built, we
have seen Albert Risso House being built, we have seen Charles Bruzon House being built and we
have seen Sea Master Lodge being built. If you take those last four, those are almost an estate for
the elderly that has been built, and we are now adding two more, the block at Bob Peliza Mews
495 and the block at Chatham. So the question is do you build for general provision or do you build for
the elderly so that you also create the churn in the rental? I think that if anybody were looking at
this objectively and were not trying to gain votes, they would say, 'It makes sense, of course, to
do it in the way that you are proposing,' but of course it equally makes sense, if you are trying to
gain votes, to go out and say that you are going to build for rental generally, so that people think
500 there is the result.

What would certainly not work, what is economic madness, is to sell your existing rental stock
of post-war housing, as hon. Members did when they were in government, because then you are
undoing the asset that you have in rental. You are selling it and taking it out of circulation, and
you are selling it at a 10th of its value and then building at five times the cost of sale. And that,
505 looked at objectively, not looked at through the prism of what we want to say this year so that we
might or might not win an election, looked at through the prism of what is good for the people of
Gibraltar in the long term, is certainly the wrong thing to do, whilst doing what we are
proposing – looked at objectively, not trying to gain votes, trying to do the right thing and trying
to deliver value for money – is obviously, objectively, the right thing to do.

510 **Hon. K Azopardi:** Mr Speaker, that did not even come close to answering the question I put as
to whether how many of the 161 are going to be released this year, so I will ask it again: how many
of the 161 are going to be released this year?

But before I sit down, I really ... I prefaced my question with the statement – and I thought it
515 was fairly neutrally expressed – that there might be a disagreement of approach as to what is the
best way of solving the perennial decades-long housing issue. I did not say that their approach is
some kind of Machiavellian approach to gain votes or whatever, and it is only our approach that
is value for money. But the way the Hon. Chief Minister put it, their approach is value for money
and any other approach – and he was pointing at us – is to gain votes. Ultimately, I am laying the
520 ground to the position that there might be legitimately a difference of opinion on how to approach
the housing crisis and both are taken from good-faith positions. That is what I am saying. But I ask
again: how many of the 161 are going to be released this year?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is entirely right. I forgot to give him the
525 answer to that because I was dealing with his first point, which I do not think was made in the way
he has pretended. But I will tell him the answer to the first one first, before I deal with that, so I

do not forget the second time. I do not have the number of how many of those 161 are in phase 1 of Hassan Centenary Terraces and how many are in the rest of the phases of the other affordable housing.

530 Mr Speaker, the hon. Gentleman prefaced his intervention by saying one of the issues we could look at is if you have not built for rental in decades, it could create a logjam, and I was trying to deal with the point that in fact there has been building for rental in the past decade and a half, and considerable building in the past decade and a half. That was the point I was trying to make.

535 Of course we must assume that we all come here in good faith, and I do not assume that they do not, but having done the analysis, I do not believe that a person properly directed could reach the conclusion that there is a better value-for-money approach – and we must all want to deliver the best value for money – than the one we have set out, and I have demonstrated to the hon. Gentleman, I believe, in the way that I have done the analysis of the period 1988-96 and 1996-2011 ... can be seen in one instance to already have dealt with a housing list that was the
540 longest we have had, which was 2,000 people. That is why I am making the point, because the issue must also be one of value for money.

Hon. K Azopardi: My final question, Mr Speaker, on this.

545 The hon. Member does not have the answer to the question I asked, so I will write to him and it would be helpful if he could give me that information.

Does he see the point that while he has given quite a lengthy explanation on the churn and I have agreed with him that churn is important, the problem with the explanation is that because it is tied in to the delivery of Hassan Centenary, Bob Peliza Mews and Chatham Views, all these numbers he has given – 161, 83, 8, 44 – and the expected completion dates of Chatham and Bob
550 Peliza are not until maybe 2026 or 2027, the reality is that, broken down, it would be helpful to understand what the yearly churn is, because actually, when you break it down the yearly churn might be relatively small, deliverable, from all these estates over a period of seven or eight years and it will not have the dramatic effect he is hoping for? So I ask the Government to perhaps ... It would be helpful to them. I am sure they maybe even have this information, but if they do not,
555 they should probably procure it, I would suggest, to see what the yearly churn of these figures is.

Hon. Chief Minister: Mr Speaker, I am happy to reply to him if he writes to me. We are going to start becoming pen pals at this rate, and I am only one third into my questions.

560 The period will not be seven to eight years. We are delayed on Chatham and Bob Peliza but the latest date by which they will be ready has already been provided and it is not seven or eight years from now, so he does not need to refer to seven or eight years from now.

565 The problem we have is that we are trying to catch up, because the important thing is to build at least 200 units a year in terms of housing. That is what we have insisted for some time now is what you need to do in order to stay ahead of the curve. If they had built 200 units a year in the 16 years they were in government, then we would not have been in the situation we were in, in 2011. In the period 1996 to 2003 – which coincided with him being a Minister, but I am sure it is not relevant to him because he was not Minister for Housing – there was nothing built. Those are the issues.

570 The other point I think is important is that we simply reflect on the fact that the hon. Gentleman's alternative solution would suffer from the same affliction that he says ours now suffers. Of course, we have the difficulty that we were not able to build because of COVID. Okay, fair enough, so we are delayed, but if they win an election it is not going to be in a way that enables them ... Let's assume the worst and they win an election during the course of calendar year 2023. They cannot pretend to start building until 2024, so that means that their estate for rental, in the
575 idea that they might be bringing an estate for rental into the mix, would not be ready until after Hassan Centenary phase 2, Bob, Chatham and Rooke have been delivered. So it would not for one moment enable you to pray in aid, as a way of resolving the difficulty that he says we have, that they are now going to go and build a housing estate, because the housing estate, ironically, is

580 going to be ready when we have broken the back of the housing problem with the issues I have already explained across the floor of the House. The delay cuts both ways.

Mr Speaker: Next question.

Q97-98/2023

**Eastern Beach car park additional storey –
Cost and funding; eligibility for using**

Clerk: Question 97/2023. The Hon. D J Bossino.

585 **Hon. D J Bossino:** What are the expected costs of the additional storey to the Eastern Beach car park, and which entity will fund it?

Clerk: Answer, the Hon. the Chief Minister.

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 98.

Clerk: Question 98/2023. The Hon. D J Bossino.

595 **Hon. D J Bossino:** Maybe one day! He will certainly be promoted!
Mr Speaker, who will be eligible to use the extra floor of parking being considered at the Eastern Beach car park?

Clerk: Answer, the Hon. the Chief Minister.

600 **Hon. Chief Minister:** That's more like it!
Mr Speaker, the expected cost of the additional storey of the Eastern Beach car park is £2.8 million. The entity that will fund it is yet to be confirmed.

An announcement about the eligibility for the use of the additional floor of parking at the Eastern Beach car park will be made at the appropriate time.

605 **Hon. D J Bossino:** If the question of eligibility will be decided upon at some point in the future, why is this car park being built in the first place? As I understand it, there are two floors already. As I further understand it, I am told that they are not used to full capacity. So why is this extra floor in the car park – at a considerable cost, at first blush almost £3 million – being built? Who is it being built for?

615 **Hon. Chief Minister:** Mr Speaker, I do not know who is giving the hon. Gentleman that information, but there are times of the year when the car park is more than *abarrotado*. In other words, it is full and overflowing, and given the debate we have just had... I should not say that, Mr Speaker – you will tell me we should not have debates at Question Time. Given the exchange we have had at Question Time a moment ago, the hon. Gentleman is surprisingly appearing to overlook the fact that phase 1 of a new government affordable housing estate is going to be provided just across the road from that car park and phase 2 has already started, and those are a considerable number of homes. There is another question on the Order Paper about parking for that estate, and he will see that I will answer him, I will say no more other than positively in respect of that. But of course, in the area, although there are parking spaces available for each resident in the areas and estates that have been developed, most people do not have just one car, to the

chagrin of the Hon. Minister for Transport, but they have more than one car and therefore provision has to be made in the area.

625 The reason I have not given an answer about eligibility is because we need to work out as a matter of policy how we provide for that, and we expect to be making a statement, which will be quite detailed, about people in the area and the summer use of the car park etc., which we have not yet finalised. Therefore, we will be making a statement during the next few weeks, which sets out that eligibility criteria. The car park is expected to be finished by late May/June.

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Hon. D J Bossino: So, in short, is the answer not that this extra floor is being built for those people who are going to be living in the affordable housing? In effect, that is what he said. And does he not agree with me that this policy decision to spend £3 million for extra car parking spaces runs absolutely and utterly counter to the policy – which should be the policy of this Government, because it seems to be the policy of the hon. Gentleman sitting to his immediate left at the moment, the Minister for Transport – to encourage less use of cars? It just does not make any sense.

640 **Hon. Chief Minister:** Mr Speaker, no, I have not said the thing that the hon. Gentleman says I have said. I have said, in fact, the things that *Hansard* will reflect I have said, and not his summary as he wishes to present it.

There are going to be people at Hassan Centenary Terraces. There are people already at Beach View Terraces. There is a new private development across the road. The Government has seen already and Members opposite may have seen also at the DPC proposals for other developments along Devil's Tower Road. The Government has announced – we have not yet finalised but we expect to – a project to the south of Hassan Centenary Terraces, which is called the East Side project, which will provide some parking in some areas, which we have already talked about, but it is going to be just there. So the volume of people that there will be on the East Side – in a new city, in effect, that will be the East Side – will be massive, and not just those who are going to be at Hassan Centenary Terraces.

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What the Hon. the Minister for Transport wants is for cars to move less, and therefore car parks are an essential part of the strategy.

Mr Speaker: Continue with the Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, is he able to tell me how many parking spaces will be made available as a result of this construction? And further, is he also able to tell me what the totality of the car parking spaces will be, once the ... I think it is going to be the third floor ... is constructed?

660 **Hon. Chief Minister:** Yes, Mr Speaker, but it is publicly available information, I think ... Or not. Hang on, let me see. Sorry, I do not think it has been marked out entirely, so, no, I cannot give him the exact number, but let me see ... If he gives me a minute, I think I have the information. I do not think I have it here; I think I have it in my electronic portable device. Mr Speaker, because of the period that my device holds information for, I do not have it, but I am quite happy, during the next recess, to obtain the information of the estimated numbers of parking spaces – I think it is a very clear estimation – and let the hon. Gentleman have it.

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I would just add one additional point that I forgot to mention in the context of the explanation I gave him a moment ago but which is also relevant, and that is of course that that area is not just the area of the East Side project, Hassan Centenary Terrace, Beach View Terraces, the new residential private facility across the road, and others that are going to be developed. That area is also the area of the entrance into Gibraltar. In other words, if you are coming through the tunnel and you want to park and get a bus, that is going to be the area where you would want to park and get the bus because that is where the tunnel roundabout will be, and you will be able to go into that car park. So the park and ride concept also is relevant to this and is very much in keeping

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675 with the Minister for Transport's strategy. So everything he has said about this being contrary to
our strategy is, in our view, entirely wrong, and given that it is our plan to build parking and our
Traffic Strategy, we think we are getting it pretty right.

680 **Hon. D J Bossino:** Who is responsible for the development of the project? In the news
published by GBC, which alerted me to this, it talks about the notice being submitted by a company
called ANS Project Management Services Ltd. Is that the entity developing it, or is it a different
entity?

685 **Hon. Chief Minister:** No, Mr Speaker, those are our project managers.

Hon. D J Bossino: So does he have the answer to the question?

Hon. Chief Minister: Mr Speaker, it is the Government developing it.

690 **Hon. D J Bossino:** And are any – all, some, I do not know – of the parking spaces going to be up
for sale? Is that the intention?

Hon. Chief Minister: I do not think that is presently the intention, but of course if there was
interest we would have to consider that possibility. But it is not the intention.

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

Hon. R M Clinton: Mr Speaker, the Chief Minister has just kindly mentioned that it is a
government project, this additional floor, but perhaps he could point to where in the
700 Improvement and Development Fund I could find it, because I have gone through it in some detail
but I do not seem to find it in the estimates for 2022-23.

Hon. Chief Minister: Mr Speaker, I already told the House that the entity that will fund it is yet
to be confirmed, but it is a government project.

705 **Hon. R M Clinton:** Mr Speaker, it has usually been the convention in this House that capital
projects are in the Estimates Book through the Improvement and Development Fund, so if it is not
in the Improvement and Development Fund and it has not been voted on by Parliament, how does
he intend to fund a capital project like this?

710 **Hon. Chief Minister:** Mr Speaker, that convention is not the one that I learnt when I was
elected to this House and the GSD were funding government projects through government
companies. In the time that we have been here, we have had a number of arguments about this
issue, so I am surprised the hon. Gentleman should think that a government project can only be
715 developed through the I&D Fund. Indeed, we have developed a number of schools and his
complaint has been that they have not been in the I&D. It does not mean that they are not
government projects, even though they are funded through government companies. We have
that debate annually, and he should not be surprised that we are going to continue to have it.

720 **Mr Speaker:** A final supplementary.

Hon. D J Bossino: Thank you, Mr Speaker.
Who is the contractor? And is the £2.8 million a fixed price?

725 **Hon. Chief Minister:** Mr Speaker, will the hon. Gentleman allow me to respond to him after
the recess, because I do not have the information here. I know the discussions we have had with

various contractors, but I am unable to tell him the contractor that was selected off the top of my head.

730 **Hon. D J Bossino:** And in relation to the fixing of the price, does he have that information either in his head or available to him in the papers he has in front of him?

Hon. Chief Minister: Yes, fixed price.

735 **Mr Speaker:** Next question.

Q99-100/2023
Forbes ex-Ready Mix site –
When available and cost

Clerk: Question 99/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the parking at the Forbes ex-Ready Mix site at Devil's Tower Road, which the developer had committed to provide to the public, be made available?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 100.

745 **Clerk:** Question 100/2023. The Hon. D J Bossino.

Hon. D J Bossino: Has the parking at the Forbes ex-Ready Mix site at Devil's Tower Road, which the developer committed to make available to the public, been sold or are they being sold; and, if so, for how much?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, a number of different options were considered for the small car park under the Forbes development. It was felt that it would not be as economically viable to equip, prepare and maintain this car park for the purposes of rental and sale. Given that over 200 spaces have become available at Devil's Tower Road car park nearby, the decision was taken to sell the Forbes spaces back to the developer for a premium of £½ million.

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Hon. D J Bossino: The information I have been able to gather as a result of the information which is made public via the DPC was that one condition was that the public spaces which were on the site where the Forbes development is – and, so the public are aware, it is the tower which is constructed more or less opposite St Theresa's Church in Devil's Tower Road ... that there would be 24. I heard a higher number, but according to the documentation there were 24 public car parking spaces which were going to be lost as a result of the construction, and then there was a commitment, which was a condition of the planning process, which resulted in the commitment by the developer to make these parking spaces available. The hon. Member is now saying that it has been sold at a premium of £½ million? Is he able to confirm what the net sale price from the Government to the developer of each parking space is?

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Hon. Chief Minister: Yes, Mr Speaker, as could he. It is £½ million divided by 24, which would give you £20,833.

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Hon. D J Bossino: When was this arrangement arrived at? It strikes me that that sale has been effected, if one compares the going price of sale of parking spaces in the area ... I saw somebody on social media ... I think I had already filed the question, but I think very helpfully for the purpose of the point I am making ... that there was a parking space going in the Laguna area, if not on Laguna estate, for £40,000. Those are the prices that parking spaces are going for, so on the basis of that calculation, what rationale did whoever made the decision on his side of the House ... influence them to sell it at, in effect, half the price, so the Government has lost out – the taxpayer has lost out – by 50% because they have sold it at an undervalue? Can he comment in relation to the point that I have just made?

Hon. Chief Minister: Yes, Mr Speaker. I think the hon. Gentleman has lost leave of his senses. I think what he is saying is utterly nonsensical. The hon. Gentleman thinks that because there was a sale of a car parking space in Laguna estate for £40,000 inside the estate ... Indeed, as I am reminded by the Hon. Minister for Transport, that is not the sale price, that is the advertised price. Sometimes people go bananas when they see that an affordable home has been advertised at £½ million. Facebook erupts, it is on fire, and then when you look at the completion notice, it has been sold at £350,000 rather than the £½ million that was the asking price – although I go equally bananas when it is sold at £350,000, but at least we have the special stamp duty.

Here, the hon. Gentleman seems to forget that there was a premium paid for the property. A premium was paid. Part of the premium included the provision of the spaces. The spaces, when they are going to be handed to us, require us to maintain them and to enter into a covenant to maintain them with the individual who is going to run the property, keep the area secure if we are going to rent them etc. – in other words, add recurrent cost to the Government. Instead, what we have managed to do is add £½ million to the capital account of the Government.

The calculation the hon. Gentleman is doing is the most nonsensical one can come up with because by his measure, whenever we sell a plot we should take all of the profit that is going to come from it. In other words, when we sold a plot for anybody to put a block of flats on, in effect that party would sell the flats at say £½ million and the plot was sold to them for £2 million. The total sale value would be £15 million of the block. ‘The taxpayer has been denied £14 million,’ – yes, and the risk of building, the risk of marketing and all of the other risks that are involved. But he would believe that the only way to sell a plot of land and do fairness by the taxpayer is to take the full profit once the whole thing is going to be developed. And yet when the taxpayer is going to have an interest in developments in Gibraltar in order that the taxpayer does garner some of the benefit of development in Gibraltar – like, for example, Victoria Keys – what do we get? ‘It is disgraceful that the taxpayer is going to be involved in development and make profit from the sale of property.’ For goodness sake, you could not make this nonsense up.

So, Mr Speaker, I believe that the person who made the decision – who was the Deputy Chief Minister, as the Chairman of the Land Management Committee, with the whole of the Land Management Committee – made the right decision for Gibraltar. He made it looking at the recurrent costs that this would have meant for Gibraltar, he made it at the right time, he made it in the right circumstances, he made it with a Devil’s Tower Road car park in the area of the west of Devil’s Tower Road with the expansion of the Eastern Beach car park at the east of Devil’s Tower Road and understanding that this was exactly the right thing to do for the taxpayer, and without in that way incurring any of the nonsense that the hon. Gentleman has just suggested.

Hon. D J Bossino: Mr Speaker, the only nonsense which is being spouted in this House has just come from the hon. Member. The central point, the basic point that I am making still stands despite all the waffle, despite everything that we have heard. He has taken us round the houses. The basic point and the accusation still stands. This was a bad deal for the taxpayer. It is very clear. He is saying that that is the offer price – £40,000 – for that parking space in Laguna. The reality is that people are probably going to pay that money – that is the market price. If not £40,000, thirty-odd thousand. The hon. Gentleman to my right tells me that there are parking spaces in Notre

825 Dame School that have gone for £30,000. That is the going price in Gibraltar. And on this occasion
the Government has decided to fob off 24 spaces which ultimately and fundamentally should have
been made available to the public in the first place. We should not be having this discussion. The
developer, once they built Forbes, should have made 24 parking spaces available to the public,
but the Government decided to sell them to that particular developer at £20,000.

830 Mr Speaker, by way of question, may I ask the hon. Gentleman what premium was paid for the
land?

Hon. Chief Minister: Mr Speaker, we all know what is happening here and we all know what
we are seeing, but we are going to stick to the issue so that we do not bore watchers or listeners.

835 Anything the GSLP Liberal Government does is waffle, nonsensical and bad for the taxpayer,
and everything the GSD Government did was magnificent and a golden legacy. But when you talk
about premiums, does the hon. Gentleman remember the other car park that we developed at
Midtown? There, parking spaces are being offered at about £35,000, in the centre of town, not in
Devil's Tower Road – £35,000 in the centre of town, in some instances. *(Interjection)* Well, perhaps
the offer price, but the sale prices that we are seeing ... We see the sale prices, not the offer prices.
840 The hon. Gentleman seems to forget that we developed a car park under St Anne's School and a
car park under Notre Dame School. We offered for sale parking spaces there for £30,000.
(Interjection) We could not sell any of them, they have all gone to rental, but it is our building. So
I do not know where he gets the idea that you can sell for £40,000 when we could not sell for
£30,000. We had to take all of those people who wanted to buy and put them in Bayside car park
845 instead.

So I think, Mr Speaker, the hon. Gentleman really needs to think a little beyond the opportunity
to make suggestions that the Government has in some way provided less than the best value for
the taxpayer, because we know when we tried to sell those just along that we could not sell them –
in a much more populated area, because Laguna with Glacis opposite is much more populated
850 than Devil's Tower Road, very much so, and Devil's Tower Road and the church etc. have a car
park already available for rental within very short walking distance. So it makes no sense.

I do not have the number of the premium for Forbes, but I am reminded by the Hon. the Deputy
Chief Minister that it went to the highest bidder, so it was the highest premium on the table, to
which we now add £½ million. And when it comes to premiums – I was reminding them about the
855 car park here – does he remember what the deal was when they handed over the naval grounds?
They exchanged the naval grounds for the refurbishment of the Kings Bastion Leisure Centre,
capped out at £10 million. How can I take lessons on what is good for the taxpayer and what is
value for money for the taxpayer from the party that did that? When we were elected, we went
back, we reduced the plot and built ourselves the car park and took more premium.

860 Mr Speaker, I think we are doing an excellent job for the taxpayer. I have demonstrated before
that we have more premium per square metre for land in Gibraltar, even adjusted for inflation,
than any amount they ever got per square metre for land in Gibraltar. We are doing an excellent
job and we are going to continue doing so.

865 **Mr Speaker:** Next question.

Q101/2023
Wonderworks Media Ltd –
Employees working within Government

Clerk: Question 101/2023. The Hon. D J Bossino.

870 **Hon. D J Bossino:** Please state whether employees of Wonderworks Media Ltd or any other private entity work or have worked in/from/at the Ministry for Tourism; and, if so, how many, the duration of their employment contracts and the duties they are/were performing.

Clerk: Answer, the Hon. the Chief Minister.

875 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 102.

Clerk: Question 102/2023. The Hon. D J Bossino.

880 **Hon. D J Bossino:** Please state whether employees of Wonderworks Media Ltd or any other private entity, work or have worked in/from/at any Government department – other than the Ministry for Tourism – government agencies, authorities or companies; and, if so, how many, the duration of their employment contracts and the duties they are/were performing including details of the entity under which they have been/are employed.

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

Hon. Chief Minister: Mr Speaker, no employees of Wonderworks Media or any other private entity work or have worked in, from or at the Ministry for Tourism.

In respect of Question 102, the information requested is in the schedule I now hand over for the month of December 2022.

Answer to Question 102/2023

Government Department Name:	Details of the entity under which they have been/are employed	Please provide reasons for employment	Please list the duties they are/were performing	Date employment commenced	Is the employee still working	Date when the employment contract is due to expire	Date employment Terminated
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	No		06/01/2023
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	17/10/2022	Yes	10/09/2023	
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	Yes	05/05/2023	
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	Yes	05/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Elderly Residential Services	ADA	VACANCY	Nursing Assistant	12/04/2020	YES	05/07/2020	
Elderly Residential Services	GHC/ERS	VACANCY	RGN	09/03/2020	YES	01/06/2020	NO. FTC
Elderly Residential Services	MEDDOC	LONG TERM SICKNESS	Nursing Assistant	20/09/2020	NO	13/12/2020	PERMANENT
Elderly Residential Services	MEDDOC	MATERNITY LEAVE	Nursing Assistant	02/01/2021	NO	27/03/2021	PERMANENT
Elderly Residential Services	MEDDOC/ERS	MATERNITY LEAVE	RGN	06/10/2019	YES	29/12/2019	NO. FTC
Elderly Residential Services	MEDDOC/ERS	VACANCY	Nursing Assistant	22/03/2020	YES	14/06/2020	NO. FTC

ANSWER TO QUESTION 102

890 Additionally, the Gibraltar Health Authority has been unable to provide their responses in time for this Parliament session. The information can be made available in slower order, should the hon. Member wish to receive it.

Hon. D J Bossino: Mr Speaker, whilst I have a look at the schedule he has passed over in relation to the answer to Question 102, in respect of Question 101 I must say I am very surprised by the answer. The information I have – and there is absolutely no reason in my mind to the information I have received from various sources – is that, in fact, there are two employees who work from the Ministry for Tourism.

Let me remind the hon. Member – I hope he has prepared sufficiently for the supplementaries – it talks about a historical position and it talks about whether they are working in, from or at the Ministry for Tourism. I will make the point – he has the Hon. the Minister for Tourism to his right – I am told that there are two individuals who follow the Minister for Tourism, photographing him, videoing him and producing that type of visual stuff for him, and that those two who work at, from or in the Ministry for Tourism are employees of Wonderworks Media Ltd. Can he please provide a specific answer to that? He has said zero in his written reply.

Hon. Chief Minister: Mr Speaker, as ever, the hon. Gentleman is as wrong as he is vehement. I will repeat the answer: no employees of Wonderworks Media or any other private entity work or have worked in, from or at the Ministry for Tourism. None. Zero. Zilch. He is wrong, completely wrong. The information he has is wrong. It was wrong when he had it, it was wrong when he referred to it here. He has got it completely wrong. If he wants to refer to the two individuals he is referring to, he can. They are not employed by Wonderworks Media, so he is wrong.

I hope he has come sufficiently prepared to ask another supplementary based on that answer, which is correct, as the Hon. Minister for Tourism will indicate and as I can indicate to him, given my responsibilities for the public sector as Chief Minister of Gibraltar and the information I have been given by the Human Resources Department, which manages all of these contracts, and indeed the Employment Service, which would manage the contract of a third party.

So, wrong, Mr Speaker. Vehement, passionate, but wrong.

Hon. D J Bossino: Mr Speaker, I am quite relaxed. It is information that I have been provided and I am duty bound, in exercising my public service to this community, to ask these questions because had it been right, it would have been very serious.

Can he then tell me who those two individuals are employed by? Are they government employees? Are they employed by a different company? I dare say with the hon. Gentleman and the entire Government, pretty much, we cannot take anything they say at face value. There is always going to be a bit of fancy footwork in order not to answer the questions. This is why I still do not harbour doubts as to the information I have been provided. I will ask him that specific question: who are those two individuals who follow the Hon. the Minister for Tourism around, videoing him and photographing him, employed by?

Hon. Chief Minister: Mr Speaker, of course he is duty bound to ask the question. I never complained that he asked the question; I am just saying that however passionate and vehement he may be, he was wrong and the person who gave him the information was wrong. No doubt, given that everything they do is in good faith, he got the information in good faith and he brought it here in good faith. I do not challenge that, of course not, but I just remind him that however much passion he might put into things, if the information is wrong, it is wrong.

In terms of fancy footwork, I am not inclined to take that in any way other than positively because, of course, what he is saying to us is that we are right and that they sometimes find it difficult to work out how right we are, because I have told him that these are not employees of Wonderworks Media and I have told him that they are not employees of a private company. They are not. They are employees of a government company, so they are in the public sector. They are

employees of ETCL – Employment Training Company Ltd – and they are on an apprenticeship scheme and have been for some time. I am surprised that he got that information, given that these two are public sector employees through a government company. Footwork or otherwise, I hope that satisfies his curiosity.

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Hon. D J Bossino: Mr Speaker, with the greatest of respect to him, I take everything he says – and I do not want to personalise it: almost everything that the Government says – with a pinch of salt. I have been on this side of the house for –

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Mr Speaker: I do not think that is quite right and it is being disrespectful. I would rather you withdrew that expression.

Hon. D J Bossino: Mr Speaker, I withdraw it on your advice. Let me just put it in these terms, that everything they say I am put on enquiry and I need to check it. So I still stand by what I said earlier in respect of I think it was my first or second supplementary, but is he telling me that those individuals have never worked for Wonderworks Media Ltd and that there has not, at some point, as a result of the questions that we have been asking from this side of the House, been a bit of fancy footwork ... and had them transferred to ETCL, which he has rightly described as a government-owned company.

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Mr Speaker, if I may, there is a long schedule that has been provided in respect of the answer to Question 102, and I would like a bit of time, if I may, to come back to that, but I will ask a question in relation to Question 102 now, which may obviate ... No, Mr Speaker, it arises from the same point that I am making, and I think it would assist him, but I am happy not to ask it.

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Hon. Chief Minister: Just so that I can answer one thing at a time, otherwise I might have the 161 problem I had before.

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Mr Speaker, even to say that the hon. Gentleman puts on enquiry the information that we have is, if I may say so with respect to him, unedifying. I am not going to say it is unparliamentary because that is a matter for you, Mr Speaker, but it is unedifying for this reason. The information I am giving him is provided to me by the brilliant people who prepare the Government for answering these questions – by the Parliament team at No. 6 Convent Place. They go to the Departments to obtain the information and then check it against the records at Employment and Human Resources to ensure that, insofar as possible, we do everything we can to ensure the information we give the House is accurate.

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He has known me for longer than he and I care to remember. I have given him direct information. I have told him who they are employed by. He knows I am not going to give information that could enable him to embarrass me by showing that the information I have given him is wrong in the way I have been able to embarrass him by showing the information that he brought to the House and based his question on is wrong. *(Interjection by Hon. D J Bossino)* Well, he should be embarrassed, Mr Speaker, because he should have checked with his alleged source of information. The information that I have, therefore, is information provided to the Government through the Government in good faith to come to the House to put on the record of *Hansard*, and therefore there is not going to be any chance that anybody should legitimately be able to be put on enquiry by information that we provide in that respect. His suggestions about me are water off a duck's back and irrelevant, but his suggestions about the people who work for me and who work for the taxpayer are really unearned because they do their best to ensure that every piece of information that I give to this House is accurate.

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The information I have is that in all of the time that these individuals we are referring to across the floor of the House have been working in the Ministry for Tourism, they have been employed by ETCL on this apprenticeship and that therefore it is completely wrong for anybody to have given him the information that they worked, ever, for Wonderworks Media. I do not know whether before they worked in the Government they might have served chips and doner kebabs for

995 Wonderworks Media if they have a takeaway somewhere; I do not know, but certainly they have never worked in the Ministry for Tourism for the hon. Gentleman, as he has suggested, for Wonderworks Media.

1000 There has not been any attempt to change records as a result of that questioning. My goodness, he does ascribe to himself an incredible importance that a question from him across the floor of the House might suggest that we then go and change records, that we might create an erroneous and fraudulent paper trail on public documents to address a question that he put in this House in a way that would expose us to potential criminality and sanction. That is the sort of allegation he is making. He does not think through the things he is saying. That is the problem. The allegations that are loaded within the things that he says he does not think about, that we or public servants have changed the public record. No, it has not happened. These two ladies he refers to, who do an excellent job, (*Interjection*) do it for ETCL, seconded to the Ministry for Tourism on an apprenticeship from the day they walked into the Ministry for Tourism.

1005 The hon. Member might want to reflect on the fact that he has cast huge aspersions – not on me, because we have known each other for long enough that we call each other every name and our friendship is unaffected, but on the public servants beyond me. Knowing him as I do, I do not think he intended to do that and he will want to extend an apology to the public servants who work with the Government in providing information to this House.

1015 **Hon. D J Bossino:** Mr Speaker, the first point I would like to make is that ... The Hon. the Minister for Housing, in an unhelpful way, I suppose, is asking me from a sedentary position where the question is. I have just started to speak; a question will come, he can relax. When he says 'alleged' source of information, I would ask him to withdraw that on the basis that it is true, what I am saying. I do have a source and information has been imparted to me, so he is questioning the veracity of what I have said and I would ask him, please, to withdraw that.

1020 But if I may ask the question, Mr Speaker – and this is the question I was going to ask in relation to Question 102, with the caveat that I would like to consider the schedule with a bit more time – is it the case that there have been transfers to these government companies – he has mentioned one, but I see that there are others; we have GBIC, which is a joint venture with a Chinese entity, and others – of people who had at one point worked with Wonderworks Media Ltd? In his answer – and this is why it needs to be unpicked – he says that at the time of ... and quite properly because the question arose from Question 101, which related specifically to the Ministry for Tourism, but is it possible that these individuals worked in other Government Departments before they were transferred to ETCL with Wonderworks Media Ltd? And I widen the question now, because I am able to as a result of the way that Question 102 was posed, to other employees.

1030 **Hon. Chief Minister:** Mr Speaker, I will start with the request that I withdraw something: I should withdraw that his alleged source of information provided him information. I do not know what it is that the hon. Gentleman wants me to withdraw, and it is a bit rich coming from somebody who has said that everything that I say – by the way, Mr Speaker, it is 1639 by my watch: I hope he will take that for granted – he is put on inquiry about. He might want to check the phone that he is looking at: 1639. I hope that on that his inquiry leads him to the same conclusion, that I am telling the truth, because the idea that everything I say, even when I am telling the time, is something that puts him on enquiry is something which, if I was not so long in the tooth and if I did not have such a thick skin, I would say I would like to see withdrawn because it is an allegation that the things that I say are not reliable.

1040 Forget the fact that I am talking to him, that I have known him for 38 years and that I have a sufficient personal regard for him that I would not mislead him – even if we were outside here, I would not say something to Damon Bossino, whom I have known since we entered comprehensive school together, which was untrue. I would not, because of the regard I have for him. But the idea that I have come to this House, where we have an obligation not to mislead, where we have an obligation to ensure that what we say on *Hansard* reflects the truth and that everything I say puts

1050 them on enquiry, I can only mean as to the truth of what I say. Mr Speaker, if he does not withdraw that, I am certainly not going to withdraw what I am alleged to have said about the person who is alleged to have told him something. The fact that he has been told something ... I fully accept he has been told something. We are going to the thing that he has been told, and the thing that he has been told is untrue. That is the reality.

1055 In terms of whether any of the people on this schedule that I have passed to him have been employed by Wonderworks Media, well, the hon. Gentleman might care to look at the schedule. The schedule has a date of employment commencing set out in one of the columns. From my memory, all of those dates of employment predate the controversy, as he has described it in this House, about Wonderworks Media, so I would have thought that a careful analysis of the schedule might have led him to the answer and not required that he put the question in the way that he has, which is designed to suggest that there is some, what he has described as fancy footwork, changing of things as a result of their questioning. As far as I can see, there has not. I have no information to suggest that any of these people have ever been employed by Wonderworks
1060 Media, and I hope that his enquiries lead him to the conclusion that this House has never been misled by me or any Member of this Government.

Mr Speaker: Next question.

1065 **Hon. Chief Minister:** Mr Speaker, before we move on, I have some information that the hon. Gentleman asked me for before, in relation to the other questions.

I have the premium for the Forbes site. It was £1.8 million.

1070 In respect of the Eastern Beach car park, the contractor is GJBS. I thought we had settled on GJBS, but I did not want to give the information to the House because I did not want to act from memory in case I misled the House.

The total number of new parking spaces is 144, which brings a total of 579 parking spaces to the car park – 579, £1.8 million premium.

Mr Speaker: We move on to the next question.

Q103/2023

Hassan Centenary Terraces residents' parking – Whether sufficient

1075 **Clerk:** Question 103/2023. The Hon. D J Bossino.

Hon. D J Bossino: Is there sufficient parking for all Hassan Centenary Terraces residents?

1080 I think the hon. Member made a reference to this in response and he thinks positive news will be coming my way now.

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

1085 **Hon. D J Bossino:** He has kind of already answered this question, but in relation to ... Just by way of further supplementary, the affirmative response ... Just so I make myself clear, in other words, that is parking spaces ... Presumably there is one per flat within the entire development, or just split into two phases, phase 1 and phase 2, and he has given completion dates in respect of each. Is that understanding correct? He said that the extra floor being built at Eastern Beach is

1090 going to be providing extra parking and doing other things, but is going to be providing extra parking spaces for residents at Hassan Centenary Terraces. Is that understanding correct?

Hon. Chief Minister: Mr Speaker, the understanding is correct insofar as he is referring to one parking space per affordable home. The Hassan Centenary Terraces phases 1 and 2 are designed so that there is one parking space available per affordable home. It is the sort of criterion that the DPC imposes on private developers anyway.

1095 The use of the Eastern Beach car park extension in part by Hassan Centenary Terraces residents for their second cars is also for Eastern Beach, Beach View Terraces second cars, for the private development second cars, for areas in relation to the East Side project when completed, which will require more parking, and also the users of Eastern Beach. I gave him much more logic in relation to the Eastern Beach car park, Mr Speaker, so I hope that gives him the information.

1100 In the amount of costs, which was £2.8 million that I gave him a moment ago for the car park, by the way, the 144 spaces comes to about £19,400 per space, which means that we did quite a good deal on the Forbes one.

1105 **Hon. D J Bossino:** Is he not being overly ambitious that the – 144, I think he said – extra car parking spaces are going to be providing for so many? He has mentioned many developments plus other private developments. That strikes me as a very tall order as far as those 144 extra car parking spaces are concerned – but he is sniggering, so I am sure he will have an answer.

1110 **Hon. Chief Minister:** Sniggering, Mr Speaker, at the morass of contradictions that I face from him, and I am snickering with affection because he started by telling me that the car park is empty. And so it is not the 144 that we have to calculate on, it is the 579, which will be the total number of parking spaces available in the car park, given that it is empty. But this is now going to be the entrance to Gibraltar when the tunnel finally opens. We are going to have a very large estate. The East Side project is going to be there. You are about to see completions in the private property which has just been completed across the road, and Beach View Terraces is there also. So it is not the 144 that is going to do the job, it is the 579.

1120 **Mr Speaker:** Next question.

Q104-05/2023
Gibraltar Airport –
Recent flight diversions

Clerk: Question 104/2023. The Hon. D J Bossino.

1125 **Hon. D J Bossino:** Have the human resources issues which have been the cause of recent flight diversions at Gibraltar Airport been resolved?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 105.

1130 **Clerk:** Question 105/2023. The Hon. D J Bossino.

Hon. D J Bossino: What contingency measures have been put in place in order to prevent flight diversions which have arisen as a result of a faulty telephone line in Spain and fuel bowser technical issues at Gibraltar Airport?

1135 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, if the question is related to the historic HR issues that NATS Gibraltar has, the information I have is that these are still not entirely resolved. This is highly unsatisfactory and I have personally made this point to the Commander British Forces and shall
1140 raise the matter with the Defence Secretary if a satisfactory resolution is not forthcoming. However, flight operations have not been affected due to HR issues since 24th November 2022.

On diversions, it must be noted that the main reason for flights diverting at Gibraltar Airport is for safety reasons which, by and large, relate to weather or technical circumstances. The aviation industry is one of the most regulated and safe modes of transport and this is only achieved
1145 because the strict safety protocols in place are adhered to.

Diversions and disruptions are very inconvenient to passengers and HMGoG would like to avoid these completely, but the reality is that they occur every day in many parts of the world and will never disappear completely, due to the complex nature of the operation and the aviation industry itself. For this reason, Gibraltar Airport has robust diversionary procedures in place, which are well
1150 planned and executed, and although they add more travelling time they still achieve a continuity of service for passengers and deliver that key aspect of air transport, which is safety.

Mr Speaker, let me be very clear: the diversions caused because of communication issues at ATC were resolved by the MoD and any measures put in place are their responsibility and not the Government's. Gibraltar Airport is a strategic UK airfield and an important military base, and it is
1155 not for HMGoG to report on what these plans are. Having said that, we did offer our support in trying to resolve their issues and we were kept fully informed of the problems they were facing at all times and have been assured that they will continue working to add resilience to what is already in place. In this instance, I understand that all three resilience options were down at the same time. The resilience needs to be checked, in our view, more often, so that Plans B and C are
1160 available when required, when Plan A is not available.

Additionally, there were no diversions effected because of the fuel bowser technical issues. The technical issues encountered on the morning of 1st January 2023 were also related to safety and these were resolved on site. Again, on this, even the resilience failed. This is unacceptable and must be addressed urgently. We have assurances from the contractor that they are addressing
1165 these issues. The first aircraft due that morning operated normally, although the next two were delayed outbound whilst this was resolved.

Hon. D J Bossino: All of these things ... it is almost like a perfect storm in the sense that you almost could not make it up, and because they happened, really, in such a short period of time.
1170 As far as the fuel bowser and the Seville telephone line issues are concerned, they all happened, I think, within the same week, during Christmas, which is, to boot, a very busy period.

There is a lot of information that the hon. Gentleman has imparted in his response, and I hope not to miss any replies which I think are worthy of a supplementary question to elicit further
information.

1175 Because this is such an important asset as far as our economy is concerned, because it is a means by which we communicate and travel, and that is hugely important, I am sure that, when I say that, I have the complete and utter agreement of the hon. Gentleman opposite that we need to make sure that we do everything absolutely possible to prevent these issues. I fully understand and acknowledge the remark that he has made. He has made it in the past. It is a fact and it is
1180 obvious that this is an MoD airport at the end of the day, but we have an interest in it and our economy has a huge interest in it – just by way of, I hope, as brief as possible a preamble that I have been able to muster on this occasion.

In relation to the human resources issue, I think he said that the last occasion when that issue caused a flight disruption was in November. He gave us the precise date of 24th November. Can
1185 he give us a firmer response as to whether these issues have been finally resolved? As I understand it, they are caused as a result of fewer personnel available than there used to be, and again, when

we have a bit of a perfect-storm situation where there are more than x number of individuals who are off sick and it results in the tower not being available for operation ... The mind boggles just saying that. Can he give us some further information in relation to that? And then I will ask him some supplementaries in respect of the other question.

Hon. Chief Minister: Mr Speaker, yes, this obviously became a perfect storm because if the airfield is unable to operate for civilian traffic, then although in the mind of the MoD the principal purpose of the airfield is to be an RAF airfield, as far as I am concerned the only reason I am prepared to put up with the risk of having it is because it provides civilian services. And, to boot, we pay an amount per month which goes towards the resurfacing of the runway and therefore the maintenance of the whole thing. It is, as I have said already in my first answer, entirely unacceptable that the MoD should not get its act together with its contractors to be able to provide a service that does not fall down. It is just unacceptable. As I have said before and the hon. Gentleman will have heard me say outside of this place and inside this place, we have reduced the amount that we pay to the MoD by the number of hours of operation that they have not been able to give us the running of the airfield as we expect to be able to have it for civilian operations, and we will continue to do that. I know that the MoD itself is reducing the amount that they pay to their contractors when their contractors are falling down.

Unfortunately, perfect storms happen. Hon. Members will have seen what happened in the United States last week. Every aircraft in the air in the United States, thousands of aircraft, had to land because the air traffic computer equivalent in the United States failed – remarkable – with aircraft in the air, and they were down for almost a day. This morning, Manchester Airport in the north of England had to close both its runways due to snow. Frankly, if you are in the north of England, I am surprised you have to do that, because I was in Finland in November and they did not have to close their airfields because of snow, which was bountiful and falling. We all know and have seen on our screens the issues affecting Heathrow Airport, the largest airport in Europe, and Schiphol Airport and Gatwick Airport.

We may all be told that these things happen because of a perfect storm. I find it entirely unacceptable and a failure of process that if you have three systems in order to be able to communicate safely with Seville Air Traffic Control in a way that provides a log so that you are able to have, for air-safety purposes, a proper recording of your conversations, the three go down on the same day. In other words, your usual system does not work, you go to your resilience option 1 and it does not work, and you go to your resilience option 2 and it does not work. My question is when did you last check your resilience option 1, and when did you last check your resilience option 2? If you did not check them because you have not had to use them for 15 years, well of course they are not going to work; they are going to atrophy. You need to be checking them. You need to ensure, every morning, that your three resilience options are operating, and if one of them is down you repair it on that day so that if, the following day, something goes down, it is provided for.

It is just unacceptable. If we were running the Airport we would be crucified, rightly. And so the message has to go out that this is not acceptable, to the MoD and to the MoD's contractor, because of the importance of the airfield for Gibraltar and, indeed, for the civilian importance of the Airport; also for people who work in the MoD who, when they are not working and flying on a services flight – most of them do not – also rely on the Airport to be able to go back home and see their relatives etc. It is just unacceptable.

In terms of a firmer response on the personnel issue, I do not understand how they have not been able to resolve this yet. It is just remarkable. They need to train new people. They need to have people here who are able to operate the airfield. Why didn't they do it already? How has this crept up on us? This is a key piece of national infrastructure, even though we do not run it. We make sure that nobody is able to leave a bolt on the runway, we make sure that this piece of critical national infrastructure is available in an emergency, and yet we do not see coming that we

are going to have this difficulty with personnel. As I have said before in this House, if Trevor Hammond had been running it, it would not have happened; he would have seen it coming.

1240 I do not understand what on earth it is that NATS does not understand about how important
this asset is to Gibraltar, and because it is important to Gibraltar, its economy and its resilience
economically, how important it is to the UK, of which the MoD is a part. In my view, they had
better wake up and smell the coffee and get the operation of the Airport right, so that it can be
1245 properly relied on by the airlines that fly to it, by the people who depend on it and by the
businesses that depend on it, because otherwise one is left with the view that it is just not fair
that they should continue to control such an important asset and that the people of Gibraltar
would do a better job of running it.

Hon. D J Bossino: I hear the hon. Member. I hear the passion with which he is expressing
1250 himself. He is certainly as irate as I think we all are as a result of the problems and he is a user of
(*Interjection*) airlines because he travels a lot as a result of the work that he carries out. But how
is that, dare I say irate reaction, anger and passion reflected on the ground? From everything that
he has expressed now, putting to one side the manner in which he has expressed it, in terms of
the substantive things that we as a government can do, other than, I think, at the end of his
1255 comments he was almost suggesting – I would invite him to say something about that in his reply –
that what, we would run it? Presumably we would not be able to afford it. I remember in the days
when Sir Joe Bossano used to say, when he was Chief Minister, that if the MoD ever passed the
running of the Airport to the Gibraltar Government he would have to close it the next day because
it was simply impossible for us to pay for it. So we are, in that sense, lumbered with the situation
1260 we are in, but I would invite him to comment in relation to that point.

But other than – just to carry on with the point I made earlier – the reduction of the amount
that we pay, what else is there that we can do? In the press release attributed to a spokesman of
No. 6 during Christmas was ‘we will continue working with ...’ He now says the Gibraltar
Government is going to be supporting the MoD. And he pulls his hair out, saying, ‘How is it possible
1265 that those three resilience measures ...?’ I would ask him also if he can specifically say what those
are – A, B and C. He may not be able to, but I ask him to do so. How is it possible that that should
have arisen? Is it things like that that the Gibraltar Government can assist with? In other words, I
suppose it is a bit of a mix, what he has said. It is a bit of a carrot in the sense that we are here to
support –

1270 **Mr Speaker:** Please –

Hon. D J Bossino: I am asking questions as I go along.

1275 **Mr Speaker:** Right. You can only –

Hon. D J Bossino: Let me, then, distil it, at the Speaker’s request, to that: what is it that the
Gibraltar Government can do substantively by way of putting pressure in a ‘stick’ way? He talks
about reducing the amount that we pay. Is there the possibility of seeking compensation for the
1280 losses that we may suffer, or indeed increasing the reduction? And secondly, what is it that we
can substantively do as a government to support the MoD, so that these incidents do not reoccur?

Hon. Chief Minister: Mr Speaker, let me start by saying that he is asking what am I doing.
Answering as I have in this House is one of the things that I am doing, communicating the same
1285 level of conviction that this is unacceptable to the Commander British Forces. I do not know
whether he heard the answer I gave him: raising the issue, if necessary, with the Defence
Secretary. In other words, the top of the Ministry of Defence. I do not discard, if things were not
to improve quickly, raising the matter with the Prime Minister of the United Kingdom because this
can affect the economic resilience of Gibraltar. All of the way that we have to go, we will go. I have

1290 expressed the views I have expressed in this House directly – in a way that does not require me to
keep to the established level of polite language that this House requires me to keep in the way
that I have expressed it more privately – to those who have responsibility.

1295 What else can we do? Well, of course we can redact further the amount that we pay under the
customer user agreement. We are doing it in quite a scientific way at the moment. I do not think
we can take over the running of MoD RAF Gibraltar, which is the sort of thing that Sir Joe Bossano
used to say he would not do, but we can take over, for example, the running of air traffic control
and train local controllers, and then we sell that service to the Ministry of Defence, because
1300 somebody is selling that service to the Ministry of Defence today. NATS is a UK company. It sells
its service to the Ministry of Defence in all of its airports around the world, including Gibraltar. It
is falling down in Gibraltar. Well, look, we can employ those air traffic controllers in Gibraltar, we
can train them for Gibraltar and we can sell our service to the Ministry of Defence in respect of
that, because they do not do it themselves now. So there are options. But in terms of
compensation, the hon. Gentleman should know this is pure economic loss.

1305 **Mr Speaker:** Final question. If you were to reduce the length of your preamble, then perhaps
you can get ... Honestly – (*Interjection*) Just go ahead and ask the questions.

Hon. D J Bossino: Mr Speaker, yes, but I think it is fair comment to say that the answers are
long. I do not criticise that. The answers are long. There is a lot of information, but the answers
1310 are also long, not just on this occasion as a result of this exchange, but as a result of many of the
questions that we pose, the answers from the Ministers tend to be long. I have not been keeping
a tally of the number of supplementaries I have asked in respect of this exchange, but I do not
think there have been that many.

1315 When he questions the three resilience options – A, B and C – all of which failed ... I think he
said they are working to add resilience. Has the work towards that resulted in a permanent
solution, so that, as best as possible, we have some form of guarantee that something like this will
not happen again in the future?

Hon. Chief Minister: Mr Speaker, if the resilience options had been working, then what
1320 happened would not have happened because what failed was one, and therefore if the other two
had been working, or one of the other two had been working, there would have been a seamless
period of transition to repair one and the other one would have continued.

1325 What I am assured is that all three are being brought back up and all three will be checked
more regularly, so that therefore there should not be a recurrence of it. But you can never say
never. If there is an earthquake and it does not affect us, but it affects the other side of *Los Barrios*
and the east line goes between Gibraltar and Seville, then there is going to be nothing you can do.
You cannot have a radar link between Gibraltar and Seville. So these things, subject to what could
reasonably be provided for, I am assured are being provided for.

1330 There is no Government of Gibraltar element in here and there is nothing that we can do in
terms of that link. Just so that we understand what we are talking about, we are talking about the
black box recorder of air traffic control and that is why they have to be able to record everything
in a way that is particularly time stamped etc.

1335 **Mr Speaker:** You may ask another question, but just a single question. Do not group them
together. Let's have another question, but concise and straight to the point.

The Hon. the Leader of Opposition.

1340 **Hon. K Azopardi:** Mr Speaker, I have one question and it is short, but before I do that, because
I see the explanation ... The Hon. Chief Minister has said, and I see the value of him making those
comments publicly, as he has done, about how unacceptable it is that the airport infrastructure
should be affected by those issues, and so that the message goes out loud and clear to the MoD

1345 that this House speaks on a united basis on this issue, can I also add that the Opposition considers it wholly unacceptable that – barring acts of God, of course – things that can be planned better, things that are employee related, things that are related to the infrastructure or are about forward planning of the Airport should be done in a better way? So we are with the Chief Minister in relation to those remarks and the House speaks united on that basis.

1350 Can I ask him, is there a joint forum between the Government and the MoD in relation to these types of issues? Or given that there have been, if there is not one, does the Government agree that one should be set up going forward?

Hon. Chief Minister: There is a forum, Mr Speaker. I am grateful for the hon. Gentleman's remarks. It is very helpful.

1355 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: Just one final question. I am grateful, Mr Speaker, for your guidance in relation to this.

1360 The fuel bowser incident – was that not under our control? I am not sure. I am not sighted on the detail, but that was not an MoD thing. I think that was something ... I acknowledge and it was reported in the press to that effect, that that did not result in a flight delay, but something like that surely, again, is unacceptable and should not be happening. It is just because it happened at the same time. But in terms of the future, can he give any comfort to this House that that issue will not happen again within the possible ...?

1365 **Hon. Chief Minister:** Mr Speaker, yes, that issue is not an MoD issue. That is a Government of Gibraltar issue. It is the Gibraltar Air Terminal that grants that tender. It was not granted in our time, it was granted by them. I do not think there are many parties who can do it. I, myself, became involved and the Minister became involved that day. We were receiving the reports from people who were sitting on the plane and given what they were being told. In fact, I must say that, there, 1370 the resilience failed, but the contractor brought the resilience back immediately. It was 1st January, but they brought people in and they very quickly dealt with the issue, and as a result of the resilience failing they are going to provide further and additional resilience to ensure that it does not happen again.

1375 I can tell the hon. Gentleman I have been in an aircraft in Barcelona and the bowser failed. There, they have an alternative, which is that they take fuel directly from the runway. The runway has the fuel lines underneath. There was an electrical storm. They could not use the fuel from under the runway because it relies on metal connections, and my flight was cancelled – some years ago. So fuel issues arise. I have had fuel issues at Heathrow. Perhaps because I am a frequent flyer, I experience these issues often. I have had fuel issues at JFK as well. So these are issues which 1380 in fact arise only ex abundanti cautela In other words, you could refuel the aircraft but you have not got all the safety mechanisms, so you do not do it because there are passengers on board whilst you are refuelling etc. That needs to be fixed and the contractor has assured us that they will be providing additional resilience. I thank them because, on 1st January, getting people out to very quickly turn that around and be able to continue flight operations after only a short delay 1385 I think is a remarkable demonstration of their commitment to Gibraltar Airport. Would that they all acted like our fuel contractor did – we would not have these problems at the Airport.

Mr Speaker: Next question.

Q106/2023
Red ID cards –
Applications filed and granted in 2022

Clerk: Question 106/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how many applications for red ID cards have been filed and granted in 2022?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, a total of 6,131 applications for red ID cards have been filed and granted in 2022.

Q107-08/2023
Winston Churchill Avenue –
Future use; CEPSA petrol station

Clerk: Question 107/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, when does the Government intend to wholly or partly decommission the use of Winston Churchill Avenue, and will this be pedestrianised?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 108.

Clerk: Question 108/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Will the CEPSA petrol station be relocated or shut down as a result of the proposed new Victoria Stadium project; and, if relocated, by whom, at what cost and to where?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, there is no intention to decommission Winston Churchill Avenue. The section to the north of the runway will remain in use as at present, although there will be some changes introduced to cater for the discontinuation of the vehicular crossing of the runway once the tunnel is opened. The section to the south of the runway will also remain in use, although some changes are expected in the area arising from proposed new developments. The continued crossing of the runway by pedestrians and bicycles once the tunnel is opened will mean that some modifications will be made to Winston Churchill Avenue either side of the runway, such as the incorporation of cycle lanes.

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As the hon. Gentleman should already know, the CEPSA service station will be relocated due to the opening of the runway tunnel. Work on the new facility has already commenced. There is a lease in place between the Crown and CEPSA dating back to 1994, which states that in the event of the main traffic flow into and out of Gibraltar being diverted away from Winston Churchill Avenue, HMGoG will provide an alternative plot so that a new station can be built, which will then become the first. That is what CEPSA had confirmed by the GSD in 2010-11 when the works on the tunnel commenced – more than a decade ago, believe it or not. Therefore, the new Victoria Stadium project will not cause the relocation or closing down of the CEPSA station, the GSD tunnel

1430 project will. There is no direct relocation cost to the taxpayer, other than the provision of the new plot of land.

Hon. K Azopardi: Mr Speaker, on the decommissioning of Winston Churchill Avenue, he has said there is no intention to decommission. The reason for the question was that I picked up a reference to the decommissioning of Winston Churchill Avenue in the design statement on the Victoria Stadium. There is actually a comment on it. It actually says it as a statement of fact. It says after completion of the tunnel and new access into Gibraltar, it is currently anticipated that Winston Churchill Avenue will be decommissioned. I thought that was odd, so I wanted to ask about it and give the Government an opportunity to confirm how, because I could not envisage how that was going to be decommissioned given the importance and length of Winston Churchill Avenue. But not only that, can I just say, in relation to it, that it does not come up in the most recent design access statement only, it comes up in a previous one that was filed about two or three years ago, which actually refers, I believe, to discussions with the Government. So can I ask whether it was ever considered by the Government as a decommissioning?

Hon. Chief Minister: Mr Speaker, that design statement, the current one and the previous one, are not government documents, and the language of decommissioning is not the Government's language. I do not know whether a person who is preparing those things for the GFA considers that that is the right way to summarise what I have explained to him, but for example I can tell him that there needs to be a crash gate on either side of Winston Churchill Avenue to be able to have vehicular access to the runway continue in the event of there being an accident. The crash gate would be a necessary part of how you access the runway through there. There are other crash gates at different parts of the runway where you can access the apron as well. But, for example, we are not looking to build a wall on to the runway on either side, there will be crash gates, and therefore, for crash gates to be meaningful, the road still has to be there.

The way that the road will be used will, of course, be different because it will be used by pedestrians, it will be used by cyclists, it will not just be used by vehicles, but that is not a decommissioning as we understand it. The four lanes might become two because of the cycle lane etc., but there is no decommissioning to speak of, and decommissioning is not the Government's word or language to explain what I have set out to the hon. Gentleman. Whether a third party who hears us might want to describe that as a decommissioning of part of Winston Churchill Avenue is a matter for them, but that is not how we would use the word 'decommissioning'.

Mr Speaker: Next question. The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker, I just have one quick question in relation to Question 108. When the CEPESA station is relocated to the new site, given the opening of the tunnel, would I be correct in my understanding that the current site of the CEPESA petrol station would then revert to the Government? And is it the Government's intention to open up that site to expression of interest?

Hon. Chief Minister: Mr Speaker, I believe that site is already agreed to form part of the GFA's plot from the time that we transferred the plot to the GFA some years ago.

Mr Speaker: Next question.

Q109/2023

Civil Service –

Employment opportunities for returning graduates

Clerk: Question 109/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Does the Government consider that returning graduates should join the Civil Service; and, if so, how will it provide entry opportunities for that to happen?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government considers that returning graduates should take the most attractive jobs available that best suit their skills and qualifications. If these include the Civil Service, they should be very welcome.

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Hon. K Azopardi: Mr Speaker, from that generic answer the Government does not see any kind of special importance in ensuring that ...? Given that the Government obviously invests quite a lot in education and sending children to university, as all successive Governments have, or at least since the scholarship programme was first established and then enhanced, does the Government not see the value of a long-term plan facilitating the entry of graduates into the Civil Service, which will then also, together with any other new entrants into the Civil Service, provide for a long-term succession plan that strengthens the Civil Service?

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Hon. Chief Minister: Mr Speaker, yes, sir.

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Hon. K Azopardi: And given that, does the Government not consider there should be a specific plan to facilitate that entry?

Hon. Chief Minister: Mr Speaker, that assumes a specific plan is necessary. I can tell the hon. Gentleman from memory that when we last recruited AAs, I think we recruited 44 and I think 44 had degrees – they had been away to university, been through the programme that the hon. Gentleman refers to and then entered the Civil service – and that in the recruitment before that, I think ... Hon. Members can be put on enquiry about this because I am not sure, but I think 90% to 95% were also graduates, and in the recruitment before that, 95% to 100% were also graduates, and in the recruitment before that, ditto, and so on and so forth. So I think the effect of the scholarship programme has meant that when we get applications for the Civil Service, the best qualified have, of course, the five GCSEs, but most of them have also a degree, and many of them a master's degree to boot. So for the past ... I am going to even suggest 20 years, most of the people who have been recruited into the Civil Service – the question is about the Civil Service – have a degree, and if not, 95% to 100%. Because I have now gone to 20 years, 75% to 80% have degrees.

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And so I think that what the hon. Gentleman is saying is being achieved, because a lot of people who are coming through the ranks now are people who have degrees. Having said that, some of the best people I work with day to day do not have degrees because they come from another generation when they were not available, and they are exemplary and are leading the Civil Service today and giving an example to those who are joining the Civil Service, some of whom have degrees. But I would have thought that it is near-on a 100% hit rate that the new entrants have degrees through the scholarship programme already.

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Hon. K Azopardi: Mr Speaker, I am glad to hear it. Having gone to university when there was a points system in place, I do certainly remember that because of the constraint that the points system used to apply, sometimes a lot of people would either ... those closed-Frontier Gibraltar ...

1525 I am showing my age, but a lot of people would either then get into the private sector, maybe into banks, or a lot of very clever people would join the Civil Service. What concerns me, hence the question, and has concerned me for some time, is that now that there is not the points system, people are encouraged to obtain degrees but then somehow there is a lost generation that does not have the opportunity to join the Civil Service.

1530 Can I ask him whether the comments that he made in respect of the number of people who have degrees in the Civil Service are anecdotal or based on some kind of statistical basis? And if it is anecdotal and based on his experience, would it be useful to actually understand more precisely the kind of make-up of the current Civil Service in 2023?

1535 **Hon. Chief Minister:** Mr Speaker, I did not realise he was quite that old. I did not think he had gone away to university when the Frontier was closed; he went away to university when the Frontier was open. *(Interjection)* It had opened a year. Exactly, it had opened, so I was not wrong. When he went to university, the Frontier had opened because the Frontier opened for pedestrians in 1982 and he did not go away to study in 1982, and it opened for vehicles – *(Interjection)* The points system, yes, but he said ‘the closed-Frontier Gibraltar from which I went to university’.

1540 *(Interjection)* No, exactly, that is what I thought. When you were at school, right, okay.

I went to university when the points system was no longer there. Happily, I would have been able to go even if the points system had been there, but a lot of people who joined the Civil Service before the points system was done away with would very easily have been able to go to university without the points system, and so the Civil Service was the beneficiary of people who were going to the Civil Service instead of going away to get a degree, and it was providing them the university of life and administration. Now they get their university degrees and they come back to the Civil Service and to other jobs in Gibraltar, but the Civil Service is taking its lion’s share.

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You could also argue this in another way. You could argue that we are sending people away to university to obtain degrees, they obtain degrees in fields where Gibraltar might be able to benefit from them in the private sector, but the Civil Service terms and conditions are so attractive that they do not stay in the private sector, they go into the Civil Service. So there are arguments about this which go round and round.

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I am talking anecdotally, because I have met the 44 and I could see that they were all people who I knew had been away to university, but I will ask the Chief Secretary to give me a breakdown of the last three intakes of the Civil Service and indicate how many of those who are in the intake have a degree.

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One of the things that has been done very successfully also is that the Civil Service has offered the opportunity for continuing professional education and to take degrees, in particular in fields of management or further degrees in their fields of study. So people have continued to study whilst at work in the Civil Service – in the Open University, I think also with Sheffield University – and so people have become graduates whilst in the Civil Service, also a very laudable way of ensuring that those who work for Gibraltar are able to continue to develop their own studies for the improvement of the work that they do for Gibraltar and indeed for their work after retirement.

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Anything which is education enjoys the support of the Government, and although he is not here, we all agree that Joe Bossano was a visionary in that respect when he insisted on the abolition of the points system in the teeth of opposition, and he has been proved right. When we were re-elected in 2011 he was also insistent that we should go further and get rid of any requirement in terms of master’s degrees, and people can now do a first master’s degree as a mandatory grant, as we used to hear our teachers refer to it in comprehensive school.

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Hon. K Azopardi: Mr Speaker, my final question. We are in agreement, of course, that a lot of people who could have aspired to go to university had the current system been in place in those years joined the Civil Service, but of course it has now been so long that probably a lot of those people have retired. That is the reality since the change in the removal of the points system, which is more than 30 years ago now. Hence the concern.

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The Chief Minister talked about their entry at a AA level. Is the route available to returning graduates at that level, or would the Government consider any other entry point for graduates, as perhaps they do sometimes in the United Kingdom? And will there be another AA round at some point soon?

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Hon. Chief Minister: Mr Speaker, I do not think that last question arises from this question.

The Government already provides for graduate entry in respect of some grades and not just in the clerical Civil Service, but beyond. For example, Crown Counsel is a degree entry grade. Of course, in the GHA and in other areas you require a degree qualification in order to be able to apply – a mechanical engineering degree for certain of the technical services. At administrative grade we are looking at recruitment with degrees as a better qualification, which qualifies the individual applying and raises them up the ladder of those who are likely to get the job.

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Graduate entry to the Civil Service would require negotiation with the unions of that possibility. The Government has not raised that with the unions at this stage because we think this is happening organically. The hon. Gentleman is right to point to the fact that the points system was abolished – 35 years ago in May, I think – and so we have the benefit of 35 years of graduates now in effect in the Civil Service. If the hon. Gentleman, the Hon. Mr Feetham and the Hon. Deputy Chief Minister do not mind me disclosing, I believe that their age is now the retirement age for a clerical grade in the Civil Service, although they all look much younger than that – of course, the Deputy Chief Minister in particular. I would therefore suggest that we have, in effect, now a whole lifetime of civil servants who are benefiting from a recruitment process that has enabled HR and the Public Service Commission to take on those who have turned up with degrees at the time of application. And so very senior people in the service, either because they went away and had degrees when they joined or because they took degrees when they were in the service, have the benefit of degrees, and equally senior people are magnificent and nobody can hold a candle to them even though they do not have degrees.

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1600

Mr Speaker: Next question.

Q110-11/2023

Administrative posts in Government Departments – Number of vacancies; posts occupied on acting or temporary basis

Clerk: Question 110/2023. The Hon. the Leader of the Opposition.

1605

Hon. K Azopardi: Mr Speaker, can the Government confirm how many vacant administrative posts there were in Government Departments on 10th January 2023 and provide a breakdown of where these vacancies arise by Department and by grade?

1610

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 111.

Clerk: Question 111/2023. The Hon. the Leader of the Opposition.

1615

Hon. K Azopardi: Mr Speaker, how many officers were occupying administrative posts in Government Departments on an acting or temporary basis at ... the question says 11th January, but it really should have been 10th January, broken down by particular clerical grade and by the Department in which the particular officer is occupying the post?

1620

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I now hand the hon. Gentleman a schedule with the information requested.

Answer to Q110/2023

DEPARTMENT	GRADE
DIGITAL SERVICES	PERSONAL SECRETARY
DIGITAL SERVICES	ADMINISTRATIVE OFFICER
ECONOMIC DEVELOPMENT	EU FUNDS FINANCIAL CONTROLLER
ECONOMIC DEVELOPMENT	ADMINISTRATIVE ASSISTANT
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	EXECUTIVE OFFICER
EMPLOYMENT	SENIOR OFFICER
EMPLOYMENT	ADMINISTRATIVE ASSISTANT
ENVIRONMENT	HIGHER EXECUTIVE OFFICER
EQUALITY	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	ADMINISTRATIVE ASSISTANT
GIBRALTAR AUDIT OFFICE	ADMINISTRATIVE ASSISTANT
GIBRALTAR LAW COURTS	SENIOR EXECUTIVE OFFICER
GIBRALTAR LAW COURTS	EXECUTIVE OFFICER
GIBRALTAR LAW COURTS	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE ASSISTANT
INCOME TAX	SENIOR EXECUTIVE OFFICER
INCOME TAX	SENIOR EXECUTIVE OFFICER
INCOME TAX	HIGHER EXECUTIVE OFFICER
INCOME TAX	ADMINISTRATIVE OFFICER
INCOME TAX	ADMINISTRATIVE OFFICER
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	CLERK/WORD PROCESSOR
MARITIME SERVICES	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	SENIOR OFFICER
NO.6 CONVENT PLACE	SENIOR EXECUTIVE OFFICER
NO.6 CONVENT PLACE	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	EXECUTIVE OFFICER

DEPARTMENT	GRADE
OFFICE OF FAIR TRADING	EXECUTIVE OFFICER
OFFICE OF FAIR TRADING	ADMINISTRATIVE OFFICER
OFFICE OF FAIR TRADING	ADMINISTRATIVE ASSISTANT
PARLIAMENT	USHER (ADMINISTRATIVE OFFICER)
POLICING	ADMINISTRATIVE ASSISTANT
POLICING	CLERK/WORD PROCESSOR
POLICING	TYPIST
POSTAL SERVICES	EXECUTIVE OFFICER
PRISON	ADMINISTRATIVE OFFICER
PROCUREMENT OFFICE	ADMINISTRATIVE OFFICER
PROCUREMENT OFFICE	EXECUTIVE OFFICER
PROCUREMENT OFFICE	EXECUTIVE OFFICER
PROCUREMENT OFFICE	HIGHER EXECUTIVE OFFICER
SOCIAL SECURITY	SENIOR OFFICER
SOCIAL SECURITY	EXECUTIVE OFFICER
SOCIAL SECURITY	EXECUTIVE OFFICER
SOCIAL SECURITY	ADMINISTRATIVE OFFICER
SOCIAL SECURITY	ADMINISTRATIVE ASSISTANT
SOCIAL SECURITY	ADMINISTRATIVE ASSISTANT
SPORTS AND LEISURE	ADMINISTRATIVE OFFICER
TECHNICAL SERVICES	ADMINISTRATIVE OFFICER
TOURISM	ADMINISTRATIVE OFFICER
TOWN PLANNING	EXECUTIVE OFFICER
TREASURY	ACCOUNTANT GENERAL
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	EXECUTIVE OFFICER
TREASURY	EXECUTIVE OFFICER
TREASURY	ADMINISTRATIVE OFFICER
TREASURY	ADMINISTRATIVE ASSISTANT
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	HIGHER EXECUTIVE OFFICER
UPPER ROCK TOURIST SITES AND BEACHES	EXECUTIVE OFFICER

Answer to Q111/2023

Answer to Question 111

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Central Arrears Unit	Administrative Assistant	Executive Officer
Central Arrears Unit	Executive Officer	Higher Executive Officer
Central Arrears Unit	Higher Executive Officer	Senior Executive Officer
Civil Status & Registration Office	Executive Officer	Higher Executive Officer
Department of Employment	Senior Executive Officer	Senior Officer
Department of Equality	Higher Executive Officer	Grade 5
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Administrative Officer (TP)	Executive Officer
Department of Social Security	Administrative Officer (TP)	Executive Officer
Department of Social Security	Executive Officer	Senior Executive Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Executive Officer (TP)	Higher Executive Officer
Department of Social Security	Grade 1	Administrative Officer
Department of Social Security	Higher Executive Officer	Senior Officer
Department of the Environment	Administrative Officer	Executive Officer
Department of the Environment	Administrative Officer	Executive Officer
Department of the Environment	Executive Officer	Higher Executive Officer
Department of the Environment	Grade 1	Administrative Officer
Department of the Environment	Typist	Administrative Officer
Digital Services	Administrative Assistant	Administrative Officer
Digital Services	Administrative Assistant	Administrative Officer
Digital Services	Administrative Officer	Executive Officer
Digital Services	Senior Officer	Chief Officer, E - Services and Innovation
Digital Services	Typist	Administrative Officer
Driver and Vehicle Licensing Department	Vehicle Tester	Driver & Vehicle Examiner
Economic Development Department	Administrative Officer	Executive Officer
Economic Development Department	Executive Officer	Higher Executive Officer
Economic Development Department	Grade 1	Grade 2
Economic Development Department	Higher Executive Officer	Senior Executive Officer
Economic Development Department	Higher Executive Officer	Senior Professional Technology Officer
Education	Administrative Assistant	Administrative Officer
Employment	Administrative Assistant	Administrative Officer
Employment	Executive Officer	Higher Executive Officer
Employment	Grade 1	Administrative Officer
Employment	Grade 2	Executive Officer
Financial Secretary's Office	Executive Officer	Higher Executive Officer
Financial Secretary's Office	Executive Officer	Higher Executive Officer
Financial Secretary's Office	Higher Executive Officer	Senior Executive Officer
Financial Secretary's Office	Higher Executive Officer	Senior Executive Officer
Gambling Division	Executive Officer	Higher Executive Officer
Gibraltar Courts Service	Administrative Assistant	Administrative Officer
Gibraltar Courts Service	Administrative Officer	Executive Officer
Gibraltar Fire and Rescue	Typist	Administrative Officer
Gibraltar Maritime Administration	Administrative Officer	Executive Officer
Gibraltar Maritime Administration	Executive Officer	Higher Executive Officer
Gibraltar Maritime Administration	Senior Marine Surveyor	Chief Surveyor
Government Law Offices	Administrative Assistant	Administrative Officer
HM Customs	Assistant Collector of Customs	Collector of Customs
HM Customs	Assistant Collector of Customs	Collector of Customs
HM Customs	Customs Officer	Executive Customs Officer
HM Customs	Senior Customs Officer	Assistant Collector of Customs
Housing Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer

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Continued Answer to Question 111

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
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Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer(TP)	Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 2	Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer (GDC Ring Fenced)
Treasury	Messenger	Senior Messenger
Treasury	Senior Messenger	Head Messenger
Treasury	Treasury IT Officer Level 3	Director, Treasury Info Systems
Treasury	Administrative Officer	Executive Officer
Upper Rock & Beaches	Administrative Assistant	Administrative Officer
Upper Rock & Beaches	Administrative Assistant	Administrative Officer
Upper Rock & Beaches	Administrative Officer	Executive Officer
Upper Rock & Beaches	Upper Rock Site Officer	Upper Rock Shift Leader
Upper Rock & Beaches	Upper Rock Site Officer	Upper Rock Shift Leader

Continued Answer to Question 111

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Officer	Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Officer	Executive Officer
Income Tax Office	Administrative Officer	Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Grade 1	Administrative Officer
Income Tax Office	Higher Executive Officer	Senior Executive Officer
Income Tax Office	Higher Executive Officer	Senior Executive Officer
Ministry of Housing, Employment, Youth & Sport	Administrative Assistant	Administrative Officer
Ministry of Justice	Executive Officer	Higher Executive Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Higher Executive Officer	Senior Executive Officer
No.6 Convent Place	Higher Executive Officer	Senior Executive Officer
No.6 Convent Place	Senior Executive Officer	Senior Officer
No.6 Convent Place	Grade 1	Grade 2
No.6 Convent Place	Grade 2	Grade 3
No.6 Convent Place	Grade 3	Grade 4
Royal Gibraltar Police	Administrative Assistant	Administrative Officer
Royal Gibraltar Police	Administrative Officer	Executive Officer
Royal Gibraltar Police	Administrative Officer	Executive Officer
Royal Gibraltar Police	Clerk Word Processor	Administrative Officer
Royal Gibraltar Post Office	Administrative Assistant	Administrative Officer
Royal Gibraltar Post Office	Administrative Officer	Executive Officer
Statistics Office	Statistics Officer Level 2	Statistics Officer Level 3
Statistics Office	Statistics Officer Level 2	Statistics Officer Level 4
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Technical Grade 1	Professional & Technology Officer
Technical Services	Technical Grade 1	Professional & Technology Officer
Town Planning and Building Control	Administrative Officer	Executive Officer

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1625 **Hon. K Azopardi:** Mr Speaker, while I look through the schedule, if the hon. Member looks at my questions, my questions were in two parts, really: first of all, how many; and then provide a breakdown. I think the schedules provide the breakdown but they do not provide the totals. I wonder whether the hon. Member has that information, given the wording of the question was how many and provide a breakdown.

1630 Sorry, did the Hon. Chief Minister say he does not have one?

Hon. Chief Minister: I do not have it. I have the same schedule he has.

1635 **Hon. K Azopardi:** Mr Speaker, I will count them, but ... It is quite a long schedule, for the listener and the watcher of this.

Hon. Chief Minister: Sorry. I think that the numbers I have are the relevant numbers he has asked for. I think that it is 76 in Question 110 and 167 in Question 111. I think that is what he is asking me whether I have the numbers on, and I just did not know whether this was an explanation to me about some aspect of it. I think that is the total, actually, of the two questions. He should check it, but I think given what I can see here and what those two numbers ... I think that is correct.

Hon. K Azopardi: I am grateful, Mr Speaker, and yes, I will have a look myself just in case that reference is to something else, but given the length of the schedules, it looks like it is probably right. That being so, on that assumption, 76 vacant administrative posts and 167 officers occupying administrative posts on an acting or temporary basis is a fairly large number, over 250 in total, but taking vacant administrative posts first, and indeed looking collectively at the acting officers in the various administrative posts in a number of Departments – Digital Services, Employment, Financial Secretary’s Department, Human Resources, Income Tax, No. 6, Treasury ... You can go on. It is many, many Departments. What is the process that the Government is following to fill these posts?

Hon. Chief Minister: Mr Speaker, I do not necessarily agree that it is many. I think it is many less than I inherited when I was elected – I understand that the number was much higher than that – first of all. Second, you cannot add 76 and 167. I do not think it makes any sense to do that because the 76 are inclusive of the 167, and to the extent that there will be people acting into the 76 in many great respects. So it is not 250 by any stretch of the imagination. At most it is 167, but the actual number of vacant posts would be 76.

What happens is that when you are filling a vacant post and somebody acts up, somebody else acts up and somebody else acts up. It is a little like the domino effect in respect of the housing. One vacant post can lead to two or three acting positions. So I do not think it is a very high number in that respect. Seventy six out of the total complement of the Civil Service is probably quite a low number.

I can tell him, for example, that just one of them is certainly a new post. That is to say it is not a post that was there before and is going to be filled; it is a post that the Government has accepted, after representations, we should create, which is a senior officer in the Employment Department. The process is that the Office of the Chief Secretary, the PSC and the HR Department deal with the opening of vacancies etc. This is quite a jigsaw puzzle. You open one and you create another vacancy because by filling, for example, the vacancy for a senior officer, you are creating the vacancy of senior executive officer. The next step is to fill that senior executive officer vacancy, which creates the HEO vacancy – I hope I am getting my grades right – etc., ad infinitum. That is a process that this Government, certainly that I lead, does not get involved in. It is a process that is run by the Office of the Chief Secretary and the Human Resources Department, and in my view it is not, at the moment, a huge issue in respect of the 76 vacant posts.

At this stage, when we are looking at the last quarter of the financial year, we would probably also be looking at whether any of those posts should continue or not continue. In the same way as you create new posts, you can also discontinue posts with the agreement of the union etc. in consultation, as we come up to the finalising of the Book and the complements for the year to come.

Hon. K Azopardi: Mr Speaker, just scanning quickly ... If I may, on the vacancies, there are 76 vacancies and obviously different grades, but I do notice, doing a quick look through the schedule, that there are 15 AAs and around 16 AOs – administrative assistants and administrative officers – so, AA being the entry grade, I ask again: I assume, obviously to fill in those vacancies, you would have to have a round of recruitment – is the Government planning an AA entry round soon?

Hon. Chief Minister: Mr Speaker, at this stage the Government is not planning to do anything that increases the recurrent expenditure because, as the hon. Gentleman should know, if we

1690 increase the recurrent expenditure the only place we are going to do it is by increasing the debt because we have not got a surplus to be digging into. He has started the week by saying that he wanted to bring debt down, and therefore I would have thought we would all agree that we would need to keep the recurrent costs down if we are going to bring recurrent debt down and we are going to bring the deficit down.

1695 So the Government is not planning in this respect, because he has identified that there are AA and AO vacancies, to do an AA or AO round. There are other ways that we can provide, for example by providing GDC employees who can assist in these areas, and in particular, given that the complement of the Civil Service is much higher than it was when we were elected, it is outside our electoral commitment in respect of the Civil Service to have to maintain those grades if they are beyond what the complement was on 9th December 2011.

1700 **Hon. K Azopardi:** Mr Speaker, the reason I ask is because ... I am asking about government policy and the Minister for Financial Stability ... He is not here right now, but he has said publicly, I think several times now, that when there are vacancies the Government would just take the view that they would assess the particular requirements of the particular posts and decide whether or not to fill the vacancies. He has not made the point generically that there would be no vacancies, but rather that they would test the case for it. I am asking whether, given this list of vacancies, they have assessed whether any of these AA entry posts should be filled, and if so, whether they are going to hold an entry round. That is really what I was asking.

1710 **Hon. Chief Minister:** But, Mr Speaker, that is really what I have said to him in other language. I have said as we are in the last quarter of the year, we are doing the assessment of whether, when we settle the complements for the Departments, a particular grade should remain or not remain, and only then would you be making a decision as to running a recruitment round.

1715 **Hon. K Azopardi:** Can I just ask specifically: the Accountant General Post is vacant? Is that correct?

1720 **Hon. Chief Minister:** Yes, Mr Speaker, because the Accountant General has just become the Financial Secretary.

Hon. K Azopardi: Presumably, this is a post that the Government does intend to fill. Is that right?

1725 **Hon. Chief Minister:** Of course, Mr Speaker, it is a statutory post, but that has nothing to do with AAs or AOs.

1730 **Hon. K Azopardi:** Of course it has not got anything to do with AAs and AOs, but I was not asking in that way. And so, given that, can I just ask about ...? Because a Financial Secretary was appointed – *(Interjection)* Well, he says just become, but it is at least four months since he became the Financial Secretary. I thought the previous Financial Secretary had stood down from the end of September, so that is nearly four months ago, isn't it? We are now in late January, so what process of recruitment is there of the Accountant General ongoing?

1735 **Hon. Chief Minister:** Mr Speaker, it is a process of recruitment that does not involve me. It is a process of recruitment that started the day the Financial Secretary took his post, on 1st October, which is run by the Chief Secretary and the Public Services Commission. It is not anything to do with the political Government. We are not standing in the way of it. It is a process that is running. In fact, I understand that it is something that started even before the Financial Secretary took his post because when he was going to take his post, he immediately started the process of recruitment of his successor.

1740

Hon. K Azopardi: Mr Speaker, I am not suggesting that the Government is standing in front of that process. I do not think anything I have said suggests that. I am simply asking for clarification as to the process. Does the Chief Minister have an expectation of when there will be a new Accountant General?

1745

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has been a Minister. This is why I am surprised at his questions, unless they did things in a very different way, which was not to leave the Civil Service to its own devices when it came to recruitment. We leave the Civil Service to its devices.

1750

The Financial Secretary, who became the Accountant General, who became the Financial Secretary, immediately started a process, as I have told him, with the PSC, the HR Department and the Chief Secretary for the recruitment of their successor. This is an internal recruitment process and it is ongoing.

1755

When are they going to be able to have a new Accountant General? I do not know whether they announced one yesterday, I do not know whether they are about to announce one tomorrow or whether the candidates for interview have asked for a longer date for the interviews because of personal issues. I cannot give him an answer, but it is not a ministerial responsibility – at least it is not a ministerial responsibility in my time – that he would expect to be running if he were Chief Minister in a government like the one we are running. That is my point, Mr Speaker.

Q112-13/2023

No negotiated outcome scenario – Macro-economic impact; means of mitigating outcome

1760

Clerk: Question 112/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the government have any updated figures on the macro-economic impact of a no-deal Brexit scenario?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 113.

1770

Clerk: Question 113/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In his New Year speech, the Chief Minister states that ‘if there is no deal for reasons we cannot control, I assure you we will be ready to mitigate such an outcome’. Could the Chief Minister explain the substance of how he plans to do this?

1775

Clerk: Answer, the Hon. the Chief Minister.

1780

Hon. Chief Minister: Mr Speaker, the hon. Lady is asking me to provide the substance of how the Government intends to mitigate, insofar as possible, the socio-economic impact of a no negotiated outcome (NNO). However, as she must surely understand, it would be to give those who may seek to gain leverage over us in the negotiations the ultimate lever should I reveal publicly in this House the measures we have taken and will continue to take to mitigate such an outcome.

As the hon. Member should already know, the Government has, for a number of years now, been working flat out in planning for an NNO. The NNO Board is led jointly by the Deputy Chief

1785 Minister and successive UK Ministers for Europe, now the Hon. Leo Docherty MP. It meets again this week – in fact, I think it met this morning.

The hon. Lady will have, undoubtedly, read our press release last month announcing the latest NNO Board meeting following a table-top exercise which was held at the end of November last year. This exercise proved to be extremely useful in highlighting areas of potential difficulties which may arise in the event of a no negotiated outcome and has reassured the Government of our preparedness, insofar as is absolutely possible, for such an outcome.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just take the supplementaries because of the two questions. Even though maybe the Chief Minister cannot share the information with us, can he confirm whether his Government has prepared a detailed forecast of the impact of a potential no deal?

Hon. Chief Minister: Yes, Mr Speaker, we have.

1800 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

We know about the table-top exercise, and obviously that is all positive and gratefully accepted, I think, by the people of Gibraltar, but does the Government intend to conduct any campaigns to inform the public of the impact of a potential no-deal Brexit in order to mobilise and create public awareness and expectations in the event of no deal, prior to such an event actually happening?

Hon. Chief Minister: Mr Speaker, we have already distributed a book to every house in Gibraltar, called 'Guidance to Citizens – No UK-EU Treaty on the Future Relationship of Gibraltar'. It has a preface signed by me and the Deputy Chief Minister. It extends to 36 pages and was distributed last year, I believe.

When I see what she has said today to *El País*, I am surprised that she is asking me the question. She says that what I am doing is educating and reminding people that there will be things on which we will have to bend down, and others on which we will not. The quote in Spanish is, '*Picardo* Est^a educando, record^ándonos que habr^a cosas en las que tendremos que agacharnos y otras en las que no.' Well, Mr Speaker, I do not believe I am doing that. I do not believe I am trying to tell people in Gibraltar that we are going to have to bend over, because we are not going to bend over. We have already distributed a lot of the material to every household in Gibraltar without giving our opponents the levers they would need. I hope that our potential opponents become our partners, that we will be able to deliver an agreement and that she will join in agreeing that the negotiated outcome that we bring, if we bring it, is a good one for Gibraltar.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry to see that the Chief Minister has taken my words badly. I was actually trying to be complimentary to him by telling a journalist that our Chief Minister is trying to prepare us for an eventuality that might not be to our satisfaction. Having said that, obviously I could not comment on the substance, in terms of what I am trying to get today, in terms of how much information we can have and how much the Chief Minister himself can tell us on the eventuality.

One more supplementary. I do not know if he is willing to answer this, but as in other moments in Gibraltar's history where Gibraltar has received financial aid from the UK in difficult economic times, is the Gibraltar Government looking at receiving financial aid to see us through these potentially difficult times, as we have seen in the past, given the size of our indirect debt?

1835 **Hon. Chief Minister:** Mr Speaker, I am not taking it badly at all. I just want her to understand that I do not agree with her words. In politics, the least we can say to each other is that we do not agree with our words. She is being quoted by a Spanish newspaper, the leading Spanish newspaper, on an issue like Gibraltar, where I decided not to give an interview to this newspaper for reasons that I think will be obvious, but she did, and she is being read in Madrid this morning as saying that my words in my New Year message in respect of the agreement – not the absence of agreement, her words are quoted in respect of the agreement – are that I am trying to prepare people so that they understand that we are going to have to bend. *Agacharnos* is translated by Google Translate, and probably by most of us, as ‘bend’. I want to be very clear to anybody who may be watching us from Madrid, who has read a Gibraltar MP’s view of what I said in my New Year message, that I was not preparing the people of Gibraltar to bend because I am not going to ask the people of Gibraltar to bend – it is clear – and so that is the issue I am taking with the hon. Lady.

1845 In terms of financial aid, we are already receiving commitments from the United Kingdom, which we have published, in respect of financial aid. For example, the United Kingdom has committed to provide the Government of Gibraltar with funding for the provision of e-gates down at the North Front Four Corners entry point into Gibraltar. That will be funded half by the Government of Gibraltar and half by the government of the United Kingdom. The Hon. the Deputy Chief Minister referred to that, I believe, in this House during the course of the Budget debate at estimates time this year. There have been other such commitments and the Government of Gibraltar reserves the right to seek further financial assistance from the United Kingdom in the event of a no-negotiated outcome for a Brexit that we did not choose.

1855 **Mr Speaker:** Is the Chief Minister planning to recess for a short break? Before he does that, I believe –

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask one more supplementary, please?

1860 **Mr Speaker:** Right.

Hon. Ms M D Hassan Nahon: Mr Speaker, based on the answer that the Chief Minister has just given, can I establish that the Chief Minister will not support any agreement which might require some bending or concessions on our part?

1865 **Hon. Chief Minister:** Mr Speaker, I could not have been clearer in my New Year message. I said there was absolutely no question of us for one moment considering any concession in respect of British sovereignty, for rights of access to the European Union, for rights of flights etc. It is all there, clearly set out in my New Year message. I do not think I could have been clearer. I do not think we, together, could have been clearer in this House that that would not be acceptable to the people of Gibraltar.

1870 I have also said that I will only bring an agreement to this House if the Gibraltar Government has approved it, if the Cabinet has approved it, and there is no member of this Cabinet sitting to my left or sitting to my right who would approve an agreement that required us to bend on issues of sovereignty which are fundamental to us. I have expressed it as vehemently and as clearly as I could. In fact, I seem to recall that that part of my speech said no spin, no nuance. It could not be clearer, so I am surprised that she felt it could be interpreted in this way and that it could be communicated to the leading Spanish national newspaper as my having said that, because I think, with the very greatest of respect – and I am sure that she did not intend to do this – it does a disservice to the negotiating position of the Government of Gibraltar.

1880 **Mr Speaker:** There was one supplementary question which the Hon. Edwin Reyes wanted to ask in connection with Questions 111 and 112. (*Interjection by Hon. K Azopardi*) On this one, fine.

1885 **Hon. K Azopardi:** Mr Speaker, the Chief Minister answered, in relation to Question 112, that the Government has carried out an impact assessment on the economy. Is the Government willing to share that report confidentially with the Opposition?

1890 **Hon. Chief Minister:** Mr Speaker, we are prepared to consider doing so. I would have to take advice on whether we should at this stage. The hon. Gentleman should know that that report is so sensitive it does not live electronically on our servers. We are, of course, very concerned about the opportunity for digital interference with information that we have. We have considered that information to be so sensitive that it has only been seen by a small number of the members of the Cabinet because we do not want to share it electronically. We have had a discussion about it in Cabinet, but it is extraordinarily sensitive. Even where we discuss it is sensitive, so we are careful even about where we talk about it.

1895

Q111/2023

**Administrative posts in Government Departments –
Posts occupied on acting or temporary basis –
Supplementary question**

Mr Speaker: The Hon. Edwin Reyes.

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

1900 It is a small, pedantic thing, but in case one adds up all the posts that are being acted for, the Chief Minister, in the schedule referring to the answer to Question 111, if one looks six and seven lines from the bottom in respect of the Customs department, the post of Collector of Customs seems to be recorded twice as being acted for by Assistant Collector of Customs. It is either a typographical error or there are indeed two Assistant Collectors of Customs who are taking it in turns to act for the Collector of Customs. A clarification on that would help us to make sure we

1905 have the right total when we have the whole number of posts.

Hon. Chief Minister: Mr Speaker, I think that post has now been filled. It was being acted for by somebody who was temporarily promoted and that person who was temporarily promoted was away on leave, I understand. That is why you see the numbers do not always tally, because

1910 there are different moments when you can have two people, in effect, acting in a post.

Mr Speaker: Is the Chief Minister going to ...?

1915 **Hon. Chief Minister:** Mr Speaker, the timetable published for today seeks to provide an element of accuracy and sets out that I would answer questions at three o'clock and the Hon. the Minister for Financial Stability would answer questions at six o'clock. Given the number of questions I had, I thought we would have been finished in good time to enjoy a convivial cup of tea. In fact, we have four minutes to enjoy a convivial cup of tea. But given that people will be watching now, I am quite happy – understanding that whilst the rest of us have been able to come

1920 in and out, you have not – to propose that we should adjourn for 15 minutes and that the Minister for Financial Stability should start answering questions at 6.15.

Mr Speaker: The House will now recess until 6.15.

The House recessed at 5.57 p.m. and resumed at 6.17 p.m.

**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS AND THE GSB**

**Q90/2023
2022 Census –
Entity engaged and cost**

1925 **Clerk:** We continue with Answers to Questions.
Question 90/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What entity outside of the Civil Service's Statistics Department was engaged to carry out the 2022 Census, and at what cost to the taxpayer?

1930 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1935 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, to my knowledge, there has been no entity outside the Statistics Department engaged to carry out the Census.

1940 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was under the impression that a company had been engaged to carry out this project, but in any case, can the Minister tell us when the results of the Census are expected to be published?

Hon. Sir J J Bossano: I am not sure that it follows from whether there was a company or not. I will find out the answer to that question, but it does not follow logically from whether there was a company or not.

1945 **Mr Speaker:** No, it does not.

**Q61-62/2023
Public finances –
Update**

**Q63-66/2023
Loan notes –
GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd**

**Q67/2023
GSBA Ltd –
Use of £40 million loan from GSB**

**Q68 and Q70/2023
Gibraltar Community Projects Ltd –
Reason for lending to Community Supplies and Services Ltd at 4%;
whether only borrowing from GSBA Ltd**

Q69/2023

**GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd,
Gibraltar Community Initiatives Ltd and Wonderworks Media Ltd –
Appointed auditor**

Q71/2023

**GSB debentures –
Whether new issues stopped**

Q72-76/2023

**Prefabricated modular units –
Number shipped to Gibraltar on the *Great Faith*; cost;
whether paid for in advance of shipment;
whether for sole use at Rooke development and expected number of units per floor;
warranties obtained**

Clerk: Question 61/2023. The Hon. R M Clinton.

Hon. R M Clinton: Thank you.

1950 Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st December 2022?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1955

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 62 to 76.

Clerk: Question 62/2023. The Hon. R M Clinton.

1960

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking fund on the following date, being 1st December 2022?

Clerk: Question 63/2023. The Hon. R M Clinton.

1965

Hon. R M Clinton: Mr Speaker, can the Government advise the total value of loan notes purchased by GSBA Ltd from Gibraltar Community Projects Ltd, including term and interest rate?

Clerk: Question 64/2023. The Hon. R M Clinton.

1970

Hon. R M Clinton: Can the Government provide a copy of the loan notes and term sheets for the loan notes purchased by GSBA Ltd from Gibraltar Community Projects Ltd?

Clerk: Question 65/2023. The Hon. R M Clinton.

1975

Hon. R M Clinton: Can the Government provide a copy of the loan notes and term sheets for the loan notes purchased by Gibraltar Community Projects Ltd from Community Supplies and Services Ltd?

1980

Clerk: Question 66/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how does it expect Community Supplies and Services to be able to repay the three-year loan notes issued for the construction of the Rooke Nursing Home?

1985

Clerk: Question 67/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how GSBA Ltd has used the £40 million borrowed from the Gibraltar Savings Bank for five years at a rate of 6%?

1990

Clerk: Question 68/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise why Gibraltar Community Projects Ltd is lending money to Community Supplies and Services Ltd at 4% whereas the cost of borrowing from the Savings Bank by GSBA Ltd is 6%?

1995

Clerk: Question 69/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise who is the appointed auditor for each of the following companies: GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd, Gibraltar Community Initiatives Ltd, Wonderworks Media Ltd?

2000

Clerk: Question 70/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government confirm that Gibraltar Community Projects Ltd is borrowing only from GSBA Ltd?

2005

Clerk: Question 71/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise whether the early redemption discretions for new issues of Gibraltar Savings Bank debentures have been stopped?

2010

Clerk: Question 72/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise, further to its Press Release 7/2023, exactly how many prefabricated modular units have been shipped to Gibraltar on the *Great Faith*?

2015

Clerk: Question 73/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the landed unit cost in sterling and total cost of the prefabricated modular units shipped to Gibraltar on the *Great Faith*?

2020

Clerk: Question 74/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the total cost of the prefabricated modular units has been paid in advance of shipment?

2025

Clerk: Question 75/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the prefabricated modular units that were shipped on the *Great Faith* are entirely for use on the Rooke Nursing Home site, and what is the expected configuration/use of units per floor?

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Clerk: Question 76/2023. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise what warranties have been obtained and by whom in respect of the prefabricated modular units for defects and for what period?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2045

Hon. Sir J J Bossano: Mr Speaker, the gross public debt, the aggregate debt after the application of the Sinking Fund to gross debt and the cash reserves and net debt figures were, on 1st December 2022: gross public debt, £872.7 million; aggregate debt, £845.3 million; cash reserves, £80.9 million; and net debt, £764.4 million.

The balance of the General Sinking Fund on 1st December 2022 stood at £27.4 million.

GSBA has not purchased any loan notes from Gibraltar Community Projects.

The Government will not provide copies of the documentation of government companies' commercial transactions.

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The repayment of the loan notes by Community Supplies and Services will be from the cash it will have by the time the maturity dates of the loans are reached.

Of the £40 million raised by GSBA through the sale of loan notes to the Gibraltar Savings Bank, some has been invested in the purchase of real estate, some has been used to invest in loan notes from government companies and some is still in cash.

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The cost of borrowing from the Savings Bank by GSBA is not linked to the arrangements between Gibraltar Community Projects Ltd and Community Supplies and Services Ltd.

The auditor of the two Government companies is PwC. The selection of an auditor by private companies is a matter for those companies.

Gibraltar Community Projects loan notes can be held by any government company.

2060

No early redemption discretions in respect of Gibraltar Savings Bank debentures have been stopped.

I am informed that the vessel *Great Faith* has transported 226 prefabricated modular units.

The costs of the different stages of the elderly residential home at Rooke are a matter for the developer of the project.

2065

The prefabricated modular units for the Rooke site have been paid for as agreed between the suppliers and the purchasers of the unit.

As far as the Government is aware, all the modular units are needed for the Rooke project, which is not intended to be a nursing home. The configuration in the layout of the modular units is a matter for the developer and the construction company and will become evident once the modules start being installed in a week's time.

2070

The guarantees that may have been obtained by the developer in respect of the Rooke development is a matter that will have been agreed between the developer and the supplier on terms that are standard for this type of construction.

2075

Hon. R M Clinton: Mr Speaker, you will appreciate that there are 15 questions in there and it may take me a little while to work my way through them.

If I may start perhaps with the easiest one, in respect of Question 62 it would appear the Sinking Fund has increased by £1 million compared to the Minister's answer from last month. I would be grateful if he would give me an indication of what that £1 million represents.

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Hon. Sir J J Bossano: Mr Speaker, the £1 million is a result of the sale of government property to GSBA, which the legislation allows can be credited to the Sinking Fund rather than to the Consolidated Fund. It is something that I have initiated because, in the provision we make in the Consolidated Fund estimates for the year, since the interest rates are now higher than they were, there would be very little scope for adding to the Sinking Fund; so for the future movement of

2085

assets where the money is being placed in the Sinking Fund rather than in the Consolidated Fund, so that we are able to continue the Sinking Fund growth.

2090 **Hon. R M Clinton:** I am grateful to the Minister for that explanation. How do you distinguish which properties go into the Sinking Fund in terms of sale proceeds and which do not? Is it only those that GSBA is engaged in? How is that determination made? Or does the Minister have a target amount each year that he wants to put into the Sinking Fund?

2095 **Hon. Sir J J Bossano:** We are able to increase it by the amount that it has been increasing by in the past years, at least. At the moment, it can apply to any sale of government property. The law provides that the sales of government property can be provided to the Sinking Fund instead of the Consolidated Fund, and that is what I am doing at the moment.

2100 **Hon. R M Clinton:** So that I understand the Minister correctly, basically there is no set formula as to how this will happen – if I am incorrect, by all means correct me.

In terms of the property the GSBA purchased from the Government, would he be able to identify that for us?

2105 **Hon. Sir J J Bossano:** In this case, the property is the one that we are planning to use for the elderly people's flats, where initially – as I explained, I think, to the hon. Member previously – GSBA purchases the original lease and then grants a sublease to the construction entity or the developer of the site. It is a site in Laguna estate.

2110 **Hon. R M Clinton:** Mr Speaker, in answer to Question 63, I believe the Minister answered no, in that GSBA Ltd has not purchased any loan notes from Community Projects Ltd, but if I my memory serves me well, I think in last month's session he indicated that Community Projects Ltd obtained its funding from GSBA Ltd, and I may have assumed incorrectly that he had been following the same formula as for Community Supplies and Services and was purchasing loan notes. So how is GSBA Ltd transferring money to Gibraltar Community Projects? Or rather, more simply, on what basis?

2120 **Hon. Sir J J Bossano:** GSBA buys the loan notes from other government companies and Community Projects buys loan notes from those companies that have the funding, but it does not do it directly. The origin of the money is GSBA.

Hon. R M Clinton: Sorry, Mr Speaker, I thought I had understood the structure last month, in that there was a relationship between GSBA Ltd and Gibraltar Community Projects Ltd. I thought that was a direct relationship. Obviously it would appear that that assumption is incorrect.

2125 If the money is originating in GSBA Ltd and GSBA Ltd is purchasing loan notes from another government entity, could the Minister fill in the gap for us in the missing link between GSBA Ltd and Gibraltar Community Projects Ltd?

2130 **Hon. Sir J J Bossano:** *[Inaudible]* the hon. Member thinks there is a missing link. The money that eventually is received by Gibraltar Community Projects has originated in GSBA, but it is not necessarily all the money that has been obtained from GSBA by another government company. If there is £x in loan notes that have been bought by GSBA from one or more companies, there could be the whole of that amount that has gone, eventually, into Gibraltar Community Projects, or less than that. But in any event, whatever the amount is, whether it is the same or less, the origin is GSBA because GSBA is the one that buys assets, which can be either real estate ... As I have already told him in answer to the other question, the money is either in real estate or in loan notes from other companies, or in cash.

2140 **Hon. R M Clinton:** Yes, I understand what the Minister is saying, but what I am trying to do is get a full picture of the structure. To simplify things rather than trying to ask a big question, I ask one simple question: from which government companies – I do not know if the Minister has the information available with him – is GSBA buying loan notes, and the amounts?

2145 **Hon. Sir J J Bossano:** The hon. Member has asked me how the £40 million is used. The £40 million is used in either buying bonds from companies, buying land assets which then get resold or subleased, or is kept in cash for when it is needed to do either one or the other. I am not prepared to give him more information than that because that, in effect, gives the picture of what is happening, but it can be any company that we choose to use.

2150 **Hon. R M Clinton:** But, Mr Speaker, a loan note – forgive me for perhaps going back to 101 on finance – would be for a specific period of time at a specific interest rate with specific terms on it. The Minister has just clarified that the GSBA buys loan notes from government companies. I just want to know which government companies have been issuing the loan notes that the GSBA is buying. And then, of course, my question that will arise from that eventually is which one of these companies is lending money to Community Projects?

2155 **Hon. Sir J J Bossano:** I have told him that there is no reason for one or the other specifically. There is a question and I have said GSBA is lending to companies, meaning any company we choose – all companies or one company, whatever we choose to do – and I have told him that Community Projects in turn can issue loan notes to any company. That is the mechanism. Which company it is and how much it is ... I am not prepared to give him more information on that.

Hon. R M Clinton: Mr Speaker, why on earth not?

2165 **Hon. Sir J J Bossano:** The level of information that I have already given him far exceeds anything that has ever been given in this House to anybody else. I think at the end of the day what the hon. Member wants is to be the 11th Member of Government and be told every detail of everything we do from the time we get to the office in the morning until we clock out. *(Interjection)* He is not going to get it from me.

2170 **Hon. R M Clinton:** Mr Speaker, I think the Chief Minister might regret that offer, but ... *(Interjection by Hon. Chief Minister)*

2175 With the greatest of respect to the Hon. Minister, what I am trying to do on this side of the House is not run Government, but just hold Government to account. That is my job, as I am sure he recognised in the past when he called me a one-man public accounts committee. All I am trying to understand is the mechanism and all the various links in this mechanism.

2180 I have a question later on saying if Community Supplies and Services is borrowing at 4% and GSBA's cost of funding is 6%, where is the difference coming from? That is just not financially sensible, so what I am trying to understand is if GSBA is borrowing at 6% and it is issuing loan notes to someone ... If they are actually lending money to some government company, can he at least tell me at what rate they are lending? Is he going to tell me it just depends on the day? Surely he will have to tell me that if GSBA is borrowing at 6% for five years, it must be lending at more than 6%, otherwise GSBA is making a loss or getting money from somewhere else. This is what I am trying to understand. I am trying to understand how this mechanism works, because it is not clear to me.

2185 **Hon. Sir J J Bossano:** In the answer to the other question he has referred to I have told him there is no connection between the two. GSBA does not borrow three-year money at 6%. He is saying if they borrow 10-year money at 6%, why do they lend three-year money at 4%? Well, because the rate that the Savings Bank pays on three-year money is 3%, so that is the cost of the

2190 money. But there is no link. There is a logic to the length of the repayment period and the interest rate, and if a company has recourse to the resources of the Savings Bank for investing in a development that is not going to take 10 years, why should they borrow 10-year money?

2195 **Hon. R M Clinton:** Mr Speaker, the Hon. Minister knows perfectly well that if the funding costs are 6%, it does not matter what period it is, you have to make more than 6%; otherwise you will de facto make a loss. All I am trying to understand are all the various links in the chain – which he does not seem to want to tell me – as to how this money is eventually spent.

2200 He has already said in this House that Community Supplies and Services gets its money from Community Projects, which gets its money, we now know, ultimately from GSBA, which we know is a subsidiary of the Savings Bank, which we know has borrowed £40 million from the Savings Bank. All I am trying to understand is exactly how all this flows down the chain. That is the simple question.

2205 What the Minister does not seem to be willing to tell me is that element of the chain between GSBA and Community Projects. That is the element I am trying to link up and I cannot understand why the Minister is so reluctant to give me that piece of information. If he tells me, 'I have Gibraltar Government company X that has bought today' – he could argue that I have not given him a point in time, but you could choose a point in time – '£10 million of loan notes that they have issued to GSBA for a period of three years and they are paying x% per cent, and then they, in turn, are issuing loan notes to Community Supplies and Services for £x, or Community Projects,' and carry on down that ... I can understand the flow. That is all I am after.

2210 If he does not want to tell me now, I will ask specific questions of the links and then he can perhaps give me the answer then, but it would be a waste of this House's time if I have to come back and ask the same question.

2215 **Hon. Sir J J Bossano:** The question that the hon. Member puts ... The answer that I get leads to a whole range of other questions. It does not matter how much I give him, he has an insatiable appetite and therefore there is a point at which I am not prepared to give him more information beyond what I have given him.

2220 The money is in the Savings Bank. The money from the Savings Bank is invested in bonds or loan notes issued by GSBA. GSBA, in turn, issues loan notes to a number of other companies and one or more of those companies issues loan notes to Gibraltar Community Projects. That is not enough. He wants to know the date, the time, the amount, the rate. Well, he is not going to get any more detail. That is all I am telling him, okay?

2225 **Hon. R M Clinton:** Mr Speaker, Gibraltar Community Projects Ltd is ultimately owned by the Gibraltar Development Corporation. The Minister can confirm that or not by one entity and then another entity above it, and ultimately it is the GDC. It is a government company. Is the Minister telling me that he would refuse to answer a question in this House as to what loan notes Gibraltar Community Projects has issued and to whom?

2230 **Hon. Sir J J Bossano:** To whom – presumably so that people outside think we are giving money to outsiders. He knows to whom: ultimately, to building homes for our people; ultimately, to building a stadium for Gibraltar; ultimately, that is where the money is finishing up. But that is not enough for him. He needs to have a trail through the jungle – to get to where? To see if there is something that he can criticise the Government for. Well, criticise me for not providing the answer; it is faster.

2235 **Hon. R M Clinton:** Mr Speaker, with your indulgence, because I really did not want to get into this type of argument, but he has just described his own structure as a jungle, and that is what it has become: it has become a jungle. So basically I have a ... I am going to use this word, which he

will not like. We have a black hole between GSBA and Community Projects, and he is not willing to tell me what the link is. Is that his position?

2245 **Hon. Sir J J Bossano:** The position is that I am prepared to give a level of information, and beyond that I am not prepared ... The hon. Member has been asking since this arrived, and continues asking in every meeting, where every account is in the Government, in every company, and we tell him we do not ... And it does not happen anywhere. He knows where the Government starts with the money and he knows where the Government finishes. That is not enough. He has to be able to go through a trail to understand every bit. Well, look, understanding every bit is
2250 something you need to do when you are in Government. In Opposition you are entitled to know how it is we are funding things, and we have told you how we are funding things. Why we put it in one company or another is not asking for information, it is asking for you to be given an explanation of how the Government proposes to do things in the way they think it is necessary or efficient to do it. We have this position again and again. He does not seem to know where to draw
2255 the line.

Hon. R M Clinton: Mr Speaker, I accept that the Minister is not willing to give me any more information. I must say I am disappointed at the Minister because he normally is very helpful in this House in providing information. If that is his position, so be it, but I do not think it is a fair
2260 position to adopt and I will make it clear in due course, when the time arises.

If I can move on to other – (*Interjection by Hon. K Azopardi*) Yes, certainly. Can I give way to ...?

Hon. K Azopardi: Mr Speaker, before my hon. colleague moves on, can I just ask the Hon. Minister ...? He has used this phrase ... Why does it have to be a jungle? As he has described it, the
2265 money is going from the Savings Bank to companies, maybe different companies, then ultimately it may go through a trail – through the jungle, as he says – then ends up in community projects. Why does it have to be a jungle? What is the rationale of it being so complicated?

Hon. Sir J J Bossano: Mr Speaker, what I described as a jungle is the situation in which the hon.
2270 Member finds himself. I am not in the jungle. I know exactly where the things are. They may be in the jungle, but I am not. He is behaving as if he was in a jungle and he wants me to take him by the hand and lead him through the jungle. Well, look, that is not my job and I do not think he is entitled to do that.

The hon. Member knows that the previous Government wisely invented a cash pool where all
2275 the companies that were in surplus were netted against all the companies that were in deficit. That is something that is still there. This, we are doing as an alternative to the cash pool so that there is greater tracking of the money than there was before. I am doing it only because the money that moves from GSBA into another company is ultimately finishing outside the Government, albeit on projects that the Government is sponsoring as part of the National Economic Plan and
2280 where the Government knows exactly where it is going because the actual deliverer of the construction is a government joint venture.

Hon. K Azopardi: I am not sure, with respect, that the hon. Member has answered the
2285 question. Apart from explaining that it is not a jungle to him ... I am trying to understand why. Is there an economic case for it being a complex structure from company to company? What is the reason? Why can't it just go from the Savings Bank to Community Projects? Why do there have to be interposed companies? What is the reason for that?

Hon. Sir J J Bossano: Very simple: the money that goes initially from GSBA to another company
2290 may be used by the other company for another purpose relevant to the company's activities other than community projects. It is not that there has to be a matching. When I told the hon. Member where the money came from, it was because the money will be coming ultimately from the

2295 Savings Bank through GSBA, then it passes from GSBA to different companies that want to use
money by raising loan notes from GSBA, and then some of those companies can, if they want ...
or if we think that a particular company in a particular location has more liquidity than another
one, then we use the one that has more liquidity, depending on the point in time when the money
is needed. The money that goes into Gibraltar Community Projects goes as a ... basically demand
driven by the progress of projects, not for any other reason. The money that may be sitting in one
company or another ultimately does not make any difference because it is the same as the cash
2300 pool – except that it is not the cash pool, it is identified.

Hon. K Azopardi: And for me to be clear, who is making these decisions? When a company
takes the money, then moves it to Community Projects indirectly, having received it from the
Savings Bank, GSBA or whatever, who is making these decisions on the movements of the
2305 moneys? Is the Minister ultimately taking these decisions?

Hon. Sir J J Bossano: By the need that the company may have in the activities of the company.
All the companies have directors and the Treasury is responsible for all the movements.

2310 **Hon. K Azopardi:** The Government is making the decisions?

Hon. R M Clinton: Mr Speaker, I at least take some comfort from the fact that the Minister has
said that he is tracking this money more closely than perhaps he would other money that is in the
cash pool, and that it is obviously all trackable through these loan notes which he has described
2315 already.

Going to Question 64, in which I asked for a copy of the loan notes – and I guess this would
also cover Question 65 – I think his answer was that he would not provide copies of these loan
notes. I do not know why, because they cannot possibly be commercially sensitive since most of
this is intragovernmental or intragovernmental company borrowing, but can he tell me who drafts
2320 these loan notes? Is there a law firm involved in drafting them?

Hon. Sir J J Bossano: To my knowledge, I am not paying anybody outside to draft loan notes.
To my knowledge, it is just drafted internally. I do not know what complexity a note that is basically
an IOU between one government-owned company and another government-owned company
2325 needs in drafting, but as far as I am aware, we do not pay anybody outside the Government to
draft anything for this.

Hon. R M Clinton: So is the Minister effectively saying that these loan notes are drafted
internally by Treasury?
2330

Hon. Sir J J Bossano: Mr Speaker, I do not know how they governed, but when we are in
government I do not say I want the name of the person who was drafting this or the person who
was drafting that. We have processes that happen, thousands of processes, while you are in
government, and there are people working, doing things, and I am sure that if we spent the level
2335 of time in monitoring every movement of every civil servant like the hon. Member seems to want
me to do, then the system would take even longer to deliver anything.

The answer is things have to be done, they get done. I do not ask who has done it or how have
they done it. These people are employed to deliver something and they do it, the same people
who would have drafted a loan note before. What I can tell him is that we have not gone outside
2340 the Government to pay for somebody externally to draft a loan note, because if that had
happened I would know that there was a cost.

Hon. R M Clinton: Mr Speaker, if I can move on to Question 66, which is in relation to how
Community Supplies and Services is going to be able to repay the three-year loan note, I think, if I

2345 recall, his answer was cash it will have on maturity of the loan note. Can the Minister give us an
idea of how he expects Community Supplies and Services to actually have the cash to pay in
redemption?

2350 **Hon. Sir J J Bossano:** Community Supplies and Services is not giving the money away, it is
investing it in assets which will ultimately be owned by people who want to invest in them, all of
which I have explained to the hon. Member before. Ultimately, it does not mean, necessarily, that
we are going to have to wait three years, because we would not put Community Supplies and
2355 Services in the position that they had to keep on paying interest if the money was no longer
required. The three-year term is because we do not expect projects to take that much longer. The
construction projects, in the main, are things that should take less than three years, and therefore
three years is the maximum, but if the project is completed before and there is a transaction that
they receive money before, then they will probably come back and say, 'We want an early
repayment, to stop having to pay interest.' But ultimately what they will have, I have no doubt, is
the cash to pay if that does not happen.

2360 **Hon. R M Clinton:** The Minister talked about investors once the project is completed. So just
to be clear, is it the Minister's plan basically that the entire site would be sold as a single unit to
an investor or group of investors? Is that what the plan is, to realise the asset, as he describes it,
in order to repay the loan notes? Is that the overall thinking?

2365 **Hon. Sir J J Bossano:** The Rooke will be sold as one, yes, but obviously in Laguna it will be
individuals buying the apartments, and the cash will come back very quickly because the people
who are expressing an interest are already property owners who will sell for more than they are
going to be buying.

2370 **Hon. R M Clinton:** Again, I apologise to you, Mr Speaker, because this is a complex process of
understanding.

We anticipate that within three years we will have an asset that is saleable to an investor or
group of investors. I just have two questions. One, which I do not think I have had the answer to,
2375 or may not have asked as part of the questions I have asked before, is what is the actual maturity
date of that three-year loan note? And does he have an investor or group of investors that have
already expressed an interest in purchasing the Rooke site as a whole?

2380 **Hon. Sir J J Bossano:** To the second question, I have more than one.

The loan notes are not issued all at once. They draw on the loan notes as they need to pay for
the ongoing work, so the loan notes are three years from the drawdown, not three years from a
specific date.

2385 **Hon. R M Clinton:** Mr Speaker, the Minister has indicated that he may have two potential
purchasers for the site as a whole. What is it that the investors would be buying? I know the
architect's plan described it originally as a nursing home, and in his answer today he has said no,
it is not a nursing home, so what would he call it and what is it that the investors would be getting
in terms of an income or yield on the project?

2390 **Hon. Sir J J Bossano:** The only thing that investors in property get is rent from the users of the
property. I do not know of anything else that is done with property other than that.

2395 **Hon. R M Clinton:** And finally on this particular question, Mr Speaker, does the Minister
envisage having some kind of option agreement built into whatever arrangement he comes to
with the investors in order to buy the facility at some future point in time?

2400 **Hon. Sir J J Bossano:** I have no preconceived ideas. I am willing to listen to the people who are interested in buying and if I think what they are prepared to offer and the terms that they want are beneficial, then I will consider it; and if not, not. But at the end of the day, the importance is that the Rooke Home is going to be used for people who are on the waiting list for going to Mount Alvernia, and consequently what we are looking at is the ultimate cost to the Government of the facility. Clearly my involvement is in making sure that the cost to us, as potential users, is not excessive. I expect it to be less than we are paying now.

2405 **Hon. R M Clinton:** Mr Speaker, following on from what the Minister has just said, it is not a nursing home, it is an old people's home – that would be the correct description of it? And is it the intention, as part of this project, for the Government to effectively guarantee a block leasing of units in the building, or will it be a mixture of external people that the Government will not provide accommodation to and they are doing it off their own bat, and a chunk of the building
2410 may be leased by the Government to make provision for our own community?

Hon. Sir J J Bossano: At this point, what I am thinking is the cost per bed. So we would take the number of beds we need. What we have is priority. If we have the demand to take everything, then there will not be anything available to anybody else because at the end of the day it depends
2415 on, once the thing is finished and people see it, how many people want to go there.

The hon. Member must understand that everything we are doing ... He is asking questions all about what will happen in the future, and what will happen in the future is not one single path with one single option. It depends on the people we are dealing with, it depends on the money they put in, it depends on how many people want to be there.
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Hon. R M Clinton: And just a quick question on the building itself in this respect. These are all one bedroom, bathroom ...? What is the internal configuration, just so I understand, when it comes to the investors, what it is they are buying?

2425 **Hon. Sir J J Bossano:** I have not been able to see yet the finished product, but my understanding is that the rooms are big enough to be double rooms or single rooms. They are all the same size, but I think one floor could be for married couples and the rest for single people. It has a kitchen on every floor and a dining area, and a bigger kitchen and a restaurant at the top, and there is a shower and all the accessories you need for people with disabilities in these rooms. And each one
2430 has a balcony.

Hon. R M Clinton: So just by way of comparison, this is the layout of the standard Calpe House type room, where you have an ensuite bathroom/toilet and a main room which may have some other facilities, but that is about it – the bed and ensuite. Is that correct?
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Hon. Sir J J Bossano: Not quite, because Calpe House was something that we bought where the structure was there already and we adapted it. This has been designed for this purpose. It has been designed as a place that is going to be a home for people with disabilities because of their age, who are incapable of keeping themselves in their own homes. In some cases, the Government
2440 is having to provide quite a lot of support in their houses. Gibraltar, like everyone else in Europe, is facing an increasing ratio of people with dementia. The people on the waiting list ... There are something like 68 who are between 95 and 100. There are a lot of us living a long time, as I intend to do, so eventually there will be a place for me in the home as well, but not just yet!

2445 **Hon. R M Clinton:** So the waiting list we are talking about is the waiting list for Mount Alvernia – is that right?

2450 **Hon. Sir J J Bossano:** Mr Speaker, it will relieve the pressure on Mount Alvernia and the pressure on the GHA, which has a ward with people who really cannot be discharged to go back to their homes and cannot be discharged because Mount Alvernia has not got, at the moment, the capacity to take them.

2455 **Hon. R M Clinton:** And what, in real terms, is the difference between Mount Alvernia, which I always thought was a nursing home, and Rooke? What would be the difference in facilities? Or is it just a question of what label we put on it, but effectively people will get the same service?

2460 **Hon. Sir J J Bossano:** Mount Alvernia did not start as a nursing home, it started as a residential facility for elderly people, but I think as people have got older ... The movement of people in and out of Mount Alvernia in the old days, when people did not live so long, was much quicker. Now what happens is that people actually age in Mount Alvernia and really they get to the stage where they need medical treatment, and therefore in Mount Alvernia we have a level of medical treatment that is not too distant from what a hospital is.

2465 This is not what this is going to do. This is not going to be replacing the responsibilities of the GHA to provide medical treatment, so I am investigating whether ... Once it is finished, I am getting somebody from the UK to come out and advise me – free of charge, from a company that is a close friend of ours and has 25 homes in the UK – whether the layout and the facilities we have here would be suitable for having, say, one floor for dementia if we found that we were having problems in adequately fitting the number of cases we have in the facilities we have.

2470 At the end of the day, we need to be clear about one thing: this is only the beginning of what we need to do. The reality of it is that we can expect to have ever-increasing numbers of people over the age of 70 in Gibraltar, as in every other developed country in Europe, and sooner or later, however fit they may be, they will get to a point where they really cannot cope on their own – and that is what this is intended to be.

2475 **Mr Speaker:** The Leader of the Opposition.

2480 **Hon. K Azopardi:** Can I ask on this issue, before my hon. colleague moves on again ...? I had understood, actually, that in due course, once this is built, everyone in Mount Alvernia will be offered a transfer to this new facility, but of course, what would make it attractive is not only that this is a new-build in the centre of town – I suppose that would be a plus – but that in practice it would offer all the services that Mount Alvernia is offering to the current residents, including whatever access to nursing care they have. Is the hon. Member, in effect, saying it is not going to be like that? And if that is the case, well then does he not agree that it will, therefore, impact on people's attitudes to a transfer?

2485 **Hon. Sir J J Bossano:** It was there for many years without being structured the way it is now, and giving very good service to people. At the end of the day, having two or three doctors in Mount Alvernia, where there are 140 people, is a ratio of doctors to patients which does not exist anywhere in the world. This place is very near the Hospital and it will have a room as a clinic for doctors to see patients, so that they do not have to leave the building. It is certainly a better location than the location of Mount Alvernia.

2490 What we are doing is trying to meet need in a way that will be possible for us to finance the cost of the individuals, effectively. We believe that because the size is bigger and there are economies of scale, this will be the case. The need is there and it has to be met – we cannot escape it – but not everybody is in need of permanent nursing care 24 hours a day. That is not what this is going to be providing. This is not a nursing home, it is a residential home. The residential home is a stage in the process. What we have had in Mount Alvernia is a mixture, with people at different stages, and the people at the stage where they need most medical attention are there simply

2500 because they have been there for a very long time, not because they went in like that. That is the difference.

Hon. K Azopardi: I understand that, but I have seen a slight transition. The hon. Member first explained how people will be approached, as they will be made an offer, but then I was also taken by a phrase that he was reported to have said to the *Chronicle*, that the new residential place will eventually replace Mount Alvernia. I am not sure if that is an accurate quote, but if it was accurate I am not sure I understand how you are going to get there, because however many people there are at Mount Alvernia right now, there will be some who do require certain nursing care because they are older. It is fine, Mount Alvernia has changed and all of that throughout the decades, but the reality is that those people will not be attracted to be transferred to somewhere where they are not going to get that more immediate, permanent staffing assistance that they have at Mount Alvernia.

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2515 And the other issue arises, I would have assumed – again, maybe I am making the wrong assumption because it is not in the plans of the Government, in their thinking, but I would have assumed that the attraction of a transfer would then also impact on staffing issues at Mount Alvernia, and then maybe some of those people would go into new employment at the new home. But again, that may not be something that the Government is thinking about.

Hon. Sir J J Bossano: It is all speculative and in the future, but we may well find that we need to increase the capacity for people with dementia. That is a possibility and we may have to do a new centre. But certainly the Mount Alvernia building is increasingly unfit for purpose and would cost more money to put right than a new building would cost.

Hon. R M Clinton: Mr Speaker, I move on now to Question 69. I think, if I heard the Minister correctly, he said the auditor for the government companies is PwC, and I would identify those – and if I am wrong, the Minister, I am sure, will correct me – as GSBA Ltd and Gibraltar Community Projects Ltd. If the other three entities, which I think he said was a matter for the companies and the directors ... Given that these are effectively the building blocks for his National Economic Plan, would he obviously not have an interest that they are audited and would he not know, or at least can he tell us if he knows, whether there is an auditor appointed? And presumably he must know who they are.

Hon. Sir J J Bossano: Mr Speaker, if I was interested, it still would not be my responsibility to say who they are to him or anybody else. I am not answerable for whether they have or they have not, or who they choose or do not choose. But in any event, my understanding is that you do not need an auditor if your profits are under £1.25 million. These people are a long way from that figure, so I do not know what he thinks ...

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2540 We are in the process of starting something and the hon. Member puts questions that may be relevant sometime in the future – not when something has been going for two weeks, I would have thought.

Hon. R M Clinton: Mr Speaker, I would have thought the Hon. Minister was hoping for more than £1 million profit in the short term from these entities.

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2550 The problem is that we are dealing with this chameleon-type entity where it is obviously in the National Economic Plan and we all know it is in the National Economic Plan, but then anything to do with the actual mechanics, the nuts and bolts, the mechanism, whatever – no, it is nothing to do with the Government. The dilemma we have on this side of the House is that the Minister has created the structure under a registered charity and then disclaims any responsibility for it. He cannot have it both ways, Mr Speaker. Either it is in his National Economic Plan, for which he has full responsibility, including the structure, or it is not.

Hon. Sir J J Bossano: I can have it both ways, Mr Speaker. If I have an obligation to produce more housing for elderly people, which the National Economic Plan does, I do it in the way that is most effective, given my other responsibility for restoring financial stability, which I think is a very reasonable thing to do.

2555 If we did what they did, for example, when they were in government and they got an outside person to run the £1.2 billion programme that there was in 2010, because of its expertise and because in the private sector people charge the Government more than they charge private entities, then it would never have occurred to us to want to know every single transaction between the Government and that individual. And we never did. We accepted the rationale of the policy of the Government, and that is it. That is what they did. They did things how they thought was the best way to do them, and I am doing things in the best way to do them. Clearly, if we had not found ourselves with the results of COVID and the results of the drop in revenue that has come after COVID, we might have done it differently, and probably finished up spending more money given the position of the previous administration – which is probably true – than ... If the Government is the client, the money goes up, the cost goes up. We found a way, that I have devised, which ensures that I am able to deliver the goods by outsourcing the work, which is not something new because every time the Government builds an estate ... There are lots of companies involved in building an estate, but there is no question of when did you pay them, what did you pay them, how many invoices, how many people do they employ? It does not work like that.

2570 We have a responsibility to try to deliver what we set out to do, two years late. We are doing it in the way we think is most beneficial for Gibraltar because we think it will minimise the direct cost to the Government. We are confident – I am confident – that the results will justify the way we are doing it, and I think when the Members opposite see the results they will have to agree that it is.

Hon. R M Clinton: Mr Speaker, I just want to finish off on this particular question as to auditors. Can the Minister at least confirm to the House that he expects auditors to be appointed for any entity within his National Economic Plan?

2580 **Hon. Sir J J Bossano:** No, Mr Speaker, I cannot say that because I have just told him ... These companies are charities, and the charities that are going to be involved ... Gibraltar Community Initiatives is there because we had a need to do something and there was no other way of doing it with the Government and no other way of doing it with the private sector. Then we found a new vehicle to do it, and that new vehicle will comply with whatever the laws of Gibraltar require – not because I tell them, but because they have a legal obligation to do it. So if they have to have an auditor, I am sure they will have an auditor. Why on earth should they not want to have an auditor if they need to have one? Why should I expect them to have one? Well, I am not qualified to decide that if their turnover is a couple of thousand pounds a year, they have to have an auditor. My understanding is that there is a threshold, which in fact the professionals in audit have asked the Government to raise, so that there is less work for the auditors with very small companies. At the moment, they are very small. How much bigger they will get I do not know, but I do not expect them to become multinationals.

2595 **Hon. R M Clinton:** Mr Speaker, if I can just finish off on this, at the end of the day it is a creature of his creation which we will credit him for having created, but it is his creation and whether it has an audit or not it is not a question of simply complying with the law. At the end of the day, he can determine and the companies can determine the whole structure. He can design it. He is the designer, the creator of this structure. He can say 'I want an auditor' tomorrow. He does not have to wait for the legal threshold to be triggered.

2600 I would have thought, given that he is responsible for the Savings Bank and given that all the Savings Bank money is flowing through this entity, he would want to have at least that assurance,

even at the very beginning, that everything is as it should be, because at the end of the day it is not his money. The money belongs to the savers of the Savings Bank and therefore I think it is entirely reasonable that he would be extra cautious, as he has already demonstrated he is trying to be by tracking every penny all the way down the chain. And yet when it comes to the appointment of auditors, he just says, 'Nothing to do with me, it is up to the companies.'

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That is the only point I want to make, Mr Speaker, and if he does want to accept that point, I will leave it there and move to the next question.

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Hon. Sir J J Bossano: It is not that it has nothing to do with me, it is that if I decided to do it, I would not have to tell him because it is nothing to do with him. That is the point. He cannot say to me that I have to give information about what I do or do not do in relation to what I say to a private entity, because he is asking me questions in this House about things that are in the public sector, and these are people who are contractors.

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Maybe if he had been advising the previous Government they would not have found themselves losing lots of money with lots of companies that disappeared over the horizon. These people are not going to disappear over the horizon. They are here and they are doing something as a commitment to Gibraltar. These are not people who are lining their pockets. The situation is if they feel there is a need or I feel there is a need at any point in time that they should have an auditor, then I will consider discussing it with them, but I am not going to say to them, 'You must have an auditor', just so that some auditor gets more money and the thing cost us more money. No way.

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Hon. R M Clinton: Mr Speaker, if I can move on then – I am obviously flogging a dead horse on that one. I think we have had an answer to Question 70 already. On Question 71, about the early redemption discretions, whether there have been any changes in government Savings Bank debentures, I think the answer was a simple no. Can the Minister confirm that those discretions – as I recall them, and my memory could be faulty and have to be corrected ... I think it is at the discretion of the Financial Secretary, the purchase of a government affordable 50-50 or perhaps the death of the holder of the debenture, in which they nominate somebody to receive the money. Those are the three conditions that still exist for the breakage of a debenture, which is of a term, yes?

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Hon. Sir J J Bossano: Those are the three conditions that are standard, and of course somebody may come with a particular calamity that has affected them, which is not covered by those three, and then it is at the discretion of the Financial Secretary whether he says yes or no.

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Hon. R M Clinton: And just to confirm that if that discretion is exercised – apart, perhaps, from death or even the purchase of government property – there will be some sort of a penalty applied.

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Hon. Sir J J Bossano: If there is a penalty, depending on the nature of the ... I think it is possible ... For example, in the most recent debentures that were issued for pensioners, we actually allowed up to 25% to be withdrawn without penalty, so the person can withdraw 25% over the 10 years, and if he does not draw anything down in the first year he accumulates the percentage. So there, there is no involvement of the discretion. If somebody has done that, in that particular issue, normally there would not be a discretion to withdraw even more than that, because there is already a facility there.

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Hon. R M Clinton: And the new pension debentures, do they still have that 25% withdrawal facility in them?

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Hon. Sir J J Bossano: As far I am aware, there has been no change in that either, but it is limited to the 10-year debenture for pensioners.

2655 **Hon. R M Clinton:** Mr Speaker, I move on to Question 72. I believe the Minister said there were
226 units shipped to Gibraltar on the *Great Faith*. If I can combine this with Question 75, in terms
of the use of the units and configuration, I was not quite clear as to whether they were all for the
Rooke site. And in terms of the configuration, I think he said it was a matter for the developer, but
if we were to take ... I think there are eight floors, maybe nine floors, but if there are eight floors,
2660 with 226 units that is 28 units a floor. Can the Minister enlighten me in any way as to what he
thinks the layouts or the usage of these units will be? First of all, I guess the simple question is are
all these 226 units going to be used at Rooke; and, if so, how many units per floor?

Hon. Sir J J Bossano: Mr Speaker, I do not have the information and I do not intend to ask them
2665 for the information, but I will invite the hon. Member to come to the Rooke and count them for
himself when they are all there.

Hon. R M Clinton: Yes, I have had a look, but I shall wait.

In terms of Questions 73 and 74, the Minister, I think, replied, in terms of the costs, that it is a
2670 matter for the developer, and to whether they have been paid in advance I think the Minister said
'paid for as agreed'. If I take the last question first, 'paid for as agreed', we know Community
Supplies and Services has issued loan notes of about £22 million. What I am trying to establish is
whether that £22 million will cover the cost of purchase of the modular units.

2675 **Hon. Sir J J Bossano:** This is a level of detail that the hon. Member wants me to obtain from a
private entity that is delivering something which, at the end, is going to be bought by a private
investor where the Government is going to be the user of some or all of the units. I do not go
asking them these questions, and I do not think he is entitled to expect me to ask them.

2680 **Hon. R M Clinton:** Mr Speaker, with the greatest respect to the Minister, this is his National
Economic Plan. I expect him to know every aspect of the project, including how many nuts and
bolts have been used, because at the end of the day it all boils down to the cost on the bottom
line. The fixtures and fittings, which I have not asked about, is probably something that the
Minister has been intimately involved in because it all goes down to the final cost, which all goes
2685 down to the viability of the project and the cost to the Government as the ultimate user. I would
have expected that at least he would have a little bit more visibility as to costs because that is
what drives the economic viability of this kind of project and his ability to recover the money that
the Savings Bank has put into this project in that obviously he wants to recover the money from
potential investors.

2690 He keeps on saying it is a private entity on which I cannot ask questions, but it is his National
Economic Plan and again I come back to the same conundrum, where it is in the National Economic
Plan but I cannot ask questions about it. Does the Minister understand my frustration here?

Hon. Sir J J Bossano: Well, I do not want to forsake him – I am very fond of him – but he needs
2695 to understand that the Governments of Gibraltar over the years have used private contractors for
lots of things, and the level of information that the hon. Member is seeking about the behaviour
of those contractors has never been asked before. Nobody has asked how much did the
foundations cost in Hassan Terraces and how much does a window cost and what is the layout of
the room. You have a contractor, the contractor is given a brief and the brief is to deliver
2700 something. I am not the project manager of the operation. At the end of the day, it is something
that is happening on the basis that I know what we want to finish up with, we are doing it in a way
which I think is the most cost-effective way to do it, and we are doing it with entities that are not
from outside of here. We are doing it with a joint venture, a construction company, and with
people who are local people. These are not people who are going to disappear over the horizon,
2705 as has happened in the previous projects of the Government of Gibraltar in the last administration,
where, regrettably, people left, and left a lot of debts from local suppliers. Perhaps if every inch

of every contract had been examined, that might not have happened, but then, unfortunately, he was not in that Government to do it.

2710 What he needs to understand is that the level of lack of confidence in the people who are there and the level to keep an eye on them is not heightened by what I am doing, it is lessened by what I am doing because we are not dealing with people who put in a contract price and then, as often happens in the construction industry, you are shown the specimen room the first time ... I remember many years ago when I was working in the construction industry, when I came back in 1972, in Varyl Begg, when the government contract surveyor came along to see how the walls
2715 were plastered they were plastered with gypsum, which was quite expensive, and then when he went, the rest of the rooms were plastered with something else, which cost much less money. That happens in the industry, so even if you examine one room, they will fiddle you on the rest and there is nothing you can do about it because when it is all painted and finished, it all looks the same.

2720 Can that kind of thing be prevented? No. Is this kind of thing likely to happen with this? I think less so than with dealing with strangers, less so than with dealing with people from outside who are here today and gone tomorrow. So, if his concern is about the quality and the cost of the thing, then all I have to say to him is I am confident that he will find, when it is done, that the concern was unnecessary. If I accept that all he is expressing is concern, then I can tell him I am confident
2725 that the concern is not required, that the degree of control that he says there should be is not required, and I am confident that I can demonstrate that to him. And these things are going to be finished by the summer, by the way, not in 20 years' time.

Hon. R M Clinton: Mr Speaker, I am grateful to hear that the Minister is so confident.

2730 I am moving on to the last question now, Question 76, in which I asked about the warranties and by whom, in terms of defects, and for what period. I believe the Minister said that guarantees would be agreed between the developer and supplier in some standard terms on this type of construction, or words to that effect.

2735 In the Minister's last contribution, he talked about nobody disappearing over the horizon, but he may have seen an article that appeared in *Construction News* in August 2021 where I think, according to the article, one of the entities within the group – I think it is China International Marine Containers, and I think that is the name that is plastered on the side of the containers that we see here in Gibraltar – ran into some alleged defects at hotels in England, and they subsequently, for whatever reason, decided to put the UK entity into liquidation. So I have a real
2740 concern about defects. They obviously had problems in the UK with defects, or allegedly problems with defects. I think one particular complaint was settled, or they offered a settlement at £1.1 million. This is why I am asking about warranties on this project.

2745 It is a big project. It is costing, we know, at least £22 million. I would have thought that the Minister would have some kind of feel or some sort of idea of what kind of warranties ... because bear in mind that if he tries to sell this on to external investors, they will want the benefit of those warranties, especially since we are talking about modular construction. I am no expert on this particular methodology, but obviously it is all steel framed. How on earth do you maintain these units? What happens if unit number 10 in the middle of the structure suddenly develops a defect? How do you remedy that? And to what extent is the supplier of the module responsible? Or is it
2750 the person who assembles it on site? Or is it GBIC? Or is it somebody else? I would like to know, first of all, are there any warranties that the Minister is aware of that the supplier of the modules has given the developer?

2755 **Hon. Sir J J Bossano:** I know that there have been UK personnel in the factory supervising the whole process, that every single joint and every single thing has double signatures, that it meets ISO things, that the guy involved has actually travelled with the units here to Gibraltar and is here supervising it and that the workers engaged in the erection are from the UK, a Manchester company, UK people who have been doing this in the UK. The assurances that I have been given I

2760 believe. I think they want the business and they want the relationship with us. They have gone, I
think, to whatever lengths they need to, to give us comfort that they have been looking very
carefully at everything. Apart from that, if there are pieces of paper in the contracts between them
I do not know, but I know that we have been insisting from the beginning that it had to be UK
2765 standard and that even if it cost more we would not accept anything less and the UK had to
guarantee that. Frankly, the advantage that we have is the relationship with the company in China,
which has used its senior people to make sure ... The only problem, sometimes, with bringing
things from Asia is that what you see when you go to buy it may not be what they put in the
container, but they are not likely to do something like that if, in fact, their partner company is our
partner as well, and therefore it is an in-house relationship which, the way it has been explained
to me by the guy here who did it all, has been very thorough, checking almost everything.

2770 **Hon. R M Clinton:** This is my final supplementary, unless the Leader of the Opposition has
anything, or anybody else wishes to ask anything.

In conclusion, I understand what the Minister is saying in terms of the efforts he has made to
ensure that the product he receives here is a product that he desires, but can he tell the House
2775 one way or another is he aware or does he have no knowledge of whether any warranties have
actually been obtained in the legal sense? Is that in his knowledge, or not?

Hon. Sir J J Bossano: I do not know.

2780 **Mr Speaker:** Next question.

Q77-80/2023

**Disability Benefit applications and appeals –
Numbers determined since 1st July 2022; numbers outstanding;
numbers successful and unsuccessful**

Q81/2023

**Vacancies in government-owned companies –
Number at 22nd December 2022**

Clerk: Question 77/2023. The Hon. D A Feetham.

2785 **Hon. D A Feetham:** Mr Speaker, how many applications for Disability Benefit or appeals from
the refusal to provide Disability Benefit have been determined since 1st July 2022?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and
Enterprise.

2790 **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 78
to 81.

Clerk: Question 78/2023. The Hon. D A Feetham.

2795 **Hon. D A Feetham:** Mr Speaker, how many applications for Disability Benefit remain
outstanding for (a) less than a year, (b) more than one, two or three years?

Clerk: Question 79/2023. The Hon. D A Feetham.

2800 **Hon. D A Feetham:** How many appeals against a decision to refuse Disability Benefit remain outstanding for less than one year, and how many remain outstanding for one, two or three years?

Clerk: Question 80/2023. The Hon. D A Feetham.

2805 **Hon. D A Feetham:** Mr Speaker, of those applications for Disability Benefit or appeals against a refusal to provide Disability Benefit that have been determined since 1st July 2022, how many have been successful and how many have been unsuccessful?

Clerk: Question 81/2023. The Hon. D A Feetham.

2810 **Hon. D A Feetham:** Following on from the answer to supplementary questions to Question 560/2022, can the Government now state how many jobs or positions within government-owned companies are vacant as at 22nd December 2022?

2815 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, since 1st July 2022 to date, 28 cases have been determined for Disability Benefit; of these, 16 were approved and 12 disallowed.

2820 Ninety eight applications for Disability Benefit remain outstanding; of these, 71 cases are less than one year and 27 cases are up to two years.

To date, 12 applications for Disability Benefit which were not approved and requested to be reconsidered, remain pending; of these, four cases are less than one year, six cases are for one year, one case is for two years and one case for three years.

2825 On the date mentioned in the question, there were no vacancies within government-owned companies.

2830 **Hon. D A Feetham:** Mr Speaker, I will have to take this in stages. In answer to Question 77 – I thought it was Question 77; certainly the first part of the answer was Question 77 – he said that 28 cases have been determined since 1st July 2022, 16 approved and 12 disallowed. That is a combination of answer to Question 77 and answer to Question 80. But can he tell me, of the 16 that were approved and the 12 that were disallowed, how many were first applications for Disability Benefit and how many were appeals? The hon. Gentleman will see that Question 80 splits it down between applications and appeals. I just want to know what the ratio is.

2835 **Hon. Sir J J Bossano:** I am told, Mr Speaker, that of the 28, five were applications requesting the decision to be reconsidered, and two were successful and three disallowed of the five.

2840 **Hon. D A Feetham:** Mr Speaker, in relation to Question 78, what he said was there are 98 applications that remain outstanding. I think when I asked this question before the summer recess, there were 149. He says less than a year, 71, and then over two years, 27. Do I have that last figure correct? So am I right in saying that, therefore, no applications for Disability Benefit remain outstanding for longer than two years?

2845 **Hon. Sir J J Bossano:** It would be a logical deduction from the information I have been provided with, yes.

Hon. D A Feetham: And does that include also cases where, for example, an application may have been made three years ago, which was refused, therefore determined, there is then an appeal and that appeal remains outstanding? In other words, that the total process is over two

2850 years? Can he confirm that when you take appeals into account, none have been outstanding, taking into account the whole process, for longer than two years?

Hon. Sir J J Bossano: I cannot confirm that, Mr Speaker, because the alternative interpretation is also possible from the information that I have been provided, and that is that they only count the time from the last time that something happens and not from the time before that, when an appeal was made and then it was rejected. It is quite possible that they are counting it from the last time that some action was taken. I do not know. I can find which of the two it is.

Hon. D A Feetham: I may come back to this next time round, to get a clearer picture, but can he confirm that he understands that when I have asked the question how many applications for Disability Benefit remain outstanding, obviously that is the original application for Disability Benefit – not the appeal, but the original application for Disability Benefit?

Hon. Sir J J Bossano: I would have read the question like that. I do not know necessarily that the person who wrote the answer interpreted it that way, but I will find out. I would agree with him that that would be the correct interpretation of what he has said.

Hon. D A Feetham: He said, in relation to Question 79, that there are 12 appeals outstanding – which seemed to me quite a low number, but that is the answer he has given me – four below a year, and then I think he said six between one and two years and one above – *(Interjection by Hon. Sir J J Bossano)* All right.

Hon. Sir J J Bossano: Yes, and then six cases are one year.

Hon. D A Feetham: Well, it must be above one year.

Hon. Sir J J Bossano: Well, no, that is not what I have been told. It could be that they are one year exactly and the others are one day less than a year. *(Interjection by Hon. D A Feetham)* And one case is for two years and one case for three. Obviously, I do not know the individuals or their names or anything, so I cannot tell him anything other than the numbers that have been provided by the Department.

Hon. D A Feetham: Yes, I think that is unlikely, given the question.

Let me ask this. We have one appeal that is at least outstanding for two years. Does he agree with me that that is a very long time for somebody to wait for an appeal to be determined?

Hon. Sir J J Bossano: I agree entirely that the whole thing takes a very long time, but the reality is that the volume that the Department deals with nowadays is not what it was 11 years ago when he was in government. There was a huge increase in cases of disability when the criteria were changed. Some of them may be very urgent, difficult cases, and some of them very superficial, but I think they are not dealt with in order of importance, shall we say, but rather chronologically. They tell me that you cannot rush the people who are doing this and they will not be told to hurry because they say they have a professional assessment to do and if they take time, well, that is it.

I do not really know what the answer is, because other than trying to find more doctors to do it and provide more resources, I cannot see ... As I have told him before, what worries me is when I look at this and when I look at what is happening with children needing support in classes, where the figure this year has been astronomical. Members will see, when they see in the Estimates the growth that there has been in the resources we have to provide, that if there is indeed a real increase in children having disabilities and in adults having disabilities beyond what was normal before, then we need to do something about investigating what is going on. It is not just simply saying do more, because it is a very worrying thing, if it is happening.

2905 **Hon. D A Feetham:** I do not mean this as a criticism of the hon. Gentleman or anything like that, but I think the answer he has given me, which is dealt with in chronological order ... I am not sure that can be the case, given the fact that there is a case that is longer than two years and some of the other statistics that he has provided.

2910 But let me just drill down, because my concern is to search for the reasons why some of these are taking longer. Does he know how many, for example, panels there are determining these applications? Is it one panel, is it two panels, is it three panels? Of course, that is then going to impact on how quickly these applications and these appeals are determined.

Hon. Sir J J Bossano: One panel. I do not know of more than one.

2915 **Hon. D A Feetham:** From my own knowledge, I am not sure that can be ... If he does not have the answer ... I am not sure that can be the case, because of course there is one panel in the sense that it is the panel that advises the director, but the panel is composed of various doctors, and I think there has to be more than one panel because, for example, there may well be situations where there is a conflict and somebody else has to come in – for just a simple reason like that – and I think, from my own knowledge, there is more than one. There are more than three or four people. There is a pool of people who basically are then convened into a particular panel to advise on particular cases. But I will ask about that, unless he knows.

2925 **Hon. Sir J J Bossano:** What I have been told is that there is a panel for adults and a panel for children. That does not mean that the panel is always the same people. They can be different people, but at any one time there is only one panel.

Hon. D A Feetham: It has been me that has confused you by asking the question as to how many panels. Does he know how many pools of doctors there are from which you convene a panel, and also how many doctors on each panel?

2930 **Hon. Sir J J Bossano:** Three on each panel. I do not know what the pool is, but I will find out.

2935 **Hon. D A Feetham:** And of the applications that remain outstanding ... Well, let's deal with Questions 77 and 78, arising from a supplementary answer that the hon. Gentleman has given me. Out of the 28 cases that have been determined, does he know how many were children and how many were adults?

Hon. Sir J J Bossano: I have just given the questions put as they are written to the Department, and that is the information they have given me.

2940 **Hon. D A Feetham:** I presume, therefore, that he does not know, but please could he confirm whether he does not know, out of the ones that are outstanding, how many are adult and children?

2945 The next supplementary is this. Seeing that there have been considerable delays in relation to this ... This is probably an issue where if you are affected, it affects you very personally, so of course you are going to do everything you can to contact your MP or somebody else to try to help you out, and because I have asked a lot of questions I probably get more people coming to see me about this than anything else. I accept these are small numbers in the context of the people who live in Gibraltar, but there have been delays and there are people who are waiting for a long time. Has he attempted at least to drill down as to the reasons for that? And has he attempted to convene a meeting with the director in order to see how the decisions can be speeded up?

2950 **Hon. Sir J J Bossano:** No, I have not done that, but from what I have seen, the variety of definitions of disability seems to be very wide, both here and in the case of special learning needs.

2955 The system that there was before was a straightforward thing because it was a list of medical
conditions and either you had it or you did not have it, so the decision was clear cut. The system
we have today is ... For example, should mental illness be a disability that gets a disability
allowance? And if so, should every person who has a mental illness get it? Because the system has
been made subjective ... Before, it was arbitrary. A condition entitled you to it and another
condition did not entitle you to it. Now it is irrelevant, really, what the condition is. It is whether
2960 you are able to cope with your daily life. This is a very difficult thing to assess, in my view, and not
everybody would agree with the assessment, because it is totally subjective. The person who is
claiming it obviously thinks they cannot cope with their daily life. The person making the
judgement – I do not know how they reach these decisions.

I think we need to maybe go back and analyse how we define the people who require help and
get it to those people, because I think the ever-growing number is ... There really is no limit, in my
view, to what you can say is causing you an inability to cope with the daily chores of your life,
because there is no criterion laid down. The criterion is not what is the condition, the criterion is
how are you managing the condition. So if you manage it reasonably well, you get no help. If you
say, 'I cannot get out of bed,' they have to give you help. It is not a system that makes a lot of
2970 sense to me and I think maybe what we need to do is make sure that we are putting all the help
in the place where it is needed, not having a system that is clogged up because the number of
applicants keeps on growing every year. Therefore, how much, in terms of medical resources, do
we ... if you keep on widening it? If somebody is depressed because they have had a quarrel with
somebody, do they get Disability Allowance? And for how long? How do you judge when they are
2975 no longer depressed and now happy?

I think the system is problematic. I think it is a difficult system to get delivery of what is
required. But it is not something that I have sat down with the director to discuss. I try to
understand. From the explanations that have been given to me of the range of things that people
claim are preventing them from leading normal lives, I would say half the population would fit the
2980 bill.

Hon. D A Feetham: But this is why I have been an advocate in this House for a number of
years – probably more than four years now, asking questions about disability, about Disability
Benefit – for there to be a statutory definition or a statutory test with defined criteria that then
2985 allow the panel to refer to the test, and people to then also know where they stand and essentially
the criteria that they need to meet in order to qualify. What people out there, unfortunately the
people who come to me, say is, 'I have a disability,' and I say to them, 'That is not enough because
it is not the disability, it is the effect that it has on your daily life.'

Of course, you say how do you determine it, it is subjective. In a sense, that is always going to
be a problem with any decision by any court, any tribunal, anything, because tribunals make
2990 decisions on the basis of evidence. You produce evidence – medical – of the disability and the
effect that it has through a report from a doctor, and then the tribunal basically makes a decision.
But if you have a statutory test with defined criteria, with the evidence that you might require –
for example, a report – it makes it much more stringent but everybody knows where they stand,
2995 and the people who need it will get it, and the people who do not need it will not get it. I commend
that to the Minister and I ask him whether he agrees with me in relation to that.

May I ask another supplementary? I have just two more, Mr Speaker. The other supplementary
is the lady I wrote to you about who has a leg that has been amputated and several other
conditions: has he been able to look at that? I am very keen to try to help that lady because she is
3000 going through a very difficult time.

Hon. Sir J J Bossano: Mr Speaker, I am not sure if that has been dealt with without going back
and asking.

On the first one, I will think about the arguments he has put because I think they have merit.
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Hon. D A Feetham: If he wants, I can help him with that. I do not think anybody outside ... I do not even know if those who administer it have actually thought about it in those terms. I have given it a lot of thought. If he wants me to help, I am perfectly prepared, pro bono ... I see him there looking at me with a suspicious face. This is not me angling for any legal work or anything like that. This is pro bono.

The final supplementary is I could not help but notice when he answered Question 81/2023, which asks how many jobs or positions within government-owned companies are vacant, he said there are no vacancies within government-owned companies. Of course, last time round when I asked how many vacancies are there in government-owned companies, he said to me government-owned companies do not have any vacancies, and then it produced an exchange. That is why I used the words 'jobs or positions'.

What I do not want is, if I may say so ... This has been a jovial exchange. I do not want any funny business in terms of returning to the original answer that he has given me, that there are no vacancies in the formulistic sense. I am asking whether there are any jobs or positions that are needed within those companies, that are going to be filled. I just use language – I know he understands me perfectly, but language that all of us would understand because I asked originally about vacancies and he has now returned with the answer 'vacancies'. So is he saying that there are no jobs or positions within government-owned companies that are vacant?

Hon. Sir J J Bossano: Mr Speaker, I am not trying to misunderstand what he is saying. I explained to him already that in a company, when somebody goes it does not necessarily leave a vacancy, position or anything else, because government companies are not government Departments that have a list of things and you say, 'How many vacancies are there?' and you ask because of what you see in the Book. There are a number of companies that have been shrinking now for quite a few years. What we are not going to do is go down the route of saying there has to be a fixed number of positions in a company if the company does not have the work available to require to replace somebody who goes.

At the moment, the companies are not recruiting anybody, have not opened any vacancies in the ETB and I do not know whether they will in the future, but on the 22nd certainly they were not doing it.

Hon. D A Feetham: There were no vacancies?

Hon. Sir J J Bossano: No vacancies that required filling.

Hon. D A Feetham: But no vacancies open in the ETB, yes?

Hon. Sir J J Bossano: Yes.

Mr Speaker: Next question.

Q82-83/2023

Rooke and Victoria Stadium developments – Number of government flats to be released; plans re hotel

Clerk: Question 82/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many Government flats will be released following the allocation of apartments at the Rooke residential development for the elderly?

3050 **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 together with Question 83.

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Clerk: Question 83/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether there is still an intention to build a hotel as part of the 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, as I explained in a recent interview with GBC, it is not possible to provide an accurate figure at this stage of the impact the Rooke residential development will have on releasing government rented housing because we do not know how many people will want to take it up and I do not think it is possible to know until the thing is finished and people see it.

3065 On the question of the Victoria Stadium, as far as I am aware, there are no changes to the original design that was produced, which included the hotel development, but I can tell Members that there have been approaches to me by two different groups of people who are interested in the development and in providing the finance. In fact, I had a meeting yesterday with one group from the UK, where I said from my point of view the Government, as long as it meets what is required for the GFA and UEFA ... if somebody is interested in funding the whole thing, we will just pull out. If they want to fund part of it and they want us to stay, then we will stay in. We want it to happen, basically. If it has to happen with us providing 100% of the funding, then we will have people locally who are involved locally, interested in the project and advising what they think the project should contain in order to be viable from the point of view of paying for itself. If somebody comes from outside, they may have different ideas.

3070 At the moment, we are getting ready to start on the project because we do not want to hold it up, but we still have an open mind as to how it is likely to finish up. I think the idea of the hotel is one that has logical attractions because of course if the people who come to watch the football in the place and they are coming from outside ... It is probably the only place where you can land at the Airport, walk across the runway, get into the hotel, wake up in the morning and watch the match, so it may have some attractions.

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Hon. D J Bossino: Mr Speaker, if I can start with that last answer first, the reason why I am asking this question is because he did make a reference to various things that are going on, on that site – and that included a hotel – in a programme on GBC, but looking at the design and access ... I think he said in the answer also that it still features in the current plans, but in the design and access statement for outline planning permission as submitted by the GFA, there is no mention of a hotel. There are mentions of the apartments and commercial units, but absolutely no mention of the hotel. Does he know why that is the case? And should he correct the answer he has given me, or have I misunderstood?

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Hon. Sir J J Bossano: Remember that the people have been trying for a number of years to get this going. When they finally thought they were not going to get it and they would finish up with no stadium here and having to go forevermore to Portugal, they came to me to see if the Government could help. I told them, 'The Government cannot do it because we are having enough problems trying to pay for the things we need to pay for, so we cannot give you money, but we will look to see if there is something else we can do to get you the result that you want. We will

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incorporate your project in our National Economic Plan and sponsor it and give you the technical support and make funding available. Ultimately what we want is that it should happen, and we will make sure that it happens if we have to fund it, but only if it makes money. There is no question of subsidising it.'

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In those conversations, the people who came to see me said they thought it would be a very attractive proposition to have a hotel in the complex, and therefore when I have talked to other people I think the idea of the hotel has always been seen as a positive thing, a multi-purpose thing that would have offices, accommodation, shopping centre, hotel. The more variation you can get, 3110 presumably the better the project is in terms of raising finance and making money.

Hon. D J Bossino: When he answered the question initially, he was talking about talking to different people and that he had had a meeting last night. When he is referring to 'the development', he is talking about the whole thing, not the hotel – is that correct? – and because 3115 he is speaking to various investors, some investors may think it is a good idea to have a hotel as part of the complex. Is that understanding correct?

Hon. Sir J J Bossano: With the people who have come to see me I have said we are not in this because it is particularly something we want to be doing, because otherwise we would have put it in the manifesto in the first place; this is something we are doing because we see a need and something has to be done about it, and we have decided to get involved on the basis that the product that we are financing will not be something that needs a subsidy from the Government. That is the criterion.

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In terms of people wanting to come in, they only want to come in, obviously, if it makes money as well; they are not going to come in to lose money. Since there are different groups that have approached me, I have said to them, 'I think it is better if you discuss these things with the people in the GFA, who are going to be the ones who finish up with the stadium – we are doing this to help them – and then, depending on what you agree, we are prepared to look at different options from different people, and the one that makes most sense ...' Frankly, if somebody comes and takes over the whole thing and we are confident that it is going to happen, we will be quite happy to withdraw from the project and devote that money to doing something else, because there are lots of things that we intended to do and we have not done in the construction area.

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So the answer is quite simple, really. At this stage, how it is going to finish up will depend on whether we are the only ones there or there are other parties, or whether we are not there at all. That could change the configuration, because if somebody comes along and says, 'I will do it, but only if it contains this because I am a professional property developer in the UK' – these people are from the UK – 'and I believe that this would in bring more money than what you want to do,' I cannot argue against that because I do not have the knowledge to argue about what is the best property development – as long as we make sure that the people who come in do not then disappear, as has happened on many occasions with other projects that have never got off the ground. We want this to happen and it is important that it should happen in the timescale that we want, so that we have as little time as necessary with our players having to go outside. If it is something serious and the people there convince me that it is going to happen, that it is the best thing for football and the best thing for Gibraltar, then what I am saying today about its configuration may not be what materialises.

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Hon. D J Bossino: I understand, Mr Speaker. Just so I have understood the position, is it the case that, as he has explained it, the Government, through the Savings Bank, which is part of the National Economic Plan, is providing the funding and it will hopefully reap the benefits as a result of this? The plans, as they currently stand ... Let's assume no developer comes forward that the hon. Member is happy will provide results. Is there some flexibility – talking about the hotel – within the current plan? Is it fair to assume that the plans as they are currently submitted by the GFA before the Planning Commission, which do not include a hotel ... and should there be no 3145

3155 developers coming forward – other developers, other investors – that this project would not include a hotel? Or is there also flexibility there which the hon. Member would consider as, in effect, the prime investor in the project?

3160 **Hon. Sir J J Bossano:** My own view is that the hotel would add value and it is quite obvious that we do not have enough hotel beds at the moment. There are other people who have contacted me recently who are interested in coming in to invest – not in this, but in providing hotels and investing in the tourist infrastructure of Gibraltar. So it may be that if there are investors for hotels elsewhere, it may not matter too much if it is not here, but if that is not there, I would strongly argue that there is a need for the hotel, and I think it would do very well financially.

3165 **Mr Speaker:** Next question.

Hon. D J Bossino: No, Mr Speaker, please, I do not have any supplementaries on Question 83. I have asked three supplementaries on Question 84, which dealt with the hotel – sorry, Question 83, which has dealt with the hotel, but I have now got questions on Question 82.

3170 **Mr Speaker:** You may continue.

3175 **Hon. D J Bossino:** I am grateful. In relation to Question 82, which was how many government flats, he was not here, but we had a question and answer session with the Chief Minister in relation to that. I understand that it is, at this stage, not possible to have an empirical analysis of how many government flats will be released when the Rooke flats are made available and occupied, and there is an element of people making decisions as to how they want to proceed in their lives, but in terms of statistics, do I take it that we have ... I think it was 267 flats available at the Rooke development that is currently being constructed, and we have 300-odd applicants currently to Mount Alvernia, and there are 140, I think he said, residents in Mount Alvernia? Are those statistics correct?

3185 **Hon. Sir J J Bossano:** I think the list of people who supposedly wanted to go to Mount Alvernia is an exaggeration. I think the number is much less than that. Having asked for the list, there are people who are in their 50s. I think there has been, historically, a situation where, just like every 18-year-old puts his name down for the housing list so that eventually he goes up the list, every 55-year-old who came out of the Civil Service put his name down for Mount Alvernia, hoping he would get there eventually. So the list that I have been shown has people who are urgent cases, who may not be the people we can care for, depending on their medical condition, and then there is a list of the people who are between 90 and 101, some of whom are very fit, and they are likely to be the ones on that list, out of the 368. That is the kind of number that is most likely to be the people who would want to move now, although there may be people younger than 90 who may be less agile and less fit than the ones over 90. The list is divided into the urgent cases, the over-90 cases and the rest, and in the rest there are certainly some very young people who I would not expect to want to go there at this point but might want to be scoring points on waiting time to get there eventually.

3195 **Hon. D J Bossino:** And would he know, of the 368, how many are in government rental flats? It is possible that within that demographic there could be private dwellers.

3200 **Hon. Sir J J Bossano:** I do not have an exact figure, but from my recollection of the list they showed me, I think probably over 60% would be government tenants.

3205 **Hon. D J Bossino:** One final question. I think it is a very interesting statistic and I want to think about it a bit more, but because there is a number of 260-odd, I think it was, available units at

Rooke, assuming everybody says yes, the supply will not necessarily meet the demand, and then – it arises and it is relevant to the question – that will have a correlating effect in terms of the availability of government flats for rental. Would that understanding be correct from the figures that we have available?

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Hon. Sir J J Bossano: [*Inaudible*] meet the demand, from the figures that I have seen, because I think there are people who are not ready to move there yet – quite a big number of people, I think. But it all depends. Once they see the quality of the place, if they are there and they have been accepted as being on a waiting list, if they say they want to move and they leave a government house that can be rented to somebody else, we will not say no. If the actual usage for pensioners is low because people are not ready to move now but want to move some years down the road, then subject to the advice I get from the expert I am getting from the UK being positive, in terms that we can dedicate one of the floors to people with Alzheimer's or dementia so that we can have one floor where perhaps the manning levels and the skills mix is different, we will consider that.

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I do not know what the answer is going to be. The reality is that obviously we want the place to be occupied, but we want to occupy it for the best possible use. If the advice I get is that this is not suitable, then it is not going to happen because we are not going to force people into a place that is not suitable.

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Mr Speaker: Next question.

Q84-89/2023

Victoria Stadium development –

**Tender and construction commencement dates; financial feasibility plan;
UEFA rules re number of seats; cost without residential and commercial development;
determination and approval re extent of residential and commercial elements**

Clerk: Question 84/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, when is it expected that the construction of the new Victoria Stadium and adjoining residential/commercial complex will commence, and when will the contract for the works go out to tender?

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): I will answer this question with Questions 85 to 89, Mr Speaker.

Clerk: Question 85/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Who has undertaken a financial feasibility plan for the projected new Victoria Stadium and has the Government or Savings Bank received a copy?

Clerk: Question 86/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Has the Government been told by the GFA whether it is currently permissible under UEFA rules for the proposed new stadium to be of a smaller size than 8,000 seats?

Clerk: Question 87/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Is the Government aware what the projected cost for building a 5,000-seater and/or 8,000-seater new football stadium would be without the proposed residential and commercial development?

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Clerk: Question 88/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Has the Minister for the Savings Bank approved the extent of residential and/or commercial configurations of the proposed new Victoria Stadium project; and, if so, on what basis?

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Clerk: Question 89/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Who is determining what the size of the residential or commercial parts of the proposed new Victoria Stadium should be and how many apartments should form part of the project?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

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Hon. Sir J J Bossano: Mr Speaker, there is no start date identified yet for the construction of the stadium complex project, but preliminary site-clearing work should be starting later this month. At the same time, packages for different parts of the project are being considered and quotes may be invited once planning permission has been obtained.

Neither the Government nor the Savings Bank have been given a copy of a financial feasibility plan for the projected new Victoria Stadium.

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The Government has not been told by the GFA whether under UEFA rules it is permissible for the proposed stadium in the complex to be smaller than 8,000 seats.

As far as I know, there is no standard cost comparison between a 5,000 and an 8,000 spectator capacity stadium, but I have been given to understand that the difference is not very big in terms of cost.

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I am not involved in the operational details of the commercial configuration of the stadium complex and I am not qualified to make such a judgement on the extent of residential and commercial configurations, which would determine the profitability.

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Hon. K Azopardi: Mr Speaker, I will take these in turn in a minute, if I may, but let me just ask a broad question that strikes me, having heard all those answers, which in effect, I think, is that the Government has not seen the financial feasibility study – at least the Minister has not seen it and he is not involved in the configuration, he is not aware of the specific costs and he is not aware whether UEFA rules allow a smaller stadium. In the context of all that, given that backdrop of his lack of knowledge and lack of sight of the financial feasibility study, on what basis has he been able to come to a conclusion to allow funding of the project?

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Hon. Sir J J Bossano: The project is subject to the project happening because it is profitable and viable; otherwise it will not happen. I made that clear in answer to the previous questions. We have made an offer that will permit this to happen on the basis that the people involved are confident that they can deliver a project that will, in fact, meet all the questions that he is asking now, even though so far there is nothing concrete that is taking place.

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I have told the previous questioner that if there are a number of parties interested, what would be the final thing and the feasibility would be different. If we have somebody coming along with one suggestion on the configuration and one result on the feasibility, and somebody else, I have

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3305 already said in that question that when we look at it we will then decide. If there are a variety of proposals and a variety of feasibility studies from different partners, from different people who want to get involved, we will pick the one that we think is best in Gibraltar's interest. If, indeed, it happens that somebody comes along and wants to take it out of our hands and do the whole thing, the answer is there will be no more questions to answer on this because we will not be needed.

3310 **Hon. K Azopardi:** Yes, Mr Speaker, I understand it is all about the financial feasibility of the project, but that is precisely where I am going: he has not seen the financial feasibility study, if there is one.

3315 The design and access statement that was filed by GFA National Stadium Ltd for the planning application sets out a fairly precise meterage of the shopping centre at 9000 m, the residential area at 11,700 m – it is quite precise – and commercial offices at 3,500 m. Somebody must have designed this project and put it together. You would have thought that this would have had a financial feasibility study underpinning it to precisely decide whether it is profitable or not, one way or the other. The hon. Member is saying that he has not seen it, so I am trying to probe on what basis then he has given this project his backing.

3320 **Hon. Sir J J Bossano:** I repeat what I said before so it might finally penetrate into the brain of the hon. Member opposite. I said, before he stood up, that there are a number of variable possibilities that may change the piece of paper he has in front of him: that we may not be involved at all, but that if we do get involved, as we are willing to get involved, it will be because we are satisfied that the thing is going to make money and not lose money and cause us to have to provide a subsidy. That is the state of play as we stand here today.

3325 The problem with the hon. Member's questions is that the questions they put the moment something is announced are as if in the first 24 hours everything that is possible has already been worked out. It does not work like that. We are moving at a very fast speed, compared with what is the traditional time it takes for anything to happen in Gibraltar in this area. So he can expect results faster than, for example, what happened when the GSD announced the Sovereign Bay Eastside project, which went through several iterations and they were going to be investing millions in it and then none of it happened. I am not going down that road. I am not making claims of things that are not tight. When they are, I will share what I know with the hon. Member. At the moment, what I am telling him is what I have told the GFA: we are willing to come in and do this, provided we are satisfied that it will not be making a loss and that we will not be incurring a loss, because I am not going to be investing money from the Savings Bank in anything that loses money – it is as simple as that – in this project, or in any other one. These things will make money for the Savings Bank that is better than the return they get by having it in London, in equity, which gives us a measly ½%. In my view, it is better to use the savers' money to create assets in Gibraltar than to create assets somewhere else. Clearly, I am not going to put that money at risk, and therefore, if when the time comes we see that the viability we expect is not there, it will not happen.

3340 Everybody involved who knows more about this than I do is confident that it can be done and that it will make money. I do not think they are all making it up in order to persuade me, because I will not be persuaded just by that. I will be persuaded when there is something more tangible being done. But at the moment, the fact that somebody comes out from the UK to meet me because they have heard of this and they think it is something worth investing into is an encouraging sign, I would have thought.

3350 They have not got a feasibility study. They have not asked all the questions the hon. Member is asking. I had a meeting of an hour and a half yesterday with them in the Savings Bank because they wanted to know what the position of the Savings Bank was in terms of being the investor, and I said, 'The reality is that we are the investor by default in this and we want this to happen,

but if somebody comes in and wants to do the whole thing and wants us to get out, we will get out. If you want to come in and you would like to partner with us, then we will partner.'

3355 That is the answer I have given before. I cannot go beyond that, because that is the state of play now.

Hon. K Azopardi: Mr Speaker, I do not think I am normally particularly slow on the uptake, so it is not that he has to repeat things – (*Interjection*) yes – for brain-penetration purposes; it is that what he is saying sounds so strange given the catalogue of events we have all seen. After all, he is
3360 now saying, on 19th January, that he has not seen the feasibility study, he is not involved in the configurations, and that they might not be involved at all, but if they are, it is going to make money. I say, 'On what basis does he think it is going to make money?' because he has not seen a financial feasibility study and he has not seen the numbers, but it did not stop him, three months ago, from donning the Gibraltar national shirt – which is the only shirt that he and I probably
3365 share – and announcing it with great fanfare in the middle of the Victoria Stadium at half-time in the last match that Gibraltar played at home. Having donned the Gibraltar shirt and then gone on television to explain the project, he must have been satisfied then that the savers' money was going to be well used, but he is now saying, three months later, he has not even seen the financial feasibility study. That is what he is saying to people, and I find that strange. I accept, at face value,
3370 that he is saying ... I am not suggesting he has seen it. I accept it, but I find it strange.

This is not the first GFA application. The GFA has made previous applications. In March 2020 it made a previous application for the construction of a stadium that did not have residential, commercial etc. At that stage, it was obvious that there was a financial feasibility study because the entity that prepared the design and access statement in March 2020 on their website says,
3375 'We prepared a financial feasibility study for the stadium that did not include residential or commercial.' He is saying he made a decision as to savers' moneys without seeing the financial feasibility study. I find that incredible given the sequence of events.

In the context of all this, will he not ask for the financial feasibility study?

Hon. Sir J J Bossano: Mr Speaker, in the 50 years I have been here I have done things that
3380 people thought were incredible on that side, and eventually they had to believe it because it happened, and I expect that this will be the case again.

I will not ask for something because he asks me to ask for it. I will ask for something if I think I need to ask for it. I have told him that I am more encouraged than ever if people come here looking
3385 for the opportunity to invest in something than by having said, 'Give me the feasibility study.' I have not said they have not done a feasibility study, I have said I have not seen it and I have not asked for it. At the end of the day, I have gone to great lengths to explain to him that if there was any risk whatsoever it would not happen ... I am totally convinced that there is no danger of risk and therefore it will happen, but I could be mistaken. If I am mistaken, I will say I am mistaken and
3390 we cannot do this because it is not possible to do it, but since I believe it is possible to do it, the feasibility study that will be done will depend, given there are a number of players, on which one eventually is going to be the partner or the person that delivers it, and if it is somebody that is doing the whole thing, then all his questions and all his worries and everything else evaporates because we will not be there.

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Hon. K Azopardi: And, of course, if that were the case, a lot of my worries would go away because I am worried about savers' moneys and the decision-making process.

The slight glimmer in what he has just said is that he might ask for the feasibility study. That is a good thing. I would have thought it would have been obvious. I appreciate we are different
3400 people and we are going to react differently, but if someone approached me on this basis I would want to know how much is the stadium that the GFA itself sought to construct in March 2020 – which was about 5,000 people, not an 8,000-seater stadium – going to cost, how much is an 8,000-seater going to cost, and if I am going to recommend this to the Government, if I am going to

3405 announce this decision, convince me that it is financially viable. I would have wanted to see the financial feasibility study, but I see the glimmer in what the hon. Member says.

3410 Can I just ask: in relation to the specific question on the commencement of the works, which is Question 84, he says that quotes may be obtained for packages of the works, the clearing of the site may start and so on, but he also said, in the context of an answer to my colleague to my left, that obviously there was a keenness to get on with the project within the timescale. I think he alluded to a timescale, although he was not specific on the timescale. I am not sure whether in his discussions with the GFA a timescale has become evident, given that obviously this is a stadium that is being used all the time for football. So two questions rolled into one: has there been any kind of timescale indicated as to when this project should be done; and are these packages where quotes have been obtained going out to tender on these works?

3415 **Hon. Sir J J Bossano:** Mr Speaker, the Savings Bank is involved in providing finance in the projects we do. We do not get involved from the Savings Bank or from the Ministry of Economic Development in telling people how they should do their jobs, so the people who are doing it, who are professionals, will decide what is the best way to do it in order to get the best result at the best price.

3420 This is not a government tender that is going out. I do not know what is different between the Savings Bank and the Gibraltar International Bank in terms of funding projects, but I cannot imagine that the kind of questions I am being asked here would be asked of the bank by them. *(Interjection)* No, but it is state owned, therefore the position is that at this stage I have given the hon. Members opposite an update on what is happening, which may change what happens in the future but the commitment is a commitment that I gave, subject always to the fact that when we go down the road of financing it, or whoever else comes in goes down the road of financing it, it will only happen if it is viable – and I am convinced that it is viable. Have I seen a feasibility study that convinces me? No. I am convinced that this will work and I am convinced that it can make

3425 money.

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Hon. K Azopardi: Mr Speaker, can I just ask about the cost of the stadium? The hon. Member I think said he does not have a specific cost for a 5,000-seater stadium or an 8,000-seater stadium, but he understands them not to be too different – or words to that effect, if I understood him correctly. Can I just probe on that? Is he saying that in the context of the decision-making process he did not ask the GFA what a 5,000-seater stadium and an 8,000-seater stadium cost? The reason I ask that question is simple in this sense: this is not the first application that the GFA have made to construct a stadium, this is the third. They made an application in 2018. The application in 2018 was for an 8,000-seater stadium. In 2020, they made a second one, this time for a smaller stadium.

3435 They say in the 2020 design and access statement, and I will read it to you:

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An initial concept design with a stadium capacity of approximately 8,000 seats was submitted as part of a planning application in June 2018 and was granted outline permission in November 2018. However, since then, the GFA has taken advantage of the fact that category 4 conditions were amended by UEFA in April 2019 to allow smaller countries to reduce the capacity of their stadia. This has allowed the GFA to adapt the capacity and other design elements to Gibraltar's actual needs.

3445 One would have thought, therefore, that it must have been relevant to the GFA because they filed a new application for a smaller stadium. So why would the Minister, when he engaged with the GFA, not ask them what the cost of the relevant stadium would be, whether it is 5,000 or 8,000? The GFA must have thought it was relevant because they filed a second application in March 2020.

Hon. Sir J J Bossano: The questions are hypothetical, not questions of fact. I am told that, in terms of the complex, the difference in the price of the stadium will not be significant. If you did not do the complex and you just did the stadium, then clearly the difference in price would be

3450 more significant. That is to say if you are doing a bigger thing, of which the football pitch is a part,
the number of seats in the football pitch may make a difference to a football pitch with seats and
nothing else. If you are doing something where perhaps, hypothetically speaking, 80% of the
3455 project has nothing to do with playing football, then the difference in the bit that is about playing
football may not be significant in the overall cost. I think that perhaps explains why before it might
have had more of an impact on the cost and now it has less. I am told that the impact on the cost
is not significant in the context of a complex. It might have been significant in the context of
nothing else there, other than the stadium.

Hon. K Azopardi: But told by whom? He has not seen the financial feasibility study and he has
3460 not seen our information. Told by whom that it would not be a significant cost? By the GFA or by
somebody else?

Hon. Sir J J Bossano: Would the hon. Member like to know the day of the week and the hour
of the day, or just the names of the people I talk to? He is asking for information, I give him
3465 information. He then wants to know *who* told me that. Well, it was a guy I met having coffee in
Main Street, okay?

Hon. K Azopardi: Mr Speaker, if that is true, fine, I accept it, but if that was a glib remark and
he does not want to give me the information, it is relevant because I am trying to assess ...
3470 Obviously the GFA thought it was relevant because they withdrew the application that they had
filed in 2018 and substituted a new one for a much smaller stadium using the UEFA rules that they
could use. They must have thought it was relevant as to cost. He is saying he has been told that it
is not such an impact, but he has not seen the financial feasibility study, so I am trying to establish
did he get that information from the GFA. If he does not want to give me that information, that is
3475 okay if that is how helpful he wants to be. People can decide how they make their minds up on
that issue.

Mr Speaker, can I ask him again on the residential configuration, which he says he is not
involved in? We now know what the residential configuration is. The last time I asked him he said
it had not been devised, but we now know that it has been devised because the information is in
3480 the design and access statement. He says he has not been involved in the configuration – again, I
take that at face value – but he will be aware that there are planned 92 apartments as part of the
development: 68 one-bedroom apartments, 18 two-bedroom apartments and six others, which I
presume are much bigger than that because they are not three or four bedroom apartments,
because those are blank. Again, someone must have decided that that has to be the basis of this
3485 development so that it is profitable. Is he saying he does not know and was not involved in those
discussions, and so when he reached his decision he had no influence on these issues?

Hon. Sir J J Bossano: Mr Speaker, if the hon. Member has all the information that he is asking
me for, then he should not be asking because he is not supposed to be asking things that are in
3490 the public domain. He says he has read it all in the submission that has been made. He started
saying that if I do not know, he knows. Well, if he knows and I do not know, why does he ask me
to tell him? Is it so that he can criticise me for not knowing? Is that the purpose of the question?

Hon. K Azopardi: Mr Speaker, I asked him a different question. I tried to lead up to it without
3495 trying to outflank the hon. Member on the basis that he suggested I did, which is to expose him
for saying he did not know. On the contrary, what I said to him ... I have asked him this question
before and he said the configuration had not been done. Since I asked him that question, the
design and access statement has now been published, and from the design and access statement
I can see the figures. What I am saying is having seen the figures ... These are very precise figures:
3500 68 one-bedrooms. Why 68 and not 75? Someone has formed the view that this has to be the basis
for profitability and I am trying to understand whether he was consulted on these figures – and if

he was not, why wasn't he? He must have made his mind up on some basis when he committed savers' moneys up to £100 million to this project.

3505 **Hon. Sir J J Bossano:** It is impossible to satisfy the Member because I have gone through a series of questions with the premise throughout that there are a number of parties interested in this, and therefore if somebody comes tomorrow and says, 'I am going to put £80 million on the table – you do not need to be in, but I want 169 instead of 168,' there will not be 168, there will be 169. Or does he think we will tell them, 'No, because Mr Azopardi read that there were 168 he is going to be very upset if we put in one more, so take the £80 million away.'

3510 At this point in time, that is the proposal. On the basis of that proposal, which may change depending on who comes in or does not come in, the cost of what is being sold today is quite substantial given the prices of the market. The reality is that a complex that would have that level of density ... You do not need to do a detailed feasibility study to get a reaction if it is this going to produce a volume of money that looks credible, and the answer is it does, but it does not have to be exactly like it is, because at the point we are now, we are open to alternatives, and of course the GFA knows our position is that we want this to happen. We will be there if it can make money and produce a return for the Savings Bank. If other people come in, provided they do not delay the thing too much by wanting to come in, we will get out. If they do not come in or the thing is taking too long, we will not get out. We will do the funding of preliminary works to try to make sure that avoidable delays do not happen, and then we would expect to be reimbursed if we are not the ones that do the funding at the end. So when I have said we are looking to start doing some of the site clearing and stuff like that, we are willing to fund it on the basis that we will get our money back if we are not there.

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3525 **Mr Speaker:** Can I just interject here and suggest that we are now moving in a situation where this is developing into a debate, so I would ask the Hon. the Leader of the Opposition to ask one or possibly two more supplementaries and then we will close it?

3530 **Hon. K Azopardi:** Mr Speaker, can I just say that if we are taking time ... I appreciate the answers, but I have asked, as far as I can see, nine questions on my six questions, so –

Mr Speaker: I fully accept that, but we are really not making any progress. We seem to be going over and over the same ground. This is why I am saying that if you have a new supplementary, then yes, you may continue, but if we are going to go over the same ground over and over again it serves no purpose.

3540 **Hon. K Azopardi:** Mr Speaker, I do have more questions and they are different ones. If we are not making progress, with all due respect it is also maybe partly, if not wholly, due to the answers I am getting and the style of the answers, so perhaps we have shared blame there.

It is not that I am saying to the hon. Member that the configuration should be ... I am not expecting him to turn round, if he gets someone interested in the development and he then points to the design statement, to say, 'No, it has to be 68, it cannot be 75 apartments.' That is not what I have suggested. What I am quite perplexed at, actually, is that there has been a configuration done, there has been a design and access statement done. It is very specific. It is not residential area, 15,000m, it is 11,738m. It is very precise. Someone has decided that that should be the configuration. He has made a decision on the basis of it. He says he has not seen the financial feasibility study and I take that at face value. He has made his decision and put his shirt on without seeing all that, and that is fine, that is his decision, but can he help me in understanding who decided the configuration of the apartments that was put forward as part of the planning application? Does he know who did the configuration? It was not him, but does he know who?

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3555 **Hon. Sir J J Bossano:** And it is not my business to know who it was either. That is all I can tell him. I do not know if the piece of paper he has indicates who submitted it, but what I am telling him ... As you correctly say, Mr Speaker, he is going to get the same answer from whichever angle he puts the question. I do not mind – I am quite happy to do an all-night session; I have done them many times in this House.

3560 **Hon. K Azopardi:** Mr Speaker, did he have a discussion at all with the GFA about whether the UEFA rules would permit a smaller stadium with residential development? Did he have any discussion at all with the GFA about the size of the stadium?

3565 **Hon. Sir J J Bossano:** Mr Speaker, I did not have a discussion about it, and there was no indication that there was any problem with the stadium being 8,000 or 5,000. When I discussed it with them, they put to me all the things that were relevant, and that was apparently not something relevant until he raised the issue. When he raised the issue in his question I asked is there a problem or is there a difference between the two, and I was told that given the complex, 8,000 or 5,000 in the cost of the total complex is not significant. I asked because he put a question.

3570 **Hon. K Azopardi:** Mr Speaker, is he having regular meetings with the GFA in relation to this project, given that they have put forward a planning application? The planning application was put in by GFA National Stadium Ltd. He has already informed us that that is the entity that will be running the project. Is he having regular meetings with the GFA on this project? He seems, actually, completely left-fielded on the detail of this, even though he supported it publicly with the football shirt on.

3580 **Hon. Sir J J Bossano:** I have supported a lot of projects in the National Economic Plan, but I am not like the former leader of the GSD, who told Parliament that he saw himself as a project manager and he would go down to select the colour of the umbrellas in Casemates. I remember, on one particular occasion he said he was deciding on the painting of Joshua Hassan House in Secretary's Lane, and when the people who were doing the painting got fed up with his changes, they put, one day, paint on the side of the wall where the sun was shining and the one that was in shadow, and it was the same paint, and he chose one of the two from the same tin. I do not get that involved. I do not get involved in the detail, I have no intentions of getting involved and I have no intentions of going through the many projects we are going to have in the National Economic Plan, which I will be rolling out and which will be transformative for Gibraltar, and I am not going to be spending all my time having meetings – even though I work seven days a week – so that I can get all the details of everything that would satisfy him, in the knowledge that he will not be satisfied anyway.

3590 Their strategy is that whatever it is they are told, they ask for more – a voracious appetite for information, insatiable. Well, I am sorry, the answer is what I have told you is what I am going to tell you, and that is it. If I have more information to give you at a later stage, I will. At the moment, the situation is that we are looking at a project which has been reflected in what the hon. Member has read from the perspective of the GFA, who are the owners of the stadium company. There are other people with interest. We have to see what happens and how this finishes, but at the end of the day it will only happen if it is viable – and I am convinced that it is viable, without having to get a feasibility study, because it makes a lot of sense.

3600 **Hon. K Azopardi:** Mr Speaker, it is not that I have a voracious appetite. Of course I want the information, but the reason why we want the information is because he has taken a decision of importance in relation to savers' money, and what we are trying to do is fulfil our role here and hold him to account on these matters. Does he not accept that that is what we are trying to do, and it is not for any other agenda? Does he not accept that?

3605 **Hon. Sir J J Bossano:** No, Mr Speaker, I do not accept it at all. I think what they want to do is rubbish what we are doing so they can say that we do not know what we are doing, that it is crazy that the bank's money is going to be lost, that the savers should take their money out, that there should be a run on the bank and, hopefully, on the back of all that, win an election. Well, okay, good luck to him.

3610 **Mr Speaker:** The Hon. Roy Clinton.

3615 **Hon. R M Clinton:** Thank you, Mr Speaker. I will be very brief. Just one supplementary on Question 85, which was asked by the Leader of the Opposition. If I can ask the Minister if he could explain the difference between the answer he gave the Leader of the Opposition and the answer he gave to my Question 558/2022, in which the official answer, i.e. the written answer on the script, was:

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 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.

I would ask the Minister if he could help us by reconciling what he has told the Leader of the Opposition and what he told me in answer to that question.

3620 **Hon. Sir J J Bossano:** Mr Speaker, the question that I have been asked is have I been given a copy, and the answer is no, I have not been given a copy.

3625 **Hon. R M Clinton:** Mr Speaker, at the risk of entering the absurd, if he has not been given a copy, has he *seen* the financial viability plan?

3630 **Hon. Sir J J Bossano:** Mr Speaker, what I have told him is the explanation that was given to me as to what was going on. I have not asked to see anything, I have not been given anything and I do not intend to ask for it. So there is no contradiction. I told him what I had been told they were doing, and I shared the information that I had with him. I have now been asked whether the Government has been given a copy of the feasibility plan. No, we have not got a copy of the feasibility plan. We have not asked for one, it has not been offered and we do not intend to ask for one. Why? Because the feasibility plan that was done by the people who are doing it then may not be the feasibility plan that will be done by the time this goes ahead.

3635 **Hon. R M Clinton:** Mr Speaker, I think we are making some progress, so can the Minister just clarify —? (*Interjection*) Well, I know, but the Minister always leads to further questions. Just for the sake of the House, is it right that effectively what he is saying is that was then, this is now, things have moved on, things are changing, what may have been a plan at that time when he announced it may not be the plan now, and therefore in his mind there is no financial viability study to look at because it is all basically back to the drawing board in that sense? Is that what he is saying?

3645 **Hon. Sir J J Bossano:** The picture that was seen as containing the elements that would make this a profitable entity, which the people here have, may not be the same as the picture of somebody coming out, where perhaps ... There are two issues here, I think. One is that I think the people who are in the local property market who have been involved in looking at this probably know the local market better than other people. However, the people who ... I have had two approaches. One was from the UK yesterday, and earlier I had an approach from a guy who was

3650 representing the Dubai office of an American investment fund, who said they had been very keen
to do a stadium in Marbella and apparently they found they had to pave the way to do the
investment – you know? – and after trying to pave the way, the paving of the way did not seem
to be getting anywhere, so they pulled out. I told them, of course, that this is not something that
happens in Gibraltar and they did not have to pave the way for anybody. They could look at the
3655 at the project and if they were interested ... I had the same message for both contacts. The first
guy said he would go back to Dubai and talk to his principals. I explained how the local property
people saw the project and I explained to him that really this was something we were very keen
to happen but we did not want to prevent investors coming in if they saw this as an attractive
proposition, because we had many other things that we wanted to do.

3660 The position now is that the concept as envisaged by the locals may not be what is finally done
if the guy who represents the American investment fund is the one who persuades us that that is
the best thing for Gibraltar, or the guys who have come out from the UK come up with something
different. There are things that need to be done anyway, whoever does it, and we are going to
invest money in doing things that will make no difference to the configuration of the project, just
to make sure that things are happening and we do not wait longer than we need to wait to get
3665 the programme started. As far as I am concerned, if we do it, then fine, we will have already paid
for some of it. If somebody else does it, they will come and we will show them how much we have
spent in getting things done and then we will recover that money.

3670 There are, at the moment, the vision of the local property people ... The guy who came
representing the investment fund from the States brought me the scheme that he had done,
which they had intended and were very keen to do in Marbella. He left a copy with me. To me
football is not something that ... They all look the same to me. So we have the domestic thing and
two potential outsiders. I think it is encouraging that there should be people coming in wanting to
do it, because if it was ... People do not normally go around the world looking for opportunities to
lose money. You can do that by buying Bitcoin with no need to go anywhere.

Questions for Written Answer

3675 **Mr Speaker:** Can we progress to Written Answers?

Clerk: Answers to Written Questions.

3680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to
Written Questions W1/2023 to W7/2023.

I have the honour to move, Mr Speaker, that the House should now adjourn until tomorrow at
three o'clock in the afternoon.

3685 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Friday,
20th January at 3 p.m.

I put the question, which is that this House do now adjourn to Friday, 20th January at 3 p.m.
Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 20th January at 3 p.m.

The House adjourned at 9.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 10.22 p.m.

Gibraltar, Friday, 20th January 2023

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The Gibraltar Parliament

The Parliament met at 3.08 p.m.

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

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

Standing Order 7(1) suspended to proceed with laying of document

Clerk: Meeting of Parliament, Friday, 20th January 2023.
Order of Proceedings: 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 a document on the table.

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

PAPER TO BE LAID

10 **Clerk:** Papers to be laid – the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Licensing and Fees (Amendment of Schedule) Order 2023.

Mr Speaker: Ordered to lie.

BILLS

FIRST AND SECOND READING

Commonwealth Park (Amendment) Bill 2022 – First Reading approved

15 **Clerk:** (ix) Bills – First and Second Reading.
A Bill for an Act to amend the Commonwealth Park Act 2014. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

20 **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 Commonwealth Park Act 2014 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

25 **Clerk:** The Commonwealth Park (Amendment) Act 2022.

**Commonwealth Park (Amendment) Bill 2022 –
Second Reading approved**

Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

30 Commonwealth Park is a green space in the heart of town which has become much loved by families with children, individuals looking for a quiet spot and anyone wanting to enjoy some outdoor time and fresh air. Thankfully, we have been able to extend the space available for outdoor leisure and recreation through the creation of Campion Park, which is now being enjoyed by hundreds of people every day.

35 This Bill arises for two reasons. Firstly, whilst the rules made under the Commonwealth Park Act had been extended to the new park, they did not reflect its new name, Campion Park. Secondly, I am amending secondary legislation under the Smoke-Free Environment Act 2012 to prohibit the smoking of cigarettes in Commonwealth Park and I wanted to ensure this also applied to Campion Park. As a result, it is necessary to ensure the legal definitions of both parks are clear.

40 The Bill amends the name of the Commonwealth Park Act to the Commonwealth and Campion Parks Act. It also establishes in law Campion Park as a distinct park to Commonwealth Park and delineates its boundary in a plan. The Bill also amends the Commonwealth Park rules, extending their application to Campion Park.

45 Whilst this Bill is short and simple, it paves the way for a much greater objective, to keep our parks smoke free to ensure they are green spaces where people can enjoy fresh and clean air, to ensure Gibraltar can truly be a child-friendly city.

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. the Leader of the Opposition.

50

Hon. K Azopardi: Mr Speaker, this is a short Bill which has already been described by the Minister in its overall objective and we will support this Bill.

Mr Speaker: Would the mover like to say a few words?

55

Hon. Prof. J E Cortes: Mr Speaker, I am grateful to the Leader of the Opposition for his support and I am happy to proceed to Third Reading.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

60

Clerk: The Commonwealth Park (Amendment) Act 2022.

**Commonwealth Park (Amendment) Bill 2022 –
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 be taken today, if all hon. Members agree.

65

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

**Employment (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Employment Act. The Hon. the Minister for Housing,
70 Employment, Youth and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I have
the honour to move that a Bill for an Act to amend the Employment Act be read a first time.

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

Clerk: The Employment (Amendment) Act 2022.

**Employment (Amendment) Bill 2022 –
Second Reading approved**

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I have
80 the honour to move that this Bill now be read a second time.

This Bill introduces new powers to make subsidiary legislation for the purpose of providing the
framework for the recognition of employers of trade unions, for collective bargaining purposes
and for any other matter or purposes connected therewith. Although draft legislation in this area
has already been subject to a Command Paper, amendments to the Act are deemed necessary to
85 ensure that sufficient vires are established in order to proceed with such regulation.

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.
90

Hon. K Azopardi: Mr Speaker, I rise on this Second Reading because my colleague Edwin Reyes
is unwell and he would normally have taken the speech.

I confirm our support for the Bill. The only question I would have for the Minister – perhaps he
can answer when he replies – is whether there has already been a draft of regulations and whether
95 there has been any consultation with employers' representatives – the FSB and the Chamber of
Commerce – and indeed with the main unions on this issue.

Mr Speaker: Does the mover of the Bill wish to respond?

Chief Minister (Hon. F R Picardo): Mr Speaker, it is a pleasure to see this Bill being moved. The
100 Government considered many different ways of bringing about the recognition of trade unions in
the private sector. We considered the possibility of bringing a Bill that contained all of the rules.
We thought of an amendment to the Trade Union and Disputes Act, which would provide a new
part, in effect. But we have been advised that it is better to make this short amendment in the
105 employment provision and be able then to have regulations that could be adapted, because this
is going to be a new area of recognition for trade unions.

The Government won an election on the basis that we would do this. This is an issue that has
been ventilated in our manifestos and we are in government with the obligation to pursue this
recognition. In doing so, in our capacities beyond this House – in other words, as members of
110 political parties – we have sought the opinions of unions and employers' representative
organisations. As the Government, some time ago, when I was Minister with responsibility for

115 industrial relations, I commenced a process of consultation with the Chamber of Commerce, with
the Federation of Small Businesses and indeed with the relevant unions – the unions that have
general membership, not those that are representative exclusively of the public sector – and the
regulations that will be made when they come to be made, if the House approves this Bill, have
the benefit of that detailed consultation both with unions and employers’ representative
organisations. Of course, the balance of convenience here may not be exactly the one struck that
the unions or indeed the employers’ representative organisations might have wished struck; it is
what we believe is the right balance, and indeed the right balance on which to start this new
120 regime, and that may indeed change as we see the evolution of the recognition of trade unions in
the private sector.

In saying that, and in using that nomenclature, the recognition of trade unions in the private
sector, I think it is important just to pause for a moment and reflect upon the fact that they are
very few the employers who do not already recognise membership of a trade union by their staff.
125 Indeed, the vast majority of employers in the private sector do recognise trade unions, they
engage with trade unions, and unions in vast measure behave in a responsible way and bring
collective bargaining to the table, which is in the interest of both the employees the employers
when both sides are acting reasonably, as the Government itself has found in its engagement with
the unions that represent employees in the public sector, even when we might disagree and even
130 when we might have to take issues into dispute etc., which we seek to resolve in a way that is
favourable to all parties.

Mr Speaker, I am very pleased, as Leader of the House and as Chief Minister of this
Government, to see the movement of this Bill. I am very pleased to see that the Opposition will
support it and I hope that in the remarks I have made in support of the Bill I have also answered
135 the question of the Leader of the Opposition. He asks me to give way, so I will before I sit down.

Hon. K Azopardi: I am grateful for him giving way. Just one small issue for clarification of what
he said: have I understood correctly from his explanation that the Government will, then, not
pursue the other legislation they had published some time ago?
140

Hon. Chief Minister: Mr Speaker, this is the way we are advised to do it. In other words, this is
the way to create the rules that will govern the recognition of trade unions in the private sector.
Instead of doing them by way of primary legislation, we are creating a hook in a piece of primary
legislation which enables a regulation to be made, and that regulation, therefore, will be subject
145 to being amended, when necessary, in a way that relevant Ministers of the relevant Government
at the time may consider becomes appropriate.

If we were regulating by these regulations unions’ rights to engage with the Government that
holds the pen on the regulations, then you might say, ‘Well, you are not really creating an objective
standard because when you have a dispute with the union you could simply amend the regulations
without coming to Parliament.’ That is not the case. These are rules for the recognition of trade
150 unions by third parties, by the private sector. We are going to make these rules so that they can
engage in the way that they will need to engage.

The advice we have is that it may be necessary in the future to adapt these rules one way or
the other. I am sure that when the trade unions look at these rules they will say they would have
wished they were a little more in the direction of their responses to our consultation. I am sure
155 that when the employers’ representative organisations look at the rules and regulations they will
say they wish they were more in favour of their responses to our consultation. But I think we are
striking the right balance.

I think we are creating a new area of engagement. Indeed, I think it is important to remember
160 that the vast majority of employers in the private sector already recognise trade unions, and the
fact I think is also important to remember is that our Constitution recognises the freedom of
association. We have a written Constitution. It specifically provides for the freedom of association
to be protected, so you do not need to have protection for a group of people to come together to

165 represent their interests in the context of a particular employment scenario, because it would be
contrary to law for the employer to challenge the employees getting together as an association if
they wished to do so and to be engaged with a union. What that does not do is bring about the
collective bargaining issue, and I think this, by doing it with regulations, does that and does it in a
slightly flexible way that permits an element of engagement by the Government with the unions
and with the employers' representative organisations to make changes in relation to the rules that
170 will regulate their playing field – not their playing field with us, but *their* playing field – through
regulation. If it were their playing field with us, then I think I would have insisted that the matter
should be dealt with by way of primary legislation, so that if a future Government, or indeed the
current Government if it were to have a dispute with the unions, wanted to change the rules of
the game of our engagement with the unions and the unions' ability to engage with us, we should
175 come here and justify it to the community in a way that could be ventilated across the floor of the
House, and everybody's views represented by those elected here could be heard. But this is not
the regulation of our relationship with the trade unions, it is the regulation of the relationship
with between the trade unions and the private sector employers, and for that reason this is the
way we propose to do it.

180

Hon. S E Linares: Mr Speaker, just to thank the Opposition for being in favour of the part of the Act that is, as the Chief Minister calls it, the hook on which all the other legislation the Chief Minister has just presented to us will hang.

185

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Employment Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Employment (Amendment) Act 2022.

**Employment (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

190 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** 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.)

**Personal Light Electric Transporters Bill 2022 –
First Reading approved**

195

Clerk: A Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes. 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 regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Personal Light Electric Transporters Act 2022.

**Personal Light Electric Transporters Bill 2022 –
Second Reading approved**

Minister for Transport (Hon. P J Balban): Mr Speaker, I move that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a second time.

The purpose of this Bill is captured in the descriptive title I have just read, formally known as the long title. Essentially, this Bill brings personal light electric transporters (PLETs) within a sound legal framework.

The Bill covers personal light electric transporters and creates a framework that allows them to operate legally and safely and only by individuals 17 years of age or older. The Bill also makes some amendments to the Traffic Act 2005.

In drafting this legislation, we have taken into consideration the views of the technical experts and the public. We have consulted widely and thoroughly. The consultation process included the May 2018 consultation paper. Secondly, through the issuance of a Command Paper in May 2020 by my colleague Minister Daryanani, then the Minister for Transport, and also, throughout the whole drafting process, with extensive input from transport officials within my Ministry liaising closely with the insurance industry regarding the Bill's effect on said industry.

I should mention that this proposed legislation is not based on the law in any other jurisdiction, and in fact few countries have actually taken legislative steps in this respect, although many, we believe, are currently in the drafting process.

The Traffic Act would naturally see PLETs classified as motor vehicles as they are powered by a motor, but it is well accepted worldwide that PLETs are not equal to motor vehicles, neither are PLETs bicycles or motorcycles. Therefore, the Bill defines a PLET by reference to a schedule.

Amongst other things, a PLET will be fitted with a speed-limitation device that curtails its speed to no more than 25kmph. Any PLET that has had its speed-limitation device tampered with or is designed to travel at speeds beyond 25kmph will be strictly prohibited. This will include any PLET made available for hire or supply – or to offer to do so – that has had the speed-limitation device tampered with or removed.

PLETs will only be allowed to operate on the road and in bicycle lanes, where present, and users must be at least 17 years of age. Furthermore, users will not be permitted to tow other similar devices or carry another person. PLET users will need to wear appropriate protective headgear, deemed an important part of keeping the use of these devices safe.

The Bill will also provide powers for those who stop a person operating or transporting on reasonable suspicion that they are contravening the legislation. It also requires a person to provide their name and address and creates an offence for users who give a false name or address.

Moving to penalties, the legislation sets a penalty of level 3 fines – currently £1,000 – for all offences under the legislation, with the offence of modifying a PLET by removing the speed-limitation device or selling such device also attracting a potential custodial sentence. Meanwhile, the Bill allows for the issuing of fixed penalty notices of £300 for all offences.

Much of the delay in bringing this Bill to Parliament has been as a result of the intention to make insurance compulsory for PLETs, but this has been impossible as a result of insurance providers not having a suitable product to offer Gibraltar. Nevertheless, it is the intention of

245 Government to consider the matter of compulsory insurance if and when such a product were to become available in Gibraltar in the future. The Bill will allow the Minister to make regulations, including, specifically, regulations relating to making compulsory insurance a requirement for PLETs.

250 The Bill also amends the Traffic Act 2005 so as to exclude PLETs expressly from the definition of motor vehicles and defines PLETs in the Act. It also amends regulation-making powers to also apply to PLETs. In doing so, it will be possible to make amendments to, amongst other things, the control of traffic regulations and the Vehicles (Construction Equipment and Maintenance)

255 Regulations to provide that the rules on traffic control, such as rules on indicating and overtaking, also apply to PLETs, as well as ensuring that they are fitted with both front-facing white and rear-facing red suitable lights, or alternatively that operators carry suitable lights on their person. It is also intended to amend the Prohibition of Use of Mobile Phones While Driving Regulations 2010 to ensure that users of PLETs do not use a mobile telephone while riding.

260 The amendments to the Traffic Act 2005 have the effect of creating offences equivalent to the careless operation and reckless or dangerous operation offences of the Act which apply to motor vehicles and bicycles already. The current wording of the Traffic Act – specifically section 75(2), which sets penalties – indicates that the intention was to extend section 62 to bicycles. That is to say there was an intention to make it an offence to ride a bicycle whilst under the influence of drink or drugs. The amendment to section 75 corrects an omission in the current wording of the Traffic Act to ensure that the intention is properly reflected. In addition, this amendment goes
265 further, with a view to ensuring the safety of every road user and pedestrian and makes it an offence to operate a PLET and a bicycle whilst under the influence of drink or drugs, or whilst over the prescribed limit. It also provides the ability, as part of law enforcement, to be able to test both PLETs and bicycle riders at the roadside.

270 Finally, the schedule sets out the characteristics of a PLET. The schedule can be amended by regulations so as to accommodate changes to the nature of these devices and their evolving technology.

Mr Speaker, I have given notice that I will, at the Committee Stage, move an amendment to the Bill to insert a new clause 13. This amends the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 to amend the definition of ‘motor vehicle’ in line with the amendment being made to
275 the Traffic Act 2005, namely to exclude personal light electric transporters from the definition.

The amendment also inserts a definition of ‘personal light electric transporter’ by reference to the Personal Light Electric Transporters Act, and given that the Bill will take effect as a 2023 and not 2022 Act, the amendment reflects that. An amendment to clause 1 of the Bill and clause
280 11(2)(b) of the Bill are also required.

285 Mr Speaker, the Government recognises that PLETs are a reality in today’s modern cities, and although their future is not certain, it is important to amend our laws to include these devices. Gibraltar, like so many other jurisdictions, has seen the arrival of these modern devices marketed as a greener alternative to the motor vehicle, yet without the necessary legal frameworks to be able to manage, control or police them. PLETs are known to be extensively used by cross-border workers, but are also starting to be used by the local community. We also recognise that we need to strike the right balance between safety, smart technology and providing and promoting environmentally friendly transport with meaningful regulation. I believe that the proposed regulation strikes that balance.

290 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 Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, again, I rise on this Second Reading because this Bill would have
295 been taken by my friend Mr Phillips, but unfortunately he had a medical issue today.

300 The Opposition has said on a number of occasions that we are supportive of the regulation of electrical scooters – I will not call them PLETs or the longer name. We are supportive of regulation. Clearly they are here, as the Minister has said, and not only are they here, their growth is exponential – they are on pavements and they are everywhere, and sometimes they are also ... I think I had occasion to say to the hon. Member in an aside – I think it was him – that I was nearly run over by one in the middle of a pedestrianised Main Street. Clearly regulation is necessary and enforcement should follow, so we are supportive of the principles of it.

305 In relation to the particular power that there is on insurance, again our position is that to the extent that it is possible, all efforts should be made for there to be an insurance regime in this respect.

Mr Speaker: The hon. Member wishes to respond?

310 **Hon. D A Feetham:** I wish to declare an interest. I think it is proper that I declare an interest in that I have read the Bill and made, on behalf of the Motor Insurance Bureau, which is a client of mine in my professional capacity, suggestions in relation to this Bill to the Government. Therefore, I think it is proper that I should abstain from voting in relation to this because I have had an involvement in a professional capacity.

315 May I add, Mr Speaker, that of course I have not been paid by the Government for any of the comments that have been made? None was expected. It is just on behalf of my own client that I have made suggestions and amendments to this Bill before it was presented.

Mr Speaker: Does the mover of the Bill wish to reply?

320 **Hon. P J Balban:** Mr Speaker, simply to thank the Members for their support. Obviously they will be supporting the Bill.

325 Just to make a comment regarding the pavements, in fact it has been illegal for these scooters to ride on pavements for quite some years. I think it was 2019 or 2018 when we legislated that we should not allow these scooters on the pavement. As you rightly say, they are coming in droves and they are extremely difficult to control, but at least this gives the enforcement bodies powers to be able to police them effectively.

Thank you.

330 **Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Personal Light Electric Transporters Act 2022.

**Personal Light Electric Transporters Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

335 **Minister for Transport (Hon. P J Balban):** 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.)

**Adoption Bill 2022 –
First Reading approved**

340 **Clerk:** A Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes. The Hon. the Minister for Transport.

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 provide for the regulation of the law relating to adoption and for connected purposes 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 provide for the regulation of the law relating to adoption and for connected purposes be read a first time. Those in favour? (Members: Aye.) Those against? Carried.
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Clerk: The Adoption Act 2022.

**Adoption 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 an Adoption Act 2022 be read a second time.

355 This Bill promotes greater use of adoption, aims to improve the performance of the Care Agency and, more importantly, puts children and their well-being at the centre of the adoption process.

This Bill modernises Gibraltar's adoption law and the adoption service and, I believe, will promote the greater use of adoption.

360 The Bill replaces the current Adoption Act, which commenced in 1951 and has only been amended three times since then.

The Bill will affect all adoptions and arrangements for the adoption of children in Gibraltar and all adoption applications from persons resident and settled in Gibraltar who seek to adopt children living abroad.

365 The Bill contains an overarching provision that will apply whenever a court or the Care Agency is coming to any decision relating to the adoption of a child. This includes any decision by the court about whether or not to dispense with parental consent to adoption or to make a contact order in respect of a child. The paramount consideration of the court or Care Agency in any decision is the child's welfare. The welfare test will be brought in line with that of the Children Act, with the important addition that the court or Care Agency must consider the child's welfare throughout his or her life and that any delay is likely to prejudice the child's welfare.
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In recognition that adoption may have lifelong implications, the court or Care Agency must apply the welfare checklist set out in the Bill in determining the best interest of a child when making any decision relating to adoption. This is modelled on the equivalent provisions of the Children Act but is tailored to address the particular circumstances of adoption.
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380 Regard must be had to the child's ascertainable wishes and feelings about the decision having regard to the child's age and understanding, to his or her particular physical or educational needs, and, if applicable, to the relationship the child has with his or her relatives, the prospect of and benefits to the child of this relationship continuing, the ability of the relatives to provide the child with a secure home and meet the child's needs and their views concerning the decision relating to the adoption of the child.

Part 2 of the Bill underpins some important areas of policy dealing with adoption support services and independent reviews of certain determinations by the Care Agency such as the assessment for adopted children and their adoptive parents and provides a mechanism to assist them in accessing adoption support services. These assessments will speak to other government functions such as education and health services, for example, where the needs of such services are identified with the aim of identifying the most efficient, co-ordinated package of support to help adoption succeed.

Part 3 of the Bill deals with placements for adoption and adoption orders. The Bill provides that the Care Agency may only place a child for adoption with the consent of the parent or guardian under an order made by the court. Provision is also made for who is to have parental responsibility for the child and the other consequences of placement with consent and placement orders. The intention here is to ensure that key decisions are taken early in the adoption process, with court involvement where necessary. This will provide greater certainty and stability for children by dealing with consent to placement for adoption before they have been placed and minimise the uncertainty for prospective adopters. The Care Agency may only place a child for adoption with prospective adopters where the parent of the child has consented to the placement or where it has obtained a placement order. 'Placement' has been given an extended meaning under the Bill, covering both placing a child with prospective adopters and, where the child is already placed with people for other purposes, leaving the child with them as approved prospective adopters. The Bill enables a parent who consents to his or her child being placed for adoption by the Care Agency to give consent at the same time to the making of the future adoption order.

The Bill intends to align adoption law with the Children Act. The same threshold for intervention in family life will apply where the Care Agency seeks authority to place a child for adoption without parental consent as applies where the Care Agency seeks to take a child into care under a care order.

The Bill provides that where an application for a placement order is pending, the child is a looked-after child for the purposes of the Children Act until the application is determined. If a placement order is made, the child continues to count as looked after.

The Bill makes provision for applications for contact in respect of children placed for adoption and where the Care Agency is authorised to place a child for adoption with parental consent or under a placement order. Where the Care Agency is authorised to place a child for adoption or a child is placed for adoption who is less than six weeks old, any contact order under section 25 of the Children Act ceases to have that effect. There may be cases where it is inappropriate for contact to take place, even though provided for under an order.

The Bill enables the Care Agency to refuse contact for a period of no more than seven days if it is satisfied that it is appropriate to do so in order to safeguard the child's welfare.

The Bill makes provision in relation to the removal of children who are or may be placed for adoption by the Care Agency to ensure that they are only removed from placements by authorised people in the appropriate manner. Where a parent withdraws his or her consent to a placement, the Care Agency must return the child within seven days if the child has not yet been placed for adoption with parental consent with prospective adopters, or the child is placed and either the child is less than six weeks old or the Care Agency has at no time been authorised to place the child for adoption.

The Bill also deals with cases where the prospective adopters want to return the child, or the Care Agency has decided that the child should not remain with prospective adopters.

The Bill also covers restrictions on the removal of the child in non-Agency cases, such as where the child has not been placed for adoption by the Care Agency. These situations may include adoptions by the partner of a parent, cases where foster parents wish to adopt a child placed with them and adoptions by relatives and private foster parents. Where a Care Agency foster parent has given notice of intention to adopt, which they may do once the child has lived with them for one year, then the child may only be removed with the permission of the court by the Care Agency

or other person, or if the child is voluntarily accommodated by a person who has parental responsibility for the child.

435 The Bill makes provision for what is to happen when the child is removed or there are reasonable grounds for believing that a person intends to remove a child or a child is withheld and not returned. If a person intentionally obstructs an authorised person exercising the power of removal, he or she commits an offence.

440 The Bill sets out the period a child must live with the applicant before they can apply for an adoption order. The Bill sets out conditions which must be satisfied before an adoption order can be made where the child has a parent or guardian. One of two conditions must be satisfied: that each parent consents to the making of the adoption order or has given advance consent to the making of the adoption order and has not withdrawn that consent and does not oppose the making of an adoption order or that the parents' consent should be dispensed with. Where the
445 parent has given advance consent to the adoption, he or she may only oppose the making of the adoption order with the permission of the court. The second condition is that the child has been placed for adoption by the Care Agency with the prospective adopters who are applying for the order and either the child was placed for adoption with the consent of each parent and the consent of the mother was given when the child was at least six weeks old, or under the placement
450 order no parent opposes the making of the adoption order. An adoption order may not be made in relation to a person who is or has been married or who has attained the age of 19.

The Bill provides that an application for an adoption order may be made by a couple or one person and the condition as to domicile or habitual residence is satisfied. An application for adoption order may only be made if the person to be adopted has not reached 18 by the date of
455 the application. An application for adoption order by a couple may only be made if both of them have reached the age of 21. However, where one of the couple is the mother or the father of the child to be adopted, an application may be made if that person is 18 or over and the other person is 21 or over.

The Bill provides that an application may be made by one person who is 21 and is not married.
460 In certain circumstances, an adoption application may be made by one person who is married. A partner of a natural parent, which includes a person married to the parent, may adopt the child of that natural parent. This means that the parent is no longer required to make a joint application to adopt his own child with his partner, as is presently the case in respect of step-parent adoptions; a very welcome proposal.

465 Part 3 of the Bill also introduces new provisions on the information that the Care Agency must keep in relation to a person's adoption, the information that it must disclose to adopted adults on request, the information that courts must release to adopted adults on request and the information that the Care Agency may release to adopted adults, birth parents and others. These provisions cover the two types of information held, protected information and information which
470 is not protected.

The Bill establishes a new system for access to protected information about adopted persons and others involved in their adoption. Under these provisions, while the registrar has a duty to maintain the Adopted Children Register and the Adoption Contact Register, the Care Agency will be the main gateway for access to this information.

475 The Bill provides for the disclosure of information held by the Agency which is not defined as protected information. This will enable the Care Agency to disclose this information to any person for the purposes of the Care Agency's functions. This could, for example, be background information about the child's progress to be disclosed to the child's birth family without disclosing the child's new identity or whereabouts.

480 The Bill allows for the provision of the disclosure of information held by the Care Agency and courts to adopted adults.

The Bill importantly envisages counselling to be available to an adopted person if he or she wishes to access it.

485 Part 4 of the Bill provides for the status of adopted children, thereby making clear how they are treated in law.

Part 5 of the Bill deals with registration issues surrounding adoption and the duties placed on the Registrar. There is a duty on the Registrar to maintain the Adoption and Parental Order Register and provide for entries to be made in the register. The Adoption and Parental Order Register is not open to public inspection or search. There will also be a duty on the Registrar to maintain an Adoption Contact Register. The Adoption Contact Register is a register in two parts designed to facilitate contact between adopted persons and their birth relatives where both parties have expressed a wish for such contact.

495 Part 6 of the Bill deals with adoptions with a foreign element and makes provision to regulate intercountry adoption. The Bill places restrictions on Gibraltar residents bringing or causing someone else to bring a child habitually resident outside Gibraltar into Gibraltar with the intention of adopting the child in Gibraltar, unless the person complies with prescribed requirements and meets prescribed conditions.

The Bill sets out the prohibition of certain payments or rewards in connection with the adoption of a child. The Bill, however, provides that payments may be made in exceptional circumstances. The intention is to allow payments to be made for reasonable expenses such as legal and medical expenses in relation to an adoption or for reasonably incurred travel and accommodation expenses where a child is being taken out of Gibraltar for the purpose of adoption.

500 The Minister may establish and maintain a register to be known as the Adoption Act Register, which will contain details of children who are suitable for adoption and prospective adopters who have been approved to adopt a child. This provision may be used, for example, to enable the register to record information about the stability of adoptive placements.

Schedule 1 makes provision for an entry of certain adoptions in the Adoption and Parental Order Register in accordance with a direction in the adoption order. Schedule 1 also makes provision for the amendment of orders and rectification of entries and markings in the Adopted Children Register and Register of Live Births.

Schedule 2 places a duty on the Registrar to supply an adopted person, on application and subject to certain conditions, with information to enable him or her to obtain a certified copy of the record of his or her birth.

515 Mr Speaker, in summary, the Bill aligns adoption law with the relevant provisions of the Children Act to ensure that the child's welfare is the paramount consideration in all decisions relating to adoption; places a duty to continue maintaining an adoption service, which must include making and participating in arrangements for the adoption of children and for the provision of adopting support services; provides a new right to an assessment of needs for adoption support services for adoptive families and others; enables the Minister to establish an independent review mechanism in relation to determinations made by the Care Agency; makes provision for the process of adoption and the conditions for the making of adoption orders, including new measures for placement for adoption with consent and placement orders; provides for adoption orders to be made in favour of single people, married couples and unmarried couples; provides for a new and more consistent approach to access to information held in the Care Agency records about adoptions which take place after the Bill becomes law, by ensuring that the release of sensitive information about adopted people and their birth relatives is protected and that its disclosure is subject to strict safeguards; provides for the Care Agency to have a role in assisting adopted adults to obtain information about their adoption and to facilitate contact between them and their birth relatives where the person was adopted before the Act becomes law; provides additional restrictions on bringing a child into Gibraltar in connection with adoption, aimed at ensuring that Gibraltar residents follow the appropriate procedures where they adopt a child overseas or bring a child into Gibraltar for the purposes of adoption; prohibits certain payments in connection with adoption; makes provision enabling the Minister to establish an Adoption Act Register to suggest matches between children waiting to be adopted and

approved prospective adopters; and finally, makes provision obliging courts to draw up timetables for resolving adoption cases without delay.

Mr Speaker, for all the reasons above, I commend this Bill to the House.

540 **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 in my hon. and learned Friend's stead. For the reasons the Hon. the Leader of the Opposition indicated earlier, he is unable to attend this afternoon. This has had two effects. I have not had much time to consider the Bill. I have considered as much of it as possible and as diligently as possible, but the effect is that I have not been able to write to the hon. Member with some of the points that I would have made, which is normally my style, as other Hon. Ministers know. Because we run our affairs partly in a parliamentary way, we do not give enough time, I think, to these things, to consider them in committee and all the rest of it, where I am able to advance suggestions which sometimes the Ministers accept, sometimes they do not, but we can reach an agreed position and maybe even in our speeches record what we have discussed for the benefit of *Hansard*. So I would ask the hon. Member to bear with me in that sense, and I have explained the reasons why.

555 As far as the principles are concerned, I think they are very laudable. This is a hefty piece of legislation. As she rightly and accurately points out, it is a wholesale replacement of the 1951 Act, which she says – I do not know – was only amended a few times, and given the passage of time, just for that reason it is a piece of legislation which I think required an overview and a reformed position, which is what I think has been achieved with this Bill.

560 The three points she mentioned which I think are relevant are that it aims to improve the performance of the Care Agency, to modernise the adoption law and to promote greater use of adoption. All of those three aims, I think, are highly laudable and something which certainly we support and commend her for bringing this initiative forward and putting it finally on the statute book. I am sure it is going to be welcomed by many people who are either in the throes of considering adoption or may consider adoption in the future.

565 The one point I would ask her to consider in terms of a broad point is whether it achieves ... because it was not clear ... it did not strike me when I was going through the provisions that ... I assume it is not something that is necessarily obvious from a reading of a piece of legislation, whether the system ... The limited experience I have professionally from when I was exposed to it – because I did it for a friend and I went through the process – is how bureaucratic the whole thing was, and as a result of that experience I realised, from speaking anecdotally to other people, how expensive it was in terms of legal fees because of the time spent by lawyers in making the applications. It results in hefty legal bills. It has always struck me that there is something immoral about the process that you have somebody, for example, who is fostering a child, leading to adoption and takes that massive step to adopt that child and give that child a better life and also has to incur many thousands of pounds in legal costs and legal bills. The point I make about that is whether she is able to say whether any of that will be streamlined so that we have a cheaper process and a more effective and efficient process leading to adoption.

575 Mr Speaker, again, I ask the House to bear with me, just going through the points as I go through the pages. There is a definition here for 'agreement':

includes an arrangement (whether or not enforceable);

580 This is a theme that arises in some of the points I will be making. It is not clear from my perspective – but again, it could be because I do not have any professional experience in relation to this – what that, in fact, means. There is no definition of what 'an arrangement' is. All it says is '(whether or not enforceable)'. I would like her, if she could, to give me an explanation in relation to that.

585 In clause 3(3) – we are still dealing with the interpretation clauses – there is a reference to what ‘a couple’ means and it provides three different avenues. The third one is:

two people (whether of different sexes or the same sex) living as partners

– and these are the words I would like her to focus on –

in an enduring family relationship.

That may be borrowed from different legislation. Now, as I am speaking, I am thinking about it, but it is not defined in this particular statute. As I said, that is a theme I find, and maybe she can explain it all by saying it actually refers to different statutory provisions in different Acts.

590

I take her, Mr Speaker, to clause 4(1), which, in effect, sets out the test. It says:

Whenever a court or the Agency is coming to a decision

– and it is important here, I think, to emphasise that this test applies to both the court or the Agency coming to a decision –

relating to the adoption of a child, the paramount consideration of the court or the Agency must be the child’s welfare, throughout the child’s life

which I think she made an allusion to in her speech.

595

If I can take her to the same clause, clause 4, but subclause (4), it says:

In coming to a decision relating to the adoption of a child, a court or the Agency

– once again, both –

must always consider the whole range of powers available to it in the child’s case whether under this Act or the Children Act 2009;

But then it is only the court – so there is a separation here between the court and the Agency – that applies this test in its decision-making process:

and the court must not make any order under this Act unless it considers that making the order would be better for the child than not doing so.

I am not too sure that there is a massive difference between one test and the other, but I do not understand why making the order would be better for the child than not doing so only applies to the court and not to the Agency. I think it will benefit the interpretation, should it come to that, of this Act if she was able to provide an explanation for that. I have already said in my introduction that I do apologise, that in normal circumstances I would have given her notice of this issue by writing to her, but I have only come across this now, when preparing in advance of this session.

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605

Mr Speaker, if I can take her to clause 5(3) and (4), as I see it ... Well, I will read it. It says:

As part of the adoption service, the arrangements made for the purposes of subsection (2)(b)–

(a) must extend to the provision of adoption support services to persons who are within a description designated by order by the Minister;

I would ask her there to give me some explanation as to who is being considered, because I think this is a novel provision which did not feature in the now-to-be-replaced Adoption Act 1951.

Then it says:

(b) may extend to the provision of the adoption services to other persons.

610 Again, I think as things stand now – and she can correct me if I am wrong – adoption services are provided exclusively in Gibraltar by the Care Agency, but is it the intention that that provision is going to be provided by other agencies, other entities? And if that interpretation is correct, who is she thinking of?

In relation to clause 5(4), it says:

The Minister may provide any of the requisite facilities by securing their provision by other persons who are within a description designated by order of persons who may provide the facilities in question.

615 Again, I think it is a similar point: who is going to be providing these services in respect of which the Minister, by order, would be providing facilities?

If I can then take her ... because I think it is linked to clause 9(3), which deals with voluntary adoption agencies ... It is not clear, because there is no statutory definition of that entity and I am not sure if there is any connection with the provisions that I have just referred her to.

620 Moving on, there are many references to the powers – and I have just referred to some of them specifically – that a Minister has, but then in other provisions – it may just be a drafting point, but it may be a point that she can consider in the future – it says ‘the Government shall continue’, and I wonder why that is the case. Why is it the case that as far as some provisions are concerned the powers rest with the Government, and yet as far as other provisions are concerned – in fact, I would hasten to add, most of the provisions – relate to the powers of the
625 Minister to give directions and orders and things like that?

Moving swiftly along – and this, in fairness to her, is a point that could be raised, but I would ask her to flag it. Maybe she can look at it at Committee Stage. In clause 8(1)(c) – this is simply a grammatical point – it says ‘any person who the Agency are aware ...’ I think it should say *is*, as opposed to *are* aware ‘is a parent of an adopted child’.

630 This may be something, as an Equality Minister, that will attract her attention. There are also various references – I will not take her through them, but there are some references in terms there is gender neutrality by reference to ‘he’, and in some cases she adopts that style and in other cases it is ‘he’ or ‘she’. So maybe there should be some more uniformity in relation to that. Again, I have spotted some of them, but I am sure I have not spotted all of them, and I do not
635 intend to go through them for the purposes of this contribution.

In clause 10(1) there is a reference to a qualifying determination. I would ask her to explain what this is, as again I have not been able to identify in the time that I have had available any statutory ... Yes, it is clause 10(1) and it talks about a qualifying determination. It is in the middle of the clause. I will not read the entirety of the clause. It is not very long, but I do not want to dwell
640 on that too much, other than ask her, if she can, to offer an explanation in relation to that.

In clause 12(4) – again, this I think links in with the point I made earlier that this may be as a result of a cross-referencing of legislation that one needs to do, but again it is not necessarily clear that the Bill asks you to do that. It is suggestive of assumed knowledge. I give her another example, and if she could assist in the interpretation of it ... It talks about a mandatory order in clause 12(4).
645 Is that an order in respect of which an application has to be made to the Supreme Court, as opposed to the Magistrates Court? Again, it is not clear.

I think I have now understood it, but in clause 13(4) it says:

An officer of the Agency may only be so authorised with the consent of the Agency.

I am assuming that that needs to be read in conjunction with clause 13(3), which says:

An inspection under this section must be conducted by a person authorised by the Minister.

650 I am assuming that if that person is an officer of the Agency, although the Minister orders that officer – him or her – she or he can only conduct the inspection with the consent of the Agency. Again, it is not very clear. They look like standalone provisions, but the only way you can interpret them intelligibly is if you read them together.

Again, this is a grammatical issue: in clause 13(5)(b) it says ‘which they think fit’, and perhaps it should be ‘which he thinks fit’.

655 Mr Speaker, if I can take her to clause 15(1) – I know she is taking a note of all this, so I hope the speed is okay – this is an important section in the sense that it is cross-referred to further along in the Bill and it talks about consent given by parents and guardians. Consent is not therein defined, and I had no objection to that immediately but there is, I think, a helpful definition of consent in clause 49(9)(a), and I wonder why there is a helpful definition of consent in that clause, 660 but not one in clause 15. Perhaps the solution is to cross-refer clause 15 to clause 49.

A similar point to clause 15(3)(b) when it talks about a placement order: again, ‘placement order’ is not defined, yet there is a definition – again a helpful definition ... I think it would assist those who need to interpret this to cross-refer that clause 15(3)(b) to clause 17 because there is a full definition. Indeed, clause 17 deals with placement orders in a lot of detail.

665 If I can take her to clause 16(2) by way of flagging clause 16(2)(a). In the second sentence it says ‘may be consent’. I assume ‘be’ can be deleted, as indeed it should be deleted in the following subparagraph (b). Again, it says ‘may be consent to adoption’ and it should be ‘may consent to adoption’.

The other references are to ‘care order’ and ‘looked after’. Again, I think that is nomenclature that somebody who is involved in these matters would immediately understand, but – the same point – it is not specifically defined in this particular piece of legislation.

Mr Speaker, could I ask for some assistance also in clarification, if I may, before I go to clause 20, which is what I was going to go to on to now? There is also, I think, an error in clause 19(5)(b) when it refers to ‘the authority’. I think, if there is going to be consistency, there should 675 be a reference to the Agency with a capital A, because that is defined.

Moving along to clause 20, again, in subclauses (2) and (3) I would ask for an explanation, because it basically says at section 20(1) – clause 20(1) at this stage:

This section applies while—

- (a) a child is placed for adoption under section 15 or the Agency is authorised to place a child for adoption under that section; or
- (b) a placement order is in force in respect of a child.

Then it goes on:

- (2) Parental responsibility for the child is given to the Agency.

680 – presumably in those circumstances, I have taken that to mean. Subclause (3) seems like a standalone provision, but I think it needs to be read along with the other provisions. It says:

- (3) While the child is placed with prospective adopters, parental responsibility is given to them.

I just do not know how those two correlate to each other, and I would ask her to explain that, certainly for my benefit and for the benefit of *Hansard*.

685 Again, there are references to prohibited steps orders, specific issue orders, supervision orders and child assessment orders in clause 24(3), which again, without wishing to labour the point or repeat myself, it basically makes the same point.

In clause 29(1) it is the same issue, which I would ask her to amend, and I think I would find agreement across the floor of the House, where again I think there is a mistaken reference to ‘the authority’ and it should be a reference to ‘the Agency’.

690 Mr Speaker, can I ask the Hon. Minister to go to clause 31(5)? I think she will understand immediately, without necessarily going through it in any detail. When there is a reference to ‘the people concerned’, I think that ought to be a reference to P – capital P – which has been defined in the clause. I think that makes sense, from my understanding and interpretation of it, and I think it would, going forward, also assist anybody reading it – if I am right, that is. If I am not correct in that interpretation, then I will be grateful for her explanation as to why that is referenced from the people concerned, as opposed to capital P, which is, as I said earlier, previously defined.

695 In clause 33 – again, it could be the same point, I am not sure, but I would ask for her assistance in relation to this – there is a reference to ‘Agency foster parents’, but then in the following subclauses there is a reference to ‘the foster parents’, and because there is no statutory definition in relation to that, I would ask her to please provide an explanation as to why that is the case. So again, whether there is a some sort of cross referencing.

700 Mr Speaker, I think this is important and I need to go through it. I know it sounds laborious. It is Friday afternoon and I hear some Members yawning, but I think it is important for the sake of the *Hansard* ... the yawns will not be heard, or indeed the comments being made from a sedentary position.

705 Can I take her to clause 39(3)? Can I ask her whether the notice that is referred to is in fact the definition that is referred to in the previous subclause, which talks about notice of intention to adopt? Can I ask her to clarify that and if she agrees with me on whether that added wording, given that it is a defined term, can be included in that subclause?

710 This is a point that I discussed very briefly – and it will be my final point, Mr Speaker – with Mr Feetham in relation to ... I must confess that this is a part of the Bill that I did not have an opportunity to consider in any detail just before coming here, but there is a reference, if I can take her to the very beginning, to the extra-jurisdictional effect, as I see it. It is in the interpretation clause 3. It is the final one, which is subclause (8), where it says:

References to adoption are to the adoption of persons, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside Gibraltar.

715 I am sure there is a reason for that. It just struck me as odd that there should be an extra-jurisdictional effect of this legislation, but it could be because it is relevant to the provisions that I did not get a chance to properly consider, which are at the end and which she referred to during the course of her contribution – but if she could just confirm that that my understanding is correct.

720 **Mr Speaker:** Does any other hon. Member ...? The Hon. Daniel Feetham.

Hon. D A Feetham: Thank you, Mr Speaker.

725 Just so the Minister does not have to respond twice, because it is just a discrete point in relation to one section, if the Minister looks at section 75, the Minister will find the references to restrictions on bringing children into Gibraltar. This section deals with a situation where somebody wants to adopt a child he has brought into Gibraltar from abroad. The reason why I focused on this is because I, myself, have been involved in assisting two constituents who have brought children from abroad for adoption in Gibraltar. Part of the process was abroad, part of the process in Gibraltar.

730 The Minister will see from subsection (5) that a person intending to bring, or to cause another to bring, a child into Gibraltar in circumstances where this section applies must apply to the Agency for an assessment of their suitability and give the Agency any information it may require, and then, under subsection (6) the Minister makes regulations. I would urge the Minister to take this course, which is that when the Minister publishes regulations appertaining to this section, she also includes any requirements in relation to civil status. In my experience, where there have been ... not problems, but blockages, let’s say, of these types of adoptions, it has not been on the Social Services side, it has been on the Care Agency side, it has been on the civil status side, and

indeed, on one of those occasions the Chief Minister very kindly intervened in order to essentially help the process along. For the sake of ensuring that people know where they stand, those regulations should be as all-encompassing as possible, not just the Care Agency requirements but also the requirements in relation to civil status.

740 I know this may be difficult because you are talking about an Agency and you are also talking about a Government Department in civil status, but perhaps a formula can be found in order to ensure that there is a funnelling towards one decision-making process, so that the process can be as efficient as possible.

745 Mr Speaker, those are just the comments that I would make.

Mr Speaker: Does any other hon. Member wish to speak? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, two of the areas that hon. Members opposite have raised deal with areas of my direct ministerial responsibility, one public finance, and the other one the civil status issues that have been raised by the Hon. Mr Feetham a moment ago.

The CSRO have an obligation to ensure that all those who seek to register as British citizens or who seek to register as residents in Gibraltar are entitled to do so under our laws. I seem to recall that in your long and illustrious career in the Civil Service you spent some time in that department and you probably know its operation better than me. Given my responsibilities for that department, I have seen that the people of that department operate with a particular diligence in ensuring compliance with legislation, in particular when we are dealing with people coming from outside into Gibraltar – in other words, those who are not already permanently resident in Gibraltar and can show their residence in Gibraltar – but when we are dealing with a person who is being imported, in the best sense of the word, into Gibraltar we have to exercise particular diligence. That can happen on two particular types of occasions, although it can happen on other types of occasions. One is when a person seeks to marry an individual from outside of Gibraltar, and the second, of course, in cases of what we might call international adoption.

In the first instance, when I was elected there was almost a complete bar, as a matter of policy, in respect of people being able to marry those from outside Gibraltar and then bring them to Gibraltar. It was a very high hurdle. I took the view, which was then translated also in relation to our view in respect of marriages between all sexes on an equal basis, that the Government should not act in a way that is a bar to people falling in love, and therefore we asked the CSRO to be more discerning about how they dealt with this issue in a way that I think has now dealt with that issue.

770 When it comes to adoption, which is the issue the Hon. Mr Feetham raised and the reason why I gave all of that background, one has to be particularly careful because a third party who is of age and is coming to Gibraltar to marry or is marrying a Gibraltarian abroad and is coming to reside in Gibraltar can express for themselves whether they are in that marriage because they wish to be or whether they do not wish to be subject to all the issues of abuse that there might be, psychological or otherwise. A child, however, is not necessarily able to express to the satisfaction of the authorities whether or not he or she wishes to be adopted. Indeed, the child might not even be able to speak yet. Of course, those who are pursuing an international adoption are invariably – I will not say most often, almost invariably – doing something which is extraordinarily positive for that child and they are doing it out of a wholesome desire to help and of love, nascent or otherwise, but the protection that there must be of that child's interests includes the process which CSRO is a part of, and this Bill also is a huge part of ensuring is dealt with properly at a judicial or quasi-judicial level.

780 So CSRO have to be very careful. Mr Feetham asked me to become involved and review matters from a policy perspective also, and I hope that I was able to assist in that case, as I have in others. It is nonetheless the Government's view that making the gateway bigger is not necessarily the right way to protect children, that we must continue to exercise the controls that we exercise, so that should there be an individual who is not pursuing an international adoption for the right reasons, or where the international adoption, although being pursued for the right reasons, is not

790 being pursued in the right way – and getting the international aspects of an adoption right is
 hugely important for the future of that child; even if properly ring fenced in Gibraltar, they have
 to be able to go outside with an adoption that is going to stand scrutiny outside of Gibraltar – we
 have to be very careful before making that in any way less rigorous. Rigorous should not be
 onerous, rigorous should not be difficult, but rigorous must be rigorous. I hope that addresses the
 issue that the hon. Gentleman has raised.

795 In relation to the issue of public finance that was raised by the Hon. Mr Bossino, it is this. He
 talked about the cost of adoption procedures involving lawyers. Of course, here the only guilty
 party is the lawyers, because they are the ones who raise the bill – and I am one of them too. But
 the Government has taken the view, led in great measure by the Hon. Minister for Equality, who
 was pioneering when it came to the issue of fostering and we did a lot of work in pushing
 800 fostering – as Minister for Social Services, as she then was – that we did not want to do anything
 that stood in the way of a fostering that was going well becoming an adoption, and indeed we also
 wanted to help those who went down the international adoption route and where all that had to
 be dealt with in the context of CSRO procedures had been dealt with etc.

805 And so the Government, in spending public money – something for which we are routinely
 criticised by Members opposite – one of the things that we have done, which they did not do and
 which I think they should continue to do if they ever form a government in Gibraltar, is to continue
 to spend money in funding the cost of adoption, in particular in cases where the individual being
 fostered and then adopted is a child in care, but also in other instances by way of a grant to those
 who are pursuing the adoption, so that they can meet the legal fees. That is something we have
 810 done. That is something that has increased the cost to the public purse on a recurrent basis. It is
 not waste, it is not corrupt, it is not any of the things we are accused of doing when we spend
 public money, which hon. Members are wrong to point to. This is the right way to use public
 money if only ... Let me just give you this headline. If the adoption goes well and the child who is
 fostered is taken out of public care and into a family home where he is cared for by parents,
 815 adoptive or foster, we stand a much greater chance that in the long run that person will not be
 somebody who needs our long-term attention through the courts, the Prison, social care etc. It is
 the right thing to do, and the amount of money that we spend, maybe a few thousand pounds –
 they do not like it when we spend public money – maybe even more, is an excellent investment
 in the future of that Gibraltarian that will keep him away from potentially us spending a lot more
 820 money on him or her in the future.

Mr Speaker I hope I have dealt with the issue the hon. Gentleman has raised and made clear
 that the Government remains committed to the funding of those issues so that those who do this
 community the huge service of fostering, who open their homes as they open their hearts to these
 children, should enjoy our support, not just morally but also financially.

825 **Mr Speaker:** The hon. the mover of the Bill.

Hon. Miss S J Sacramento: Mr Speaker, I would like to thank the Hon. Mr Bossino opposite for
 his praise in respect of the legislation, in that he recognises how substantive the legislation is and
 830 of course recognises that it is a wholesale review. There was significant praise for this change at
 the beginning of his speech and I thank him for that.

I did not entirely understand his preamble, where he expressed that it was a shame he had not
 had sufficient time to consider this Bill when it was published in October. I understand that
 Mr Phillips is not here, and that is understandable and it is regrettable that he is not here. I would
 835 like to make the point, however, that whereas the Members opposite do hold shadow portfolios,
 when it comes to Parliament questions there is no limit to that shadow portfolio and therefore I
 do not see how that does not extend when it comes to this. In any event, I appreciate the hon.
 Gentleman has not looked at this matter in depth and I will deal with the points that he has made.
 The points he has made are not really points of significant substance. A lot of the points he has

840 made deal with typos and such issues and I will deal with those at the Committee Stage, but I will go through the other points where he has sought clarification.

The first point was in relation to bureaucracy and expense, and the Chief Minister has dealt with that. In practice, the change that this new legislation would make would be particularly in relation to children in care, because applications for adoption would be made by the Care Agency, who hold the children in care, and therefore the lion's share of any legal costs in any event would be borne by the state through the Care Agency. So that makes that significant change in that respect. But as the Chief Minister said, even before this legislation we introduced a practice in 2012 where the Government offered grants for people in situations where they wanted to adopt, because it is that important. By doing it in this way, it places an emphasis and, in a way, encourages that adoption going forward is adoption of children from Gibraltar who are in care in Gibraltar, and that changes the dynamic pre-2011, where a lot of the adoptions were intercountry adoptions and children in care in Gibraltar remained in care in Gibraltar. That will change that emphasis for the benefit of all of us, I would say.

Mr Speaker, he asked about section 3(3) and wanted clarification on the expression 'in an enduring family relationship'. This is taken from the UK equivalent and this will have been tested in the UK.

When it comes to clause 4(4), this is a reflection of how adoptions are now to be streamlined going forward.

When he asked about why there is a reference only to the court, it is because only a court can make an adoption order. The application is presented by the Care Agency, the application of the welfare checklist is obviously made by the court and the Care Agency, but an order for adoption can only be made by a court. It is very clear in my understanding of the legislation; I hope that he now sees how it is so clear.

The hon. Gentleman then went on to refer to clause 5(3) and spoke about the adoption services. He raised these questions as to whether someone would be providing a service. I would refer him to clause 3(1) and the interpretation. It very clearly says:

'adoption service' means the services maintained by the Government under section 5(1);

so it is very much the intention that the Care Agency continues to deal with these. The way it works in practice is that the Care Agency will deal with the documentation and all the preparation, but ultimately, before the matter is considered by the courts, the matter is dealt with by an adoption panel, which also includes people external to the Care Agency and includes people who are either adopters or people who have been adopted themselves so that we have the wide range of experience when considering these all-important considerations. Again, to me it is very clear what clause 5(3) says and it most certainly reflects and codifies the current practice which has been developed in great measure in the last 10 years and is now quite formalised. There has been a significant investment in training of those who make decisions on adoption, on the professional side as well as the adoption and fostering panel.

I turn to clause 10(1), where he asked about the qualifying determination. This is to quantify the determination of the prospective adopters in situations where the Care Agency believes that the prospective adopter is not suitable to adopt a child. In addition to the proposed primary legislation, I have simultaneously asked for the drafting of regulations, which will be ready by the time this is commenced and will go hand in hand. In addition to that, I have also asked for some very simple leaflets to be produced because, whereas of course we have the body of the rules and the procedure in the primary legislation, I want to ensure that everyone who is a stakeholder in this important process understands how it works and what to expect from it.

In relation to clause 13(3) and (4), his interpretation is correct, on the basis that I understand the drafting to be very clear.

The other points that he made, in relation to clause 15, are matters that we can take at the Committee Stage. Those are all drafting points that the hon. Gentleman made.

890 The substantive point he made in relation to the extra-jurisdictional adoptions is because this is looking forward and envisages Gibraltar being part of the Hague Convention.

To address the final point that the hon. Member Mr Feetham made, he would not have known at the time of my speech that I will also have commissioned the regulations and the explanatory notes to be provided to people in the system, and that will cover points ... because the whole intention of this is for the process ... We can see that this is a very substantive piece of legislation, 895 but legislation is complex to be understood by the layperson, so I want to make sure that everyone who is involved in this process fully understands what is happening.

Mr Speaker, thank you very much.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the regulation 900 of the law relating to adoption and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Adoption Act 2022.

**Adoption Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

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 905 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.)

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –
First Reading approved**

910 **Clerk:** A Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour. The Hon. 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 make new provision 915 for on-the-spot penalties for disorderly behaviour be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

920

Clerk: The Crime (Disorderly Behaviour Penalty Notice) Act 2022.

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –
Second Reading approved**

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 Crime (Disorderly Behaviour Penalty Notice) Act 2022 be read a second time.

925 The Bill makes provision for penalty notices for disorder that will provide the Royal Gibraltar Police with a quick and effective means of dealing with low-level nuisance behaviour. The aims of the scheme contained in the Bill are to offer operational officers a quick and effective alternative disposal option for dealing with low-level antisocial and nuisance offending; deliver a swift and simple method of deterrence; reduce the amount of time that police officers spend contemplating
930 paperwork and attending court, while simultaneously reducing the burden on the courts; and increase the amount of time that constables spend on the street and dealing with more serious crime.

The availability of this form of disposal does not in any way preclude the use of any existing methods of dealing with matters. For example, powers of arrest are unchanged and may be
935 exercised where appropriate. The offences that have been included are summary offences where the most likely court outcome would be a low-level fine. The offences covered include breaches of the peace, disorderly conduct, making off without payment, noise and various alcohol-related offences.

The RGP will also be issued with guidance by the Ministry for Justice regarding the use of their discretion to issue notices in particular circumstances. For example, in relation to theft, contrary
940 to section 397 of the Crimes Act, the guidance will state that only one notice should ever be given to an individual for theft, the value of goods stolen should not exceed £100 and it is expected that in most cases the property will be recovered and, where applicable, such as in cases of shoplifting, remain fit for sale. Furthermore, a notice will not be appropriate where the theft is in breach of
945 trust, such as where a person has stolen from their employer.

Mr Speaker, the scheme contained in this Bill is based on the long-standing fixed penalty notice scheme for road traffic offences. Notices are issued to individuals and there is no requirement for an admission of guilt, nor is a conviction recorded against the subject. There is also a mechanism in place for a person who receives a notice to request to be tried rather than pay the penalty.

950 A notice must only be given to a suitable person. This is defined in the Bill as a person aged 18 or over. Where doubt exists, rigorous checks must be made to establish age. If a person lies about their age, the notice should be withdrawn and any moneys paid returned. In such circumstances, a constable may proceed in any way that was available prior to giving notice.

The Bill includes a power by secondary legislation to lower the minimum age in the future, and,
955 if that different age is lower than 18, make provision for a parent or guardian of that person to be notified of the giving of the notice and for the parent or guardian to be liable to pay the penalty under the notice. It is not intended to exercise this power at this time, but before this is done, full research and consultation will be undertaken.

In conclusion, the scheme contained in this Bill will provide the Royal Gibraltar Police with
960 another tool that will allow them to continue the work of more effectively managing their resources. We are following the UK's lead in allowing for a speedy and effective alternative option for dealing with a limited number of low-level nuisance offending in circumstances that may not warrant attendance in court, while still providing all the relevant safeguards to the victims of crime and offenders. It is a matter that has been raised with me by the Commissioner of Police following
965 inspections, and I am certain that allowing for resolution of the matters in this way will assist him in focusing his resources on more serious matters.

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
970 principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Hon. Lady has reached out to me on a number of occasions and has invited me to make any comments on any potential amendments in advance of today. I have to say that, having looked at it, I had no amendments and indeed the Opposition agrees with both the policy and the drafting of the Act. If I may say so, it strikes the right balance between dealing with offences of this sort, which are essentially minor offences but important offences to many people because disorderly behaviour is capable of impacting on the lives of innocent people in the community. It strikes the right balance between those types offences, dealing with them quickly – and swift deterrence, as she put it – with less paperwork as well for police officers, but at the same time ensuring that none of the protections in the law in relation to offences that may carry more serious penalty are infringed upon. For those reasons we are going to be supporting this Bill.

I apologise that I did not raise it with her in advance, but just in relation to section 7, where it says:

The Minister may issue guidance—
about the exercise of the discretion given to constables by this Act

I presume what means – discretion given to constables by this Act – is the discretion whether to prosecute or not to prosecute. I was racking my brains as to how guidance from the Minister may actually assist in the exercise of that discretion when, quite frankly, discretion by its nature is a wide concept and perhaps one would want, in these types of cases, for the discretion to just be vested in the police officers without guidance. Sometimes guidance can be unhelpful in restricting that discretion. Perhaps she can comment on that and provide the House a little bit more detail about that, but I do not want those comments to detract from the fact that the Opposition will be supporting and that we will be commending the Bill to the House.

Mr Speaker: Does the hon. mover wish to respond?

Hon. Miss S J Sacramento: Mr Speaker, I thank the hon. Gentleman again for the generosity in the way that he has dealt with this, and I am glad to hear that there is consensus throughout the House in this, which is, I would say, a very sensible and practical proposal going forward.

In relation to the point that he raises, precisely because of this point is the reason why I gave the example in my speech about shoplifting and when relevant. The point to be made here is so that we can identify what would be a type of offence that would be acceptable to the issue. So it is in relation to the offences that are scheduled.

Hon. D A Feetham: Rather than the exercise of [inaudible]

Hon. Miss S J Sacramento: Yes. I am happy to tell the hon. Gentleman that when this was first proposed to me, the length of the schedule was much greater than the way it has ended up.

Mr Speaker: I now put the question, which is that a Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crime (Disorderly Behaviour Penalty Notice) Act 2022.

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

1015 **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.)

**Domestic Abuse Bill 2022 –
First Reading approved**

1020 **Clerk:** A Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes. The Hon. Minister for Justice, Equality and Public Standards and Regulations.

1025

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 make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a first time.

1030

1035 **Mr Speaker:** I now put the question, which is that Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against?
1040 Carried.

Clerk: The Domestic Abuse Act 2022.

**Domestic Abuse Bill 2022 –
Second Reading approved**

1045 **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 Domestic Abuse Act be read a second time.

The Bill makes provision for domestic abuse. This is an incredibly important development on this subject and one that is designed to protect victims of domestic abuse.

Part 1 creates a new offence criminalising controlling or coercive behaviour in an intimate or family relationship where the behaviour has a serious effect on the victim. A limited defence is

1050 available where the accused believes he or she was acting in the best interests of the victim and
can show that in particular circumstances their behaviour was objectively reasonable. The defence
would not be available where a victim has been caused to fear violence, as opposed to being
seriously alarmed or distressed. The defence is intended to cover a situation where, for example,
1055 a person who is a carer for a spouse who is mentally ill by virtue of his or her condition, has to be
kept at home to take medication. The carer's behaviour might be considered controlling but would
be reasonable in the circumstances. This evidential burden will apply to the defence – that is, it
will be enough for a defendant to produce sufficient evidence for the matter to be considered by
the jury. It would then be for the prosecution to demonstrate to the criminal standard of proof,
namely beyond a reasonable doubt, that the defence has not been made out.

1060 Part 2 of the Bill creates new powers to deal with domestic abuse in Gibraltar. These include
domestic abuse protection orders (DAPOs), which will be issued by senior Royal Gibraltar Police
officers. The DAPOs will be issued by the courts.

Clause 6 defines domestic abuse. The definition applies for the purposes of the Act, but is
expected to be adopted more generally. There are also provisions recognising that domestic abuse
1065 can impact on a child who sees, hears or experiences the effects of domestic abuse, and it treats
such children as victims of domestic abuse in their own right. The definition of domestic abuse is
in two parts. The first part deals with the relationship between the abuser and the abused. The
second part defines what constitutes abusive behaviour. There are two criteria governing the
relationship between the abuser and the abused. The first criterion provides that both the person
1070 who is carrying out the behaviour and the person to whom the behaviour is directed must be aged
over 16. Abusive behaviour directed at a person under 16 will be dealt with as child abuse rather
than domestic abuse. The second criterion provides that both persons must be personally
connected as defined in clause 3(7).

Clause 8 creates a power for a police officer to issue a domestic abuse protection notice (DAPN)
1075 and sets out the conditions and considerations that must be met in order for the Police to issue a
DAPN. The purpose of a DAPN is to secure the immediate protection of a victim of domestic abuse
from future domestic abuse carried out by a suspected perpetrator. A DAPN prohibits the
perpetrator from abusing the victim and, where they cohabit, may require the perpetrator to
leave those premises. It may also prohibit the perpetrator from coming within a specified distance
1080 of the premises where the victim lives. As a form of civil preventative measure, the issue of a DAPN
and a DAPO does not constitute a finding of guilt, but for convenience and to aid understanding
of the purpose of these notices and order I will refer to the person against whom a notice is given
or an order is made as 'the perpetrator' and the person to whom the notice or order is designed
to protect as 'the victim'. The issue of a DAPN triggers a police-led application for a DAPO in a
1085 magistrates court. This is an order which can include prohibitions and requirements necessary to
protect the victim from future domestic abuse or the risk of domestic abuse and assist in
preventing the perpetrator from carrying out further domestic abuse.

Clause 9 sets out a list of the type of provision that a DAPN may contain. Such provision may
include a prohibition on the perpetrator contacting the victim, including via social media or email,
1090 which would also apply to contacting the victim at their place of work, even if the perpetrator and
victim work in the same place, or prohibit the perpetrator from coming within a certain distance,
as specified in the DAPN, of the premises lived in by the victim for the duration of the DAPN.
Where the perpetrator lives with the victim, provision may be made to prohibit the perpetrator
from evicting or excluding the victim from the premises in question, prohibit the perpetrator from
1095 entering the premises or require the perpetrator to leave the premises. It does not matter, for
these purposes, whether the premises are owned or rented in the name of the perpetrator or the
victim.

Clause 10 sets out particular matters that the police officer must take into consideration before
issuing a DAPN. The police officer must consider the welfare of any child whose interests the
1100 officer considers relevant. The police officer must take reasonable steps to find out the opinion of
the victim as to whether the DAPN should be issued. Consideration must also be given to any

1105 representation the perpetrator makes in relation to the issuing of a DAPN. Where the DAPN is to
include conditions in relation to the occupation of premises lived in by the victim, reasonable steps
must also be taken to find out the opinion of any other person who lives in the premises and is
personally connected to the perpetrator, if the perpetrator also lives in the premises, or the victim.
1110 While the police officer must take reasonable steps to discover the victim's opinion and must take
this into consideration, the issue of the notice is not dependent upon the victim's consent – this
is at subclause (4) – as the police officer may nevertheless have reason to believe that the victim
requires protection from the perpetrator and the issue of the notice is necessary to secure
protection.

1115 Clause 11 deals with further requirements in relation to notices. Subclause (2) sets out the
details that must be specified in a DAPN, which include the grounds for issuing the DAPN and the
fact that the Police will make an application for a DAPO which will be heard in the Magistrates
court within a 48-hour period, excluding weekends and bank holidays, the fact that the DAPN will
continue to be in effect until the DAPO application is determined and the provision that may be
included in a subsequent DAPO. Subclause (4) requires the constable serving a DAPN to ask the
perpetrator to supply an address in order to enable the perpetrator to be given notice of the
hearing for the DAPO application.

1120 Clause 12 provides that the breach of a notice is an offence.

1120 Clause 13 describes a DAPO for the purposes of Part 2, namely an order containing prohibitions
or restrictions for the purpose of preventing the perpetrator from being abusive to his or her
victim.

1125 Clause 14 sets out the various routes under which a DAPO may be applied for. First, a DAPO
may be granted by a court on application by certain categories of person – subclause (2). Second,
where a DAPN has been given to a perpetrator by a member of a police force, there is a duty on
the Commissioner of Police to apply to a Magistrates Court for a DAPO – subclause (3) and
clause 15. Third, a DAPO may be made by a Family Court or Criminal Court during any ongoing
proceedings, and that is at clause 17. Subclauses (5) to (7) specify the appropriate court to which
1130 an application for a DAPO is to be made. Where an application is made by the Police, whether
following the issue of a DAPN or as a standalone matter, the application will be to a Magistrates
Court. Where both the perpetrator and the victim are parties to family or civil proceedings, it
would be open to the court to make a DAPO in those proceedings. The victim may apply to the
Family or Supreme Court, as the case may be. In all other cases – for example, where the applicant
is the victim, not involved in existing proceedings or a specified third party, an application is to be
1135 made to the Supreme Court.

Clause 15 covers the steps to be taken by the Police to apply for a DAPO following the issue of
a DAPN. This follows on from the requirement set out in clause 28(3) for a Chief Officer of Police
to apply to a Magistrates Court for a DAPO once a DAPN has been issued.

Clause 16 makes provision for remand of a person arrested for breach of a notice.

1140 Clause 17 enables the court in family, criminal or, in prescribed circumstances, civil proceedings
to make a DAPO during ongoing proceedings where in the course of such proceedings the court
becomes aware of the need to protect a person from domestic abuse. In the case of criminal
proceedings in a Magistrates Court or the Supreme Court, it is open to the court to make a DAPO
on the conviction or acquittal of the accused.

1145 Clause 18 sets out the conditions for making a DAPO. Two conditions must be met, namely that
the court is satisfied on the balance of probabilities – that is the civil standard of proof – that the
perpetrator has been abusive towards a person aged 16 or over to be protected by the DAPO, the
victim, and that the court considers that the making of a DAPO is necessary and proportionate to
protect the victim from domestic abuse or risk of domestic abuse carried out by the perpetrator.
1150 That is at subclauses (2) and (3). An order may, therefore, be made where domestic abuse has
already occurred and the victim needs protecting from continuing abuse or the threat of abuse
where such abuse occurred outside Gibraltar – subclause (4). Subclause (5) provides that a DAPO
can only be made against a person who is aged 18 or over.

1155 Clause 19 specifies particular matters that a court must consider prior to making a DAPO. These are the welfare of any child whose interest the court considers relevant to the DAPO, the opinion of the victim and, where the DAPO is to include conditions in relation to the occupation of premises lived in by the victim, the opinion of any other person who lives in the premises and is personally connected to the victim or the perpetrator. If the perpetrator also lives in the premises, it is not necessary that the victim consent to the order.

1160 Clause 20 deals with the making of orders without notice. Before making – (*Interruption*) (**A Member**: Okay.) Mr Speaker, before making a DAPO, a court would normally give notice to the perpetrator to inform them of the proceedings and of the hearing at which the ... Mr Speaker, I am not laughing at the substance of what I am reading, I am just laughing at the very funny tune we just heard. I am not quite sure what that was aimed at. (**A Member**: Going round.) Going round, not personal. This clause allows a court to make a DAPO without notice where it would be just and convenient to do so. The clause does not apply in the case where a perpetrator has been given a DAPN, as clause 14 makes separate provision for the making of a DAPO without notice in such cases at subclause (3). Without-notice applications would in practice only be made in exceptional or urgent circumstances, and the applicant would need to produce evidence to the court as to why without notice the hearing was necessary. It may, for example, be appropriate to make a DAPO without giving notice of the application or hearing to the perpetrator where there is reason to believe that the perpetrator may seek to cause significant harm to the victim or intimidate the victim such that he or she would withdraw the application or may deliberately seek to evade service of notice of proceedings. If an order is to be made without notice, the perpetrator must be given an opportunity as soon as just and convenient to make representations about the order at a return hearing on notice.

1170 Clause 21 sets out the types of conditions that may be imposed in a DAPO and it may include any requirements and both prohibits and restrictions that the court thinks are necessary to protect the victim from the various forms of domestic abuse set out in the definition of domestic abuse in clause 6 or the risk of such abuse. This could include, for example, specific requirements to protect the victim from physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, or psychological, emotional or economic abuse. The court may decide that other requirements, such as requiring the perpetrator to attend a behavioural change programme or a drug or alcohol treatment programme may be necessary to protect the victim from domestic abuse. Subclause (4) specifies that the DAPO may prohibit the perpetrator from contacting the victim, and this relates to all forms of contact, including online contact, to prohibit the perpetrator from coming within a specified distance, as specified by the DAPO, of the premises lived in by the victim. The order may also prohibit the perpetrator from coming in a specified distance of any other premises specified by the court or any other premises of a specified description. This will include, for example, any place where the victim may commonly be found, such as the victim's place of work, place of worship or children's school. Subclause (5) specifies that where a perpetrator and the victim share living premises, the DAPO may prohibit the perpetrator from a victim or excluding the victim from the premises, prohibit the perpetrator from entering the premises, or require the perpetrator to leave the premises. Such provision may be made irrespective of who owns or rents the premises.

1185 Clause 22 makes further provision about requirements that may be imposed by orders. The requirements attached to a DAPO must not, so far as practicable, conflict with the perpetrator's religious beliefs or interfere with the perpetrator's work, attendance at an educational establishment – so, for example, a prohibition on the perpetrator entering a defined area would not normally cover his or her place of work – or conflict with another court order. If it is not practicable to avoid the conflict, given the necessity to protect the victim the court may still impose the requirement. Where a DAPO imposes requirements on the perpetrator, it must specify the person who is responsible for supervising compliance.

1195 Clause 23 provides for the duration of orders.

1205 Clause 24 provides that it is an offence to breach any requirement of a DAPO without
reasonable excuse. In the case of a DAPO made against a perpetrator who was not given notice at
1210 the time of the proceedings, the offence only operates from the time he or she was made aware
of the existence of proceedings. The maximum penalty for breach on conviction in a Magistrates
Court is imprisonment for a term not exceeding six months or a fine, or both. The maximum
penalty for breach on conviction on indictment is imprisonment and a maximum term of five years
or a fine, or both, and that is at subclause (5). As an alternative to prosecution for the offence
under subclause (1), breach of the DAPO may be dealt with as a civil contempt of court, the
1215 maximum penalty for which is two years imprisonment or a fine, or both, except in a Magistrates
Court, where the maximum penalty is two months' imprisonment or a fine. Sub clauses (3) and (4)
set out that any breach has to be punished as a contempt of court and it may not be punished as
an offence under this clause, and vice versa. This is to ensure that the subject of a DAPO is not
punished twice for the same failure to comply with the requirements of the order.

Clause 25 provides that as breach of a DAPO is a criminal offence, the perpetrator may be
1220 arrested without a warrant by a constable exercising powers under section 42 of the Criminal
Procedure and Evidence Act. Where a complainant – for example, the victim – wants a breach to
be dealt with as a civil matter, that is as a contempt of court, this clause provides for a power of
arrest in such cases. A person may apply to the court to issue an arrest warrant if the applicant
thinks that the perpetrator has breached the DAPO. Once the perpetrator has been arrested and
brought before the court, the court may either deal with the contempt of court there and then or
1225 remand the perpetrator, whether in custody or on bail, for the case to be dealt with at a later
date. Schedule 1 makes further provision about remand under clause 25.

Clause 26 makes provision about notification requirements. This clause requires the
perpetrator to notify the Police of their name, including any aliases and home addresses within
three days, beginning with the date of the making of the DAPO. Any change of name or home
1230 address or any adoption of a new name must be notified to the Police within three days of the
event. Such information will assist the Police in monitoring compliance with the DAPO and in
managing risk posed by the perpetrator. The perpetrator's home address for these purposes is
defined in clause 3(6) as meaning either the person's sole or main residence in Gibraltar or, where
they have no such residence, the address location in Gibraltar where they can regularly be found.
1235 Subclause (7) enables the Minister with responsibility for justice by regulations to specify further
notification requirements which a court may impose on a case-by-case basis when making or
varying a DAPO. Where additional notification requirements are imposed by a court, the
perpetrator must supply the information to the Police. Certain sex offenders are already subject
to notification requirements by virtue of the provision of Part 13 of the Crimes Act, and where the
1240 subject of a DAPO is already liable to one or the other of these notification requirements the
provisions in the clause do not apply, to avoid unnecessary duplication. However, if the
notification requirements under one or other of these enactments or another DAPO cease to
apply to the subject of a DAPO, then the requirements of this clause will instead apply.

Clause 27 sets out further provision about notification. It sets out how the subject of a DAPO
1245 must notify the Police and how notification must be acknowledged and police powers to verify
the perpetrator's identity when they attend a police station to notify.

Clause 28 provides that it is a criminal offence to fail to comply with the notification
requirements without reasonable excuse.

Clause 29 sets out how a DAPO may be varied or discharged, who may apply for such a variation
1250 and discharge and to which court the application should be made.

Clause 30 sets out the relevant court at which proceedings in relation to the variation and
discharge are to take place.

Clause 31 sets out the circumstances in which an affected person may appeal against a decision
of a court in respect of a DAPO.

1255 Clause 32 makes further provision about appeals to provide that in any case where the
Commissioner of Police is not the appellant subclauses (1) and (2) provide that the court must

afford them the opportunity to be heard before determining. The Commissioner of Police would automatically have such a right to be heard in any case where they are the appellant.

1260 Clause 33 provides that proceedings before a Magistrates Court or Supreme Court in respect of the making of a DAPO on the conclusion of criminal proceedings or in respect of a variation or discharge made in the circumstances ... Subclause (2) provides that a Magistrates Court or Supreme Court may, in deciding whether to make an order on the conclusion of criminal proceedings, consider evidence which was inadmissible in the criminal proceedings. Subclause (3) enables a Magistrates Court or Supreme Court to adjourn proceedings – for example, after passing sentence on a perpetrator – to enable further inquiries to be made before determining whether to make an order. Subclause (4) provides that where a perpetrator has been convicted of an offence but is conditionally or absolutely discharged, it is still open to the court to make or vary an order in respect of that person.

1270 Clause 34 applies, with appropriate modifications, the special measures provisions in sections 427 to 445 of the Criminal Procedure and Evidence Act to proceedings under Part 2 of the Act. This means that victims of domestic abuse would be eligible for special measures when giving evidence in relation to proceedings of a DAPO.

1275 Clause 35 gives the Minister with responsibility for justice the power to issue guidance to the Police and other persons eligible to apply for a DAPO by virtue of any regulations that may be made under clause 14(2)(c). Such persons are under a duty to have regard to the guidance when exercising functions under this Part.

1280 Part 3 provides for guidance on the establishment and conduct of domestic homicide reviews, so that statutory agencies can learn lessons from them. The relevant authorities have a duty to have regard to the guidance issued by the Minister for Justice when establishing or conducting such a review. The relevant authorities are listed as the Commissioner of Police, the Chief Executive Officer of the Care Agency and the Gibraltar Health Authority. It is envisaged that the guidance will encourage multi-agency reviews in relevant cases and will provide details as to leadership, format, timing and participants, depending on the individual circumstances of the case. The Minister has the power to direct a review to be established in a particular case, specifying who must establish and/or participate in such a review.

1285 Part 4 makes provision for offences including violent or abusive behaviour. Clause 38 amends the offence under section 97B of the Crimes Act of disclosing a private sexual photograph or film with the intent to cause distress to an individual who appears in the photograph or film to include threats to disclose sexual private photographs or films. The three specific substantive defences to the original substantive offence at section 97B of the Crimes Act would be available in relation to any threat to disclose. The new provision is added to ensure the prosecution will not have to prove the private sexual photograph or film referred to in the threat exists, so long as the individual is said to feature in them.

1295 Clause 39 creates a new offence of non-fatal strangulation or suffocation of another person. The use of choking or strangulation as a form of domestic abuse or violence is well documented as the fact that such behaviour may be undercharged or minimalised if there is no physical injury caused. This offence is not limited to persons who are connected. This clause inserts a new section 167A to the Crimes Act. The new section 167A will provide that a person commits the offence if the person intentionally strangles another or they commit another act that affects the person's ability to breathe and that act constitutes a battery of the other person. 'Strangulation' or 'strangles' are not specifically defined and have their ordinary meaning. 'Battery' is a reference to the common law offence of battery, an act that affects the ability of the other person to breathe and constitutes a battery can include but is not limited to suffocation. The new section 167A(2) makes clear that it is a defence for a person accused of the offence to show that the other person consented to the strangulation or other act that affected their ability to breathe. This subsection has, however, to be read in conjunction with the new section 167A(3), which provides that the defence set out in the new section 167A(2) would not apply when the person suffers serious harm as a result of the strangulation or other act that affects their ability to breathe. 'Serious harm' is

1310 defined in the new section 167A(6) as amounting to grievous bodily harm or wounding within the
meaning of section 166 of the Crimes Act, or actual bodily harm under section 176. In short, a
1315 person cannot validly consent to having serious harm inflicted on them. The new section
167A(3)(b) clarifies that serious harm must be intended by the perpetrator or that the perpetrator
is reckless as to the other person suffering serious harm. This means that where a person intends
to inflict harm that amounts only to a battery and the other person consents to that act, but where
1320 serious harm occurs, a valid defence of consent would only be available where the prosecution
can prove that they intended to cause serious harm or were reckless as to serious harm being
caused. The new section 167A(5) sets out penalties for the offence. The maximum penalty on
summary conviction is 12 months' imprisonment and/or an unlimited fine. On conviction on
indictment in the Supreme Court the maximum penalty is seven years' imprisonment and an
unlimited fine.

Clause 40 restates the statute law of the general proposition that a person may not consent to
the infliction of serious harm and by extension is unable to consent to their own death. It also
reflects the exception in relation to consent in cases involving the transmission of sexually
transmitted infections insofar as the law has been established.

1325 Turning to Part 5, the Bill deals with special measures and protection for victims and witnesses
in court. Clause 41 amends Part 19 of the Criminal Procedure and Evidence Act to extend the
eligibility for assistance given to intimidated witnesses in criminal proceedings to complaints of
any offence where it is alleged that the behaviour of the accused amounted to domestic abuse.
As a result, complaints of the offence, including domestic abuse, are to be automatically treated
1330 as eligible for special measures on the grounds that they are in fear or distress about so testifying.
Special measures apply to witnesses who are giving evidence in criminal courts, and these
measures include giving evidence by live link, removal of wigs and gowns, and video-recorded
evidence.

Clause 42 relates to special measures in civil proceedings and provides the Chief Justice with
1335 the power to make rules of court enabling the court to make special measures direction in relation
to a person who is a party or witness to civil proceedings where that person is at risk of being a
victim of domestic abuse.

Clause 43 provides that Part 3A of the Practice Direction 3A of the Family Procedure Rules of
England and Wales applies in Gibraltar with such modifications as may be required and provides
1340 that victims of domestic abuse will be automatically eligible for access to special measures.

Part 6 relates to information sharing and gives the Minister for Justice the power to make
regulations to permit the sharing of information with schools. This is intended to provide for an
Operation Encompass model for Gibraltar. Operation Encompass is a police and education early
information safeguarding partnership enabling schools to offer immediate support to children
1345 experiencing domestic abuse and will give the Minister for Justice the power to make regulations
for these purposes. Training for all relevant stakeholders in this regard was undertaken in
November last year.

Part 7 contains regulation-making powers and repeals the Domestic Violence and Matrimonial
Proceedings Act.

1350 Mr Speaker, bringing this Bill to the House has entailed many years of work and consultation.
There have been numerous changes to this Bill. There has been input from lawyers, focus groups,
stakeholders, interested parties and lots of conversations with victims and, importantly, with
survivors of domestic abuse. This is an incredibly important piece of legislation and is in honour of
everyone who has been a victim of domestic abuse in Gibraltar.

1355 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. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition is going to be supporting this Bill.

1360 It is often said that the law is a living thing. We all, in this place, strive to make improvements to our laws, and indeed that is part of our responsibility as being the legislature of this small community of ours.

1365 When we were in government, we introduced the 2011 Crimes Act, which at the time was a seminal piece of legislation. Some of the offences that you see reflected in this Bill today, which I have no hesitation in describing as a phenomenally important piece of legislation, at the time had not been proposed or conceived either in Gibraltar or internationally and in the United Kingdom in particular, because although we do not follow the United Kingdom slavishly in every single case, many of the ideas for our legislation do emanate from the United Kingdom.

1370 As the Hon. Minister also said at the end of her intervention, should there be any concerns about this piece of legislation, which in my view there ought not to be, the fact that she has published a consultation paper, the fact that she has consulted with lawyers and with other interest groups and allowed people to make comments on the basis of that consultation paper contributes to the quality and, if I may say so, thoroughness of the Bill presented by the Minister today.

1375 There is no point in me going through this Bill also in detail, but I want to focus, just to explain some of the offences that are created by this Bill, on some parts of it. For example, this Bill tries to close the gap – as the Minister has described, I think, elsewhere, not in the course of her intervention – between offences that we have and patterns of controlling or coercive behaviour. Some people who may follow football – as I do, Manchester United in particular – will have followed, for example, the trial of quite a famous former player of Manchester United who was charged with coercive and controlling behaviour. Ultimately, he was not convicted – it was not an acquittal because there was a hung jury in relation to it – but that is what we are talking about.

1380 Just to make it clearer, the type of behaviour that could amount to controlling or coercive behaviour is, for example, a partner isolating you from your friends and family; monitoring your time and how you spend your time; monitoring your time online and your communication tools – introducing spyware onto phones, for example; taking control of aspects of your everyday life, such as where you can go, who you can see, what you can wear and when you can sleep; and controlling your finances – although I have to say that my wife comes very close to this type of behaviour. They are offences. It creates an offence in relation to behaviours that can really create a nightmare situation for the person who actually suffers this kind of behaviour. Therefore, in our respectful view, it was needed and we certainly commend the Minister for introducing this legislation.

1390 It also creates new powers to deal with domestic abuse in Gibraltar, and these include domestic abuse protection notices issued by police officers in urgent circumstances, but also domestic abuse protection orders, which are a court-issued version of the notices, including in family, criminal and civil actions.

1395 In our view, the Police and the courts are going to be able to deal with domestic abuse in a much more efficient and focused way, and hopefully will allow all of us as legislators and the Police as the enforcement agency – and the courts, of course, where these things are going to have to be proved – in our own way, to attempt to stamp out this kind of behaviour, which has and should have no place in society and in this community.

1400 Mr Speaker, for all those reasons, I commend the Bill to the House. The Minister, I think, in her press release said she felt proud about the work that she had done in relation to this and I think she should rightly feel proud because it is a very good piece of legislation indeed, and therefore I too commend the Bill to the House.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

1410 **Hon. Ms M D Hassan Nahon:** Mr Speaker, while I applaud many of the measures contained within this Bill, as one out of a grand total of two women in this House of 17 representatives I feel I have to put a feminist slant on this debate for the benefit of half of the population of Gibraltar.

1415 I would like to remind the House that while both men and women may experience incidents of interpersonal violence and abuse, women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. As an example, in the UK, for the year ending March 2022, 6.9% of women suffered this violence and 3% of men. This translates to 1.7 million women and 699,000 men, more than double are the women. They are also more likely to have experienced sustained physical, psychological or emotional abuse or violence that results in injury or death. Women experience higher rates of repeated victimisation and are much more likely to be seriously hurt or killed than male victims of domestic abuse, are liable to experience higher levels of fear and are more likely to be subjected to coercive and controlling behaviours.

1420 Domestic abuse perpetrated by men against women is rooted in women's unequal status in society and is part of the wider social problem of male violence against women and girls. In light of this pervasive problem, I feel this Bill does a disservice when it does not make any reference to gender-based violence in its definition or making special provisions to protect women with measures aimed at countering the many biases that continue to exist – the biological, social and economy imbalances that make violence against women an endemic problem for humankind. In fact, by continuing to operate in this seemingly neutral, politically non-committal way, we are failing to make a stance that the women in our society sorely need, to the benefit of the small but loud bunch of male-rights activists out there whose role it is to tear down any kind of feminist progress.

1430 Mr Speaker, the Bill has great elements and I do thank the Minister for her work, so I will be voting in favour of it, but an erroneous recognition of the problem will inevitably create other problems in the long term.

Thank you.

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Mr Speaker: The Hon. the Chief Minister.

1440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I rise to thank the Hon. Minister for the introduction of this Bill? It has taken a lot of her time in government. She has sought the assistance of other Ministers at different times, but she has borne the complete brunt of the preparation of it with her advisers, and although the title might not suggest it, it is a labour of love manifest in a Bill that is about domestic abuse. It is a piece of work that I know she has taken great care to produce in the best possible way, as we do with every Bill but in particular in relation to this Bill because of the potential consequences of not having the protections that it will afford, or not having modernised the protections that it will afford.

1445 Mr Speaker, can I – this is starting to become a habit – join Mr Feetham in that respect, in welcoming the work that the Hon. Minister has done, and can I thank him for the recognition that he has given across the floor of the House to the Hon. Minister in that respect?

1450 I agree with the hon. Lady, Marlene Hassan Nahon, that the brunt of domestic abuse is suffered by women, not just in this country but in most countries, and in my view it is abhorrent that it should be denied and that the veneer of violence happening in a domestic setting being applicable equally to men as it is to women is just not true. That is the sort of veneer that *Vox* tried to put on the issue in Spain in the way that they present the issue. Of course there are men who suffer abuse in the home setting, of course there are, but the overwhelmingly vast majority of cases of abuse are against women. That is not to deny that there are even instances of abuse in same-sex marriages or partnerships, but the overwhelming vast number of instances are instances of abuse by male of female partners. On that, I believe that we are all in this House agreed.

1455 Having said that, when legislating, as we are in this House, we have to legislate in keeping with the constitutional parameters. One thing is to recognise the statistic that there is one particular characteristic that can afflict the majority of the cases that are going to be dealt with. Quite

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another is to legislate in that way when we all also recognise that there are instances of violence in this sort of setting which are also affecting all sexes. Our Constitution requires us not to legislate in a way that would be seeing a sexual entity rather than an individual of any type. So gender-based violence legislation is complicated. There are some instances where it is physically necessary ... For example, in instances of female vaginal mutilation. There you are dealing with a gender-based issue, genital mutilation. You are dealing with a gender-based issue and you are not doing so in a sexist way. But we have to be very careful, where we are dealing with the creation of offences of abuse against individuals, against citizens, that the legislation is gender neutral, although the enforcement of the legislation will no doubt reflect, as the hon. Lady has said, that the vast majority of these offences are committed against women in particular circumstances. We cannot deny, as the hon. Lady has taken us through, that there are also instances of abuse affecting children of all sexes in the home setting, where they are witnessing what is overwhelmingly and predominantly the violence of men against women, but that is also abuse of the children, and the children of both sexes.

I think this is an incredibly complex piece of legislation that delivers against an incredibly important area of our law. We have seen the most heinous incidents of violence in the domestic setting in Gibraltar in the past 15 years – they have been the most awful – and indeed in the past 10 years in our period of our tenure, we have been in office and seen, under successive Ministers for Justice, two instances of the most heinous offences, seeing the loss of life of two women and, in one instance, the loss of life of a woman and her children and also the alleged killer, the man. So legislation that helps us to deal with that and, to an extent, try to nip it in the bud is legislation I am very happy to see will have the full support of the House. It could not be otherwise, and in giving this legislation the full support of the House we are giving the Minister our full support to the fantastic work that she has done in the past months.

Mr Speaker: The hon. the mover of the Bill.

Hon. Miss S J Sacramento: Mr Speaker, I thank the hon. Gentleman Mr Feetham once again for the generosity of his praise of this work. I am very glad and grateful that he has recognised this piece of work. Obviously, as a former Minister for Justice he understands the level of work that this entailed. I am glad that he reminded me of the process of the consultation and the Command Paper, because it was as a result of the consultation that followed the publication of the Command Paper that the substance of the Bill changed significantly. If we look at the Bill in its form today, we can see that it is very different from when the consultation paper was issued and it has been, in large measure, because of feedback we received at the time, and because then we also had the intervening period of COVID there were developments in the UK and we have included those developments and those amendments.

The hon. Gentleman referred to the offence of controlling coercive behaviour and how this has developed. It is already, and has been for a considerable period, an offence in the UK. It relates to non-physical violence, and that is why, whereas at the beginning when we started our strategy we referred to incidents as domestic abuse, we have changed the nomenclature and updated it to ... Sorry, initially we referred to it as domestic violence, and we have changed the communications to domestic abuse to make sure that everybody is aware of the coercive behaviour. In fact, because we have been working on this for such a considerable period of time and I wanted to make sure that everyone was ready to be able to deal with the legislation ahead of it succeeding in this House, back in 2019 I commissioned training specifically on coercive controlling behaviour, and in the autumn of 2019 every single police officer from the police constable to the Commissioner of Police has undertaken training on coercive controlling behaviour. This is because, as an offence, it is very difficult to prosecute and it is very difficult to identify. One of the principal reasons for this is because victims of coercive controlling behaviour in many circumstances do not themselves realise that they are victims of coercive controlling behaviour. The emotional abuse is such that they no longer realise it is wrong and that they are victims of abuse. That training that

we originally started has been ongoing. We have also, as part of the package that I commissioned in 2019, had a train-the-trainer package, so it means that, thereafter, training for primarily the Royal Gibraltar Police but also the inter-agency training that we do as part of the Domestic Abuse Strategy is delivered by people who have been trained in Gibraltar. We had a very moving conference in November on domestic abuse, where we had two victims and survivors of domestic abuse speak out. They spoke specifically of their experiences of domestic abuse, and both said that at the outset neither of them had recognised that they were, in fact, victims of domestic abuse and it was not until they spoke to other people that this was pointed out to them. The training that we have already undertaken and the training that is planned throughout the year is specifically focused on this because we anticipate, as is the case in the UK, that successful prosecutions on coercive controlling behaviour are incredibly difficult and there is no point in having the statutory framework that gives us an offence and not then having the tools in the armoury to be able to give it successful effect.

Mr Speaker, I regret the comments made by the hon. Lady. Unfortunately, I think she is trying to show in her comments that she is more of a feminist than I am, but it is premised, I think, on a misunderstanding of the legislation. This is a piece of legislation that will protect victims of domestic abuse regardless of their gender. The hon. Lady has quoted statistics that are not from Gibraltar that she has obtained, which is a shame because during our [*inaudible*] days of activism campaign that we had in November of last year, the statistics of domestic abuse and the gender split in Gibraltar was communicated. In Gibraltar, according to the statistics provided to me by the Royal Gibraltar Police, we have a 30/70 split of victims of domestic abuse. That means that 30% of the victims of domestic abuse in Gibraltar are men. The hon. Lady, if she wants to speak about equality and how domestic abuse impacts in Gibraltar, did not mention, as the Chief Minister said, victims of domestic abuse who are same-sex couples. Of the statistics that the Royal Gibraltar Police have in relation to reports of domestic abuse by same-sex couples, all reports and all complaints have been of male same-sex couples and there have been no reports by female same-sex couples. So, if we are going to speak about equality, let's understand what it is that we are talking about.

As the Chief Minister says, this is legislation and we have to make sure that the legislation is there and is available for all of us. The hon. Lady is right in that she says, and we all agree, that there are more victims of domestic abuse than women, but the way we deal with it, which the hon. Lady has misunderstood or overlooked, is through education, through strategy, through awareness, and not in legislation. I do not understand how the hon. Lady, apart from the exception that the Chief Minister mentioned, thinks we can legislate for domestic abuse in that way – it is certainly not legislated in that way in the UK, so it is erroneous to speak on the basis of that premise.

In order to reassure the hon. Lady so that she can be comforted that this Government fully understands its responsibilities, I can assure the hon. Lady that we have a national strategy for domestic abuse. In fact, that strategy is now being reviewed and refreshed in the context of the proposed Bill and there is a new working group. I have commissioned someone and engaged someone specifically tasked with driving the national strategy. As part of the strategy, we are looking at early intervention – that is one of the workstreams we have – and prevention, and it is through that strategy and that work that we do with women, with schools, through education, through awareness ... I am not sure whether the hon. Lady has been following the Ministry for Justice campaign that we had in November. Of course we are there to support women, we are there to support everyone, but we need to understand that ... We need to reach out to women, but reaching out to women, supporting women and educating women is something that we do in a different way. It is not something that we can do through legislation and it is a shame that the hon. Lady does not understand the difference.

Mr Speaker, I do not want to end on a negative note because this, as the Chief Minister said, has been a labour of love. It is so absolutely important that we get right the legislation and the support across the board, from training to services, to the help that we offer, to counselling help,

1565 and all of that has been considered and is spearheaded through the Ministry for Justice with input, of course, from the Ministry for Equality to make sure that we do not forget anyone, do not leave anyone behind and do not leave anybody out.

Given that this important piece of legislation is being supported by everyone, I would like to reflect that fact and thank all hon. Members for recognising this important progress that we have
1570 in our legislation.

Mr Speaker: I now put the question, which is that Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual
1575 photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1580 **Clerk:** The Domestic Abuse Act 2022.

**Domestic Abuse Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1585 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Chief Minister (Hon. F R Picardo): Mr Speaker, we have been at it now for almost three hours and the Minister has had carriage of, I think, three of the Bills that we have dealt with now, so I
1590 propose that we should recess to give you and her a break until 10 past six.

Mr Speaker: The House will now recess to 10 past six.

The House recessed at 5.50 p.m. and resumed at 6.11 p.m.

**Anti-Corruption Authority Bill 2022 –
First Reading approved**

Clerk: We continue with Bills.

1595 A Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes. The Hon. the Minister for Justice, Equality and Public Standards and Regulations.

1600 **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 make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes be read a first time.

1605 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Anti-Corruption Authority Act 2022.

**Anti-Corruption Authority Bill 2022 –
Second Reading approved**

1610 **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 Anti-Corruption Authority Act 2022 be read a second time.

1615 The purpose of this Bill is to (1) create a domestic body to investigate complaints of corrupt conduct and also have the freedom to investigate of its own volition without there being any complaint received from any person; (2) provide this body, the Anti-Corruption Authority (ACA) with certain powers of investigation; (3) make provision for other matters which are ancillary or related to these purposes; (4) implement an obligation under Article 6 of the UN Convention Against Corruption, which is currently not provided for under Gibraltar law.

I will take each of the clauses as they appear on the Bill.

1620 Part 1 of the Bill contains introductory provisions. Clause 1 contains provisions in relation to the title and entry into force of the Act.

Clause 2 contains definitions, two of the most important being what is meant by ‘corrupt conduct’, with reference to clause 15; and ‘a public official’, which is widely defined. Some of the other definitions rely on meanings provided in other legislation.

1625 Part 2 of the Bill focuses on the establishment of the ACA, its powers, functions, duties and related matters.

Clause 3(1) provides for the creation of the ACA. Clause 3(2) sets out the scope of the ACA.

1630 Clause 3(3) sets out the membership of the ACA. We have heard the concerns that have been expressed, and given that the Government does not wish to control the composition of the ACA, we have sought an amendment to the Bill by letter today for amendments to include that the chairperson is appointed by the specified Appointments Commission and that the other four are appointed as follows: two by the Chief Minister and two by the Leader of the Opposition. There are examples of similar appointments throughout legislation.

1635 Turning to clause 3(4), it provides for the Chair to oversee the working of the ACA. Some of their members will be investigating officers who exercise powers as authorised by the ACA.

Clause 3(5) states that public officials are not eligible to be appointed to the ACA with the flexibility that further categories of persons may be added as part of the excluded persons. ‘Public official’ is already fully defined under clause 2 of the Bill.

1640 Clause 3(6) states that the initial period of appointment must not exceed three years, but under clause 3(7) any person can be reappointed unless they resign or have been removed. The person who wishes to resign can notify the Chief Minister in writing under clause 3(8).

Clause 3(9)(a) lists the reasons for the removal of any member of the ACA. There is a broad range of reasons, which is not dissimilar to the circumstances under which the Minister, under

1645 section 36 of the Financial Services Act 2019, can declare the office of Chief Executive vacant and
under section 21(7), when the Minister may remove another member of the FSC. Under
1650 clauses 3(9) and (10) removals and changes of the composition of the ACA must be published in
the Gazette. In clause 3(11) there is provision where, for any reason of absence or inability to act
as part of the ACA, or any other reason provided in clause 3(9), there may be a temporary
replacement by the Chief Minister. Where there is a permanent removal from any post, the
replacement must be appointed in the same manner as the original appointment.

The remuneration and the expenses of the ACA are to be charged on the Consolidated Fund,
whether these expenses are payable to a member or the expenses incurred by the ACA at
clauses 3(13) and (14). This is exactly the same as for the Financial Services Ombudsman, for
instance, under section 181 of the Financial Services Act.

1655 Clause 4 provides that the ACA be a body corporate with common seal with the necessary
formalities. You need the chair or another member who is authorised, and in either case one other
member also has to be present. The ACA must sue and be sued in corporate name, and service of
any processes may be affected by leaving it or sending it by registered post to the offices of the
ACA.

1660 Clause 5(1) provides for meetings at dates and times as the chairperson may determine. There
has to be a quorum of three members, and matters are decided by a majority vote with a casting
vote to the chairperson. Clause 5(4) provides that any act done is not affected by a vacancy or the
defective appointment of any person of the ACA. The ACA has the power to regulate its own
procedure at clause 5(5).

1665 Clause 6 deals with the duties, powers and functions of the ACA. Primarily, the ACA takes the
responsibility of establishing and supervising processes to investigate corrupt conduct, to detect
and investigate corrupt conduct, and also to receive, consider and investigate any report made to
it by any person relating to corrupt conduct. It must investigate matters properly without delay,
exercise the powers that it has under the Bill to facilitate the investigation, analyse the results of
1670 the investigation and transmit those and any information or material to the RGP for further
investigation. That is at clause 6(1)(a) to (c). Clause 6(1)(d) to (j) contains the powers of the ACA
in relation to employment, appointment, the reporting of matters, the exchange of information
and power to acquire property and dispose of any property and exercise any power that may be
assigned to it.

1675 Clause 6(2) provides for the investigation of corrupt conduct predating the enactment of the
Bill and refers to offences for which there is already provision. The intention is that the ACA be
given the right to investigate matters that concern corrupt conduct and that occurred or partly
occurred before the creation of the ACA, or where some of the elements constituting corrupt
conduct occurred wholly or partly before the Act. This is understandable, in our view, because if
1680 the corrupt conduct had been committed either wholly or partly before the enactment of the Bill,
it would already have been a matter for the Royal Gibraltar Police, which has unfettered powers
to investigate. It is irrelevant for the purposes of the Bill whether the perpetrator at the time of
the offence was a public official. There is no limit on how far back complaints can be investigated
as set out in this Bill.

1685 Clause 6(3) sets out the standard for the ACA's exercise of its duties, powers and functions. It
must be independent, impartial and fair and have as its paramount concern the protection of the
public interest and prevention of corrupt conduct, with the proviso that there is no obligation for
the ACA to act where there is no basis or legitimate reason for the exercise of any duty, power or
function.

1690 Under clause 6(4) and (5), the ACA may appoint a member to act on its behalf, and for this
purpose the member in question must be provided with an instrument of authorisation for
anything authorised or required to be done under the Act. This is to ensure adequate checks and
balances within the ACA.

1695 Clause 7 provides for the ACA to keep proper books and accounts and for a statement to be
prepared within nine months after the end of each financial year. The accounts must be audited

by the Principal Auditor, who must report within the terms set out by clause 7(3). Clause 7(4) says that the Chief Minister must present the audited accounts before Parliament. The ACA must furnish the Government, under clause 7(5), with estimates no later than 15th January each year.

1700 Where the ACA, in relation to any investigation, requires the services of specialist persons, under clause 8 it has the power to engage consultants or experts.

Under clause 9 there is the standard provision on immunity for anything done or omitted to be done by the ACA, save for acts or omissions done in bad faith. This is an important protection to permit the ACA to engage its powers properly and without any influence or threat of repercussions.

1705 Consistent with this is the duty of the ACA to indemnify persons appointed or engaged by it against claims, except for claims related to bad faith on the part of the person on the employee, at clause 10.

Clause 11 makes provision for where members of the Authority or persons engaged or employed by it have a disqualifying interest in a matter being considered.

1710 Clause 11(1) provides that a person with a disqualifying interest must declare the interest and withdraw from taking part in the relevant matter before the Authority. The declaration or withdrawal by the person must be recorded under clause 11(2).

1715 Clause 11(3) contains a definition of what is meant by a disqualifying interest, and this encompasses not only business or professional interests, but also personal or political interests and associations and the effect or perceived effect of the interest in the person's conduct, the independence and the person's duties, powers and functions under the Bill. The intention is to make it have a wide application and the duty on the person is taken seriously. It is an offence under clause 11(4) for a person not to comply with clause 11(1) and a defence to the offence is provided under clause 11(5).

1720 Clause 11(6) provides that no act or proceeding by the ACA is invalidated by a person having an interest and breaching this clause. Clause 11(7) provides that this clause has no application where the person acquires the interest as a member of the public or where the right to participate by that person is offered to the public.

1725 As part of the ACA's investigations, it will be privy to a great deal of information, and to ensure that the process of investigation is not compromised the information which it obtains must be protected and managed with care. Clause 12(1) defines 'confidential information' and sets out the exceptions to non-disclosure of confidential information by the ACA in clause 12(2). Confidential information includes what the ACA obtains in the usual course of its duties and what is provided to them in confidence by a public authority or the Government. Due to the nature of the ACA's
1730 investigations and the public importance in apprehending offenders, it is felt that information must be handled carefully and responsibly in order not to defeat or interfere with a subsequent investigation by the Royal Gibraltar Police or a prosecution. The listed reasons for disclosure of confidential information by the ACA in clause 12 are straightforward and should be generally acceptable. The duty not to disclose confidential information binds any person appointed to the
1735 ACA, employed by the ACA or engaged by the ACA to provide services.

Clause 13(1) provides the ACA with the power to publish and issue guidance to assist the public and for the prevention of corruption. This section has been inserted to give domestic effect to Article 6 of the UN Convention Against Corruption, the Mérida Convention. As Government is taking the necessary steps to seek extension to Gibraltar of this measure, the ACA can make
1740 changes to any guidance that is published and, in preparing this guidance, has the freedom to consult appropriate persons under clause 13(3).

1745 Clause 14(1) provides for the ACA, when exercising its duties, powers and functions under the Act, to enter into co-operation agreements with public authorities in order to establish procedures for exchange of information but with the safeguards and limitations under clause 14(2) and (3). These safeguards and limitations are centred around the public authority not disclosing information without the Authority's consent and to use the information for the purpose for which the ACA has provided and for no other purpose. The Authority can refuse to exchange information

1750 if it is not satisfied that the public authority itself is subject to the equivalent confidentiality provisions and the request falls outside a co-operation agreement that the investigation by both is in relation to the same or related conduct or is necessary to protect public interest or an essential national interest. A similar provision is made in section 51 of the Financial Services Act 2019, although this provision relates to a request by a foreign regulator.

1755 Part 3 deals with the definition and scope of corrupt conduct, investigations, reports to the ACA and rights and powers of it. Corrupt conduct, under clause 15(1), is defined with reference to specific criminal offences listed in the schedule to the Bill, which refers to offences under the Crimes Act, the Parliament Act, common law offences and offences under certain parts of the repealed Criminal Offences Act to the extent that these offences may be prosecuted under section 601(2)(a) of the Crimes Act. These are offences that are mostly associated with corruption, but there is also power to add to this list of offences in the future under clause 15(2) of the Bill.

1760 For the sake of clarity, it is provided by clause 15(3) that a person involved in corrupt conduct is a person who falls within the scope of the offences listed in the schedule, whether or not they are public officials.

1765 Clause 16(1) provides that there are two routes by which the Authority can direct an investigating officer to carry out an investigation under the Bill, namely (a) a report received by the ACA from a person, and (b) where the ACA suspects the commission of corrupt conduct. Where the Authority commences an investigation under clause 16(1), it has to establish proper systems of investigation, secure the communications and evidence, process personal data in accordance with the law, and protect persons under clause 30, where appropriate.

1770 The ACA can investigate corrupt conduct as provided under clause 6(2) with reference to the list of offences in the schedule.

1775 The ACA can discontinue an investigation for the reasons set out at clause 16(4). The ACA may discontinue an investigation, namely where no corrupt conduct is disclosed, the matter has already been investigated and there is not fresh evidence, the matter is more appropriately looked into by another public authority, the investigation would be disproportionate, or for any other reasonable cause.

Every investigation needs to be conducted in private, but this does not affect the duties, powers and functions of the ACA, for instance where orders have been sought from a court.

1780 At clause 17(1) it states that where a person makes a report to the Authority about a matter that concerns corrupt conduct, the report must be made in the form and manner as approved by the ACA. Clause 17(4) provides that a report that is certified by the ACA is admissible as evidence of the contents of the original report when it was recorded.

1785 Clause 18(1) contains the power of the ACA to suspend consideration of a report or an investigation where the matter is already in the hands of the court or part of the investigation of the Royal Gibraltar Police pending the final resolution of the matter as defined at clause 18(2). Final resolution is where the RGP investigate and do not charge or, in the case of court proceedings, where a conviction has been secured and the time for appeal has elapsed or the appeal has been disposed of.

1790 Clause 19(1) to (3) says that where an investigation is commenced under clause 16, which could either arise from a report to the ACA or from the ACA's own investigations, the ACA can by notice request any person to provide information or answer questions or provide documents which the Authority can then take copies of, request an explanation for, or make a request for the whereabouts of the documents where these are not produced but have been requested. The threshold for the exercise of this power is contained at clause 19(4), and that is that an investigation has commenced and the information or documents are reasonably required by the ACA for the purposes of the investigation. The request is not binding on any person. It is voluntary and there is no compulsion other than the ACA can seek orders from the court if it does not obtain the evidence and information it is seeking and is necessary for its investigation. Any evidence that is provided by any person can only be used as evidence against that person in a prosecution for an offence under the Bill or in a prosecution for another offence where an inconsistent statement

1800 is made by that person. Clause 19(6) says that any disclosure made by any person in relation to an inconsistent statement may not be used against the person unless evidence is adduced or a question is asked relating to it by that person or on their behalf.

The ACA has the choice and right to apply, under clauses 20, 21 and 23, for production orders, orders for entry and warrants for search and seizure from the Magistrates Court. These sections
1805 are quite similar to section 149 onwards of the Proceeds of Crimes Act 2015. There are also useful and comparable provisions in Chapter 3 of the Competition Act 2020, where investigating officers have specific powers in relation to investigations.

Clause 20 deals with production orders. The ACA can apply to the court for a production order. The evidence for the application has to be on oath and the court needs to be satisfied that the conditions in clause 23 are met. The application for the order must also comply with the
1810 requirements under clause 24. The court can order production where there is an investigation, a person is subject to an investigation and there are reasonable grounds to believe that the person has possession of evidence, the evidence is likely to be of value to the investigation and it is in the public interest that it is produced. The order can require that the evidence be produced to a police officer or to the Anti-Corruption Authority, or require that a person give access to the evidence. Privileged material or excluded material is protected from production. The person has to comply with the order within seven days unless the court believes a longer period is necessary. Privileged material and excluded material are protected under clause 20(7) to (9). Other than these
1815 protections, no other restriction would protect the information, under clause 20(10). The ACA can take copies of evidence produced and can be retained for the duration of the investigation or until the conclusion of any court proceedings.

The power in clause 21 is triggered when the court makes a production order. A court can make an order for entry on the application of the ACA, and where the court grants the order a police officer is permitted to enter premises and seize and retain any material, take copies and use
1825 reasonable force. The order may allow any person acting under the instrument or authorisation from the Anti-Corruption Authority to accompany a police officer and exercise the powers under clause 21(3) under supervision of a police officer. For the purposes of the execution of an order, the occupier or person in charge of the premises would be provided with a copy of it. If no one is present, a copy of the order can be left in a prominent place in the premises.

1830 I would move at this stage to make a couple of amendments to clause 21(3), which have nothing to do with the substance, Mr Speaker, but for the sake of good order I am proposing a substitute subclause (3) to read:

(3) An order to grant entry under this section is an order requiring any person who appears to the court to be entitled to grant entry to the premises to allow a police officer to-
(a) enter the premises specified in the order and seize and retain any material found in the premises appearing to be of a type in respect of which the order was granted or take any other steps that may appear to be necessary for preserving, or preventing any interference with, any material appearing to be of the relevant type;
(b) take copies of, or extracts from, any material appearing to be of the relevant type; and
(c) use any reasonable force that may be necessary.

I have provided written notification of this amendment to the Hon. Speaker.

1835 Moving on, clause 22 provides that an application for the production order or order for entry must be made in private without notice, and the Chief Justice can make rules of court in relation to production orders and orders to grant entry. Persons who are affected by any order made or the Anti-Corruption Authority itself can apply to the court to have these orders set aside or varied under clause 22(3). The Court can discharge, vary orders or dismiss an application at clause 22(4).

1840 Clause 23(1) gives the Authority the right to apply for a warrant of search and seizure from the court and, as in the case of other applications under the Bill, the information or evidence has to be on oath. The court can make an order where there is an investigation, there is material on any

1845 premises that has a value to the investigation and it is in the public interest to obtain the evidence
and where it is not proportionate to make a production order for the reasons in clause 23(4). The
reasons in clause 23(4) are that it is not practicable to communicate with the person against whom
a production order or order for entry could be made or would be required to comply, and the
investigation could be prejudiced if the Authority cannot get hold of the material. The court can
grant a warrant under clause 23(6) for a police officer to enter, search the premises, seize the
1850 material, take copies of extracts and use reasonable force. The Authority can, under an instrument
of authorisation, allow a person to accompany a police officer and exercise the powers under
23(6) under the police officer's supervision. The warrant can authorise a person acting for the ACA
under an instrument of authorisation to accompany a police officer and exercise any of the powers
under clause 23(6) under the supervision of the police officer.

1855 Clause 24(1) sets out how the application needs to be made in private and may be made
without notice. An order made under clause 23 will not grant anyone the right to seize privileged
or excluded information. Apart from these provisions, no other restrictions will apply to the
disclosure of the information. The warrant can be in force for a month, and the order may make
provision for the police officer to do other things and give proper effect to the order. The material
can be retained for as long as the investigation continues, and the occupier of the premises or the
1860 person in control of the premises must be given a copy of the warrant.

In clause 25(1) and (2) the ACA and any affected person has the right to apply for the discharge
or variation of the warrant. The court has the power to discharge and vary the warrant or dismiss
the application.

1865 Clause 26(1) one defines 'officer of the Crown' and under subclause (2) makes provision for
the Authority to require a Minister or officer of the Crown who is able to provide evidence in
relation to the investigation to produce documents, furnish information or give access to the
material. There are important safeguards and limitations to this right, which are set out in clause
26(3). This provision is also contained in section 18 of the Public Services Ombudsman Act, where
the Ombudsman, as one knows, is also given the right to investigate reports or complaints. Under
1870 clause 26(4) nothing in the Act affects the withholding of information on public interest immunity
grounds. No information or answers may be sought relating to proceedings before the Council of
Ministers or Committee of Ministers. A certificate by the Chief Minister is conclusive evidence of
the matter under subclause (3).

1875 There is also an appeal route to the Supreme Court for persons who feel aggrieved by orders
made by the Magistrates Court under sections 22 and 25, and this is under clause 27. The Supreme
Court can dismiss the appeal, allow the appeal or quash the order appealed against, or remit the
matter to the Magistrates Court for further consideration. The Supreme Court has the power to
grant a stay or other relief until the appeal is concluded. The Supreme Court can make any
appropriate order as to costs under section 27(5).

1880 Clause 28 is pivotal to the whole procedure under the Act. It provides that the Anti-Corruption
Authority must refer any matter to the Royal Gibraltar Police and forward any relevant evidence
at any stage of an investigation where it appears to the Authority that a person has committed
corrupt conduct or any other offence. The Anti-Corruption Authority does not have to wait until
the matter is fully investigated by its officers.

1885 Part 4 of the Bill makes provision for protection measures. Clause 29 facilitates access to the
Authority of persons who cannot understand English or suffer an impairment. The ACA has the
duty to provide an interpreter or appropriate person to facilitate communications between the
person and the Authority. This provision is also relevant to the considerations and aspirations
under the UN Convention on the Rights of People with Disabilities.

1890 Under clause 30(1), the ACA is allowed in appropriate cases to notify the Commissioner of
Police where the safety of a person assisting the ACA is prejudiced or where they may be subject
to intimidation, harassment or retaliation. The Commissioner of Police is duty bound to make
arrangements for their safety or protection from intimidation, harassment or retaliation. The
scope of this protection measure is wide and includes persons making reports, assisting,

1895 complying with a request from the ACA or with an order from the court, or assisting in some other manner.

Clause 31 provides protection for the person assisting the ACA under clause 30. Clause 31(1) says persons assisting cannot be deemed to be in breach of their duties or contract and have the right not to suffer detriment by reason of assistance they provide the ACA. Under clause 31(2),
1900 any person who has been subjected to a detriment has a right to present a complaint to the Employment Tribunal on the basis that a report under clause 17 or assistance in relation to an investigation under this Bill is a qualifying disclosure within the meaning of the Employment Act.

There is a statutory obligation on a police officer or the Authority under clause 32 to return material which is gathered or obtained as a result of a request under clauses 19, 20, 21 or 23 if
1905 any items seized or produced to them are subject to legal professional privilege (LPP) or are excluded material. If it is possible to separate the items of LPP or excluded material from lawfully obtained material under clause 32(3), the person whose duty it is to return the material must ensure the separated item is returned as soon as practicable. The material must be returned to the owner or the person who has control or custody of it before it was seized or produced.

1910 Part 5 of the Bill creates offences prohibiting specific conduct which would interfere with the powers, duties and functions of the ACA. They are aimed to target different forms of conduct by a variety of perpetrators.

Clause 33 has two main limbs of criminal liability. Clause 33(1) creates a liability for a person within the Authority obtaining a benefit for themselves or for another person in exchange for
1915 neglecting their duty, doing something or omitting to do something, taking advantage of their position or facilitating an offer under any law. The penalties at clause 33(1) reflect the seriousness of the wrongdoing.

Clause 33(2) makes it an offence for a person outside the ACA to confer, procure or promise to any person appointed to the ACA or any other person a benefit in exchange for the person
1920 appointed to act, as under clause 33(1). As in the case of clause 33(1), serious penalties are created for any person found guilty of the offence.

Clause 34(1) creates an offence where a person receives a request from the ACA or an order from the court under the Bill to make a false or misleading statement with the necessary intention or recklessly. Serious penalties are also imposed under clause 34(2).

1925 Clause 35(1) creates the offence of falsification, destruction, disposal or concealment of evidence. Where a person knows or should know that a report has been made or there is an investigation, and falsifies, conceals, destroys or disposes or causes or permits these acts where they know or should have known that they are or would be relevant to a report or an investigation, they are guilty of an offence. The person would not commit an offence if they can provide that
1930 they had no intention to commit any of these acts.

Clause 36(1) creates the offence of improper disclosure of information obtained through an investigation. There are three scenarios that trigger this offence, namely where a report is made under clause 17 or an investigation under clause 16 has started, a request is made under clause 19 and this has not been refused, or an investigation under clause 16 has started, applications have
1935 been made under clauses 20, 21 or 23 and they have not been refused and the person knows or would be expected to know that disclosing any information would prejudice any of these scenarios. A defence under clause 36(2) is provided for a person who did not know or could not reasonably have known that the disclosure would be prejudicial, or has lawful authority or reasonable excuse for disclosing the material. There are also serious penalties for this offence.

1940 Clause 37 creates the offence of disclosure of confidential information and is triggered when a person contravenes the provisions of clause 12 or clause 14(2).

For completeness, Mr Speaker, clause 38 provides corporate liability and liability in relation to partnerships for an offence created under the Bill.

1945 Part 6 of the Bill contains miscellaneous provisions, the first one, clause 39, being that the Chief Minister can request a report from the ACA and that a report, once approved by the Chief Minister, is presented before Parliament. The report can either be connected to the Authority's

1950 duties, functions and powers under the Act or otherwise. The report is submitted by the ACA in draft to the Chief Minister, who may require it to amend or exclude matters for good reason. Under clause 39(3), the ACA must prepare, within three months after the end of each financial year, a report under the matters stated in (a) to (d) and hand it over to the Chief Minister within two weeks after it has been finalised, and the Chief Minister must lay in Parliament each report referred to.

1955 Clause 40(1) is a regulation-making power for the Chief Minister to make regulations for various purposes, including the exchange of information between the ACA or equivalent overseas authorities outside of Gibraltar, and also for the implementation of international agreements and conventions. This is a very common form of regulation-making power which is currently contained in various Acts. A case in point are sections 104 onwards of the Proceeds of Crimes Act. Finally, clause 40(2) defines what is meant by ‘overseas authorities’.

1960 Mr Speaker, on the basis of the explanation of the Bill, 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. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, thank you very much.

1965 The GSD side of the Opposition are going to be abstaining in relation to this Bill. In explaining why we are going to be abstaining, can I say that other than observations that I am going to be making in relation to the Code of Conduct for Ministers and Members of Parliament, I am going to attempt to leave to one side any political points that perhaps I might be tempted to make in relation to who said what, when, in what manifesto and in what year, and I am going to try to simply focus on the substantive issues and give the substantive reasons as to why we are going to be abstaining.

1970 There are essentially two reasons why we are going to be abstaining. The first reason is that in our view this Bill adds an extra layer of bureaucracy which will inevitably lead to extra expense for, we say, little gain. In short, we say that this Bill does not go far enough. The second reason is the way that members are appointed and indeed removed leaves room for political influence and political interference despite the amendments that the hon. Lady has or is intending to move at Committee Stage.

1975 Just drilling down in relation to that first overarching reason that I have provided, the Bill creates an authority to investigate and indeed receive reports about corrupt conduct. If you ask the average person in the street are they concerned about corruption in public life, many will say yes – but not only now; I say that historically as well. I do not necessarily want my intervention to be perceived as an imputation of corruption on the Government side. I am talking about Governments generically. But when you drill down about what he or she, that person in the street, understands by corrupt conduct, it may not be the same as what we or lawyers would understand by the term, and it certainly does not fall within the meaning of corrupt conduct as defined in this Bill. That does not mean that those concerns, in my view, are unjustified – in fact, we share, as an Opposition, some of those concerns, as I am going to be developing and explaining to this House during the course of my intervention – or indeed that we should ignore them. On the contrary, we should, in my respectful view, be trying to ensure that public trust in politicians and those in public life is restored, difficult as it is in this day and age where social media may blow out of all proportion or indeed distort facts beyond that which is true.

1980 Of course the public are concerned about bribery, whether of politicians, public officials or those in commercial organisations – which is covered by this Act; I will return to the meaning of corrupt conduct in a moment – but what they are concerned about and what they may understand by ‘corruption’ is *tráfico de influencia*, trading in influence –

1995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, will the hon. Gentleman give way for a second?

2000 I often use words in Spanish also, but in the context of this debate, where we are looking at British legal concepts, can he translate that for the *Hansard*, so that we do not end up with a *Hansard* that has just a Spanish reference and not an English reference? That is all I would say at this stage.

2005 **Hon. D A Feetham:** Yes, I think he did not quite hear what I said, because I said trading in influence.

Hon. Chief Minister: I did not hear you say that.

Hon. D A Feetham: Yes, I did say trading in influence. So *tráfico de influencia* – or in English, trading in influence – cronyism and nepotism, undeclared conflicts of interest.

2010 The fact is that Gibraltar, either on its own or through the application of United Kingdom legislation, has legislated against corruption in various forms since the late 19th century. The Crimes Act 2011, for example, was a seminal piece of legislation. It imported many of the offences in the UK landmark Bribery Act 2010, but it did not expressly deal with nepotism and cronyism, trading in influence or undeclared conflicts of interest, abuse of entrusted power for private or political gain.

2015 Members may say that all of those things, cronyism and nepotism included, may be caught by this Act, and it is true that bribery takes many forms, but one of the most difficult to pin down in the context of bribery is bribery in the context of exchange of favours. Everywhere in the world, there will always be some individual or organisation that may try to promote the interests of a public official or a business person through privileged connections or status. This person may then be expected to return the favour – for example, providing potential contractors with confidential bidding information on rival bids, choosing a particular contractor rather than others more suitable. Money does not necessarily have to exchange hands, but it is still a huge concern.

2020 Cronyism and nepotism, where favours are given to decision makers, friends or relations to extract unfair advantage is, in my view, what people out there are concerned about. Again, I say that not as a criticism of the Government; I say that historically. There is no legislation in Gibraltar that comprehensively prohibits that type of conduct, and it is a huge lost opportunity that we come to this House establishing an Authority to deal with corrupt conduct but restrict the investigation capability of the Anti-Corruption Authority simply to bribery, election, fraud, election offences and certain conspiracy offences – in other words, offences that exist already in our statute book and that the Police are already charged with investigating. What we ought to have done is taken this opportunity to look at some of the other types of conduct. It is not easy to create new offences in the context of what I have described, but it is not impossible and it is the way we ought to be proceeding, in my respectful view, as a Parliament.

2035 I also say that, because there is a concern about all of those types of conduct that are not included within corrupt conduct that would be caught by this Bill, the codes of conduct and disclosure obligations of Ministers and MPs are important. I remind the House that in Press Release 610/2015 on 8th September 2015, the Government said this. (*Interjection*) I did say that I would make no political – (*Interjections*) Except for this one. (*Interjections*) I did give a health warning, Mr Speaker, at the very beginning – except for this one. I quote:

The Government is pleased to have broken new ground with the publication of the two Codes. There has been no attempt to regulate the activities of Ministers and Members of the Gibraltar Parliament ...

Over seven years later, and the code has still not been implemented. And here we are, talking about the establishment of an Anti-Corruption Authority, and we in this place do not have a fully implemented code of conduct that governs the activities of all of us – not just the Government but all of us. That, in my respectful view, is not a satisfactory state of affairs and opens all of us

2045 collectively – all of us, because in our capacity today we are here as legislators – to, in my view,
deserved criticism.

The Government has a duty to promote high standards of behaviour amongst MPs and public
servants. If the code is still not effective, if we do not deal with nepotism and cronyism, trading
and influence or undeclared conflicts of interest, we cannot really, with any degree of seriousness,
2050 be tackling issues relating to corruption by simply creating an Authority. I accept that it is easy to
criticise, as opposed to also suggesting alternatives, but that is why, in 2019 in our manifesto, we
had suggested the creation of a commission for standards charged with the investigation of many
of these issues.

Corrupt conduct in this Bill is defined by reference to the schedule, and the offences in the
2055 schedule are limited to offences of fraud and bribery under the Crimes Act 2011, offences relating
to election practices in the Parliament Act, common law offences of misconduct in public office,
and cheating the revenue, together with accessory liability. These offences can be investigated by
the Police and can be prosecuted by the Prosecution Service today. No one has suggested that the
current structures of investigation and prosecution are inadequate, and save that fraud offences
2060 are complex and potential improvements can be made in relation to how those are investigated
and indeed tried – which of course is a different debate entirely because the way that fraud is
investigated and tried, we could be talking here for another two hours in relation to that – in our
view, quite frankly, no one has properly explained why these specific offences that are defined as
corruption for the purposes of this Bill are not adequately or properly investigated or prosecuted
2065 today by the Police. To add just another layer on top of that, with respect, appears, in our view,
to be unfocused.

What I would urge the Government to do in order to meet the points that I have just made is
either create, or at least undertake to explore to create offences of nepotism, cronyism, trading
in influence or undeclared conflicts of interest, and then undertake to add them to the schedule.
2070 I accept that if that were to happen, then of course it would meet the point that I have made
during the course of my intervention.

The alternative is to allow the remit of the Authority to be wider than just investigating the
offences that are included within the schedule, because there was an opportunity here for this
Authority to not just investigate specific offences, but perhaps investigate types of conduct that
2075 may at the moment fall short of offences that we have in the statute book. Of course, our
preference is for a much wider look at this in terms of looking at creating other offences relating
to the types of issues that I have spoken about, but even if you do not do that, at least allow the
Anti-Corruption Authority to perhaps investigate issues that amount to cronyism, nepotism, traffic
of influence, all those types of issues, and perhaps issue sanctions against individuals in public
2080 office, even politicians, if that sort of thing has taken place but it does not amount to a criminal
offence.

That deals with the first overarching point. The second one is this, and it relates to the way the
composition and the removal of Anti-Corruption Authority ... is devised in the Bill. The Bill, at
section 3(3), at the moment provides for the chairperson to be appointed by the Chief Minister.
2085 Under the amendment, it is now going to be the Special Appointments Commission. And then, in
relation to the four other persons, which in the Bill is the Chief Minister in consultation with the
Leader of the Opposition, that is going to be changed with the Chief Minister appointing two, as I
understand it, and the Leader of the Opposition appointing two. Our preference is for there to be
no political involvement in the appointment of the people to the Anti-Corruption Authority.
2090 Whether it be the Chief Minister or the Leader of the Opposition, in our respectful view, if the
route is the Special Appointments Committee, it should all be the Special Appointments
Committee. It is important because we believe that those who sit on an authority such as this
ought to be completely and utterly independent in any way, shape or form, appointment included,
of any kind of actual or perceived political interference.

2095 The amendments which relate to appointment do not deal with an important issue, and that
is the removal of anybody on the Anti-Corruption Authority, because under subsection (9) it is the

Chief Minister who may at any time remove a person appointed under this section. It then says 'on any of the following grounds', and there are a number of grounds (a) to (k). The second, (b) is the failure to carry out duties, powers and functions. First of all, it is a discretionary power, but
2100 secondly, it is a tremendously wide power and potentially subjective as well, because what he, as Chief Minister, thinks is a failure to carry out a duty or a power or a function may not be what we on this side or anybody out in the street thinks is deserving of somebody getting the sack. May I therefore, for those reasons, urge the Government to at least consider an amendment and, rather than the Chief Minister, the Special Appointments Committee may, for example, exercise that
2105 function as well – the removal – rather than the Chief Minister?

What we are essentially urging in relation to this aspect of our concerns about the Bill is for the amendment that the Government is currently bringing, replacing the Chief Minister for the Special Appointments Committee for the appointment of the chairperson – which I believe is progressive; at the end of the day, it is the chairperson who is going to be responsible for overseeing the work
2110 of the Anti-Corruption Authority and ensuring that its operation is in accordance with the provisions of this Act under subsection 3(4) – to be extended to the other four individuals, rather than the Chief Minister and the Leader of the Opposition, we get rid of political involvement in that, and for the Special Appointments Committee to also be the body that effectively deals with removal. I do not urge any amendment in relation to the grounds for removal.

2115 Mr Speaker, it is for those reasons that we on this side of the House are going to be abstaining, but being a reasonable Opposition, as we are, we will, of course, hear what the other side say in response to the points I have made and others will be making during the course of their own individual interventions.

2120 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the new Anti-Corruption Bill is a welcome and most necessary step. The Government has been postponing this for over a decade. I appreciate that taking this step is both a recognition that the problem exists and an attempt to address at least
2125 parts of it. Please note, though, that when I refer to job title or brief, I refer to the office and not the individual.

It is not easy to admit that there is a corruption problem when you have been in charge for 11 years and therefore for which you are directly or indirectly responsible, and for this rare exercise of honesty we are very grateful. For a Government that has either created or been
2130 tolerant of a corruption problem that it recognises as real, it is also a bold move, by presenting this Bill, to effectively admit that the authorities currently tasked with curbing corrupt behaviour are ineffective. This Bill does not emerge in a vacuum. All of the behaviours that it cites are already considered either illegal or at least politically offensive.

Let's not forget that there is already an Anti-Corruption Authority in Gibraltar: the RGP. It is already part of their remit to control many of the issues that this new Authority will also tackle. In fact, it will still be the job of the RGP to prosecute investigations undertaken by the new Authority. The fact is that judging by the need for this new Authority, the Government is saying that the RGP
2135 is currently incapable of fulfilling its remit and is therefore either compromised or underfunded, or both. It is also my view that some of the problems that affect the levels of corruption in Gibraltar are systemic and therefore difficult to tackle without making enormous changes to our political and economic system. This makes the task of legislating against corruption immensely challenging.

2140 That said, there are clear problems with this Bill. The way I see it, these are the main ones.

The biggest problem in Gibraltar tends not only to be a problem of legislation but a problem of enforcement. To adequately enforce laws that can effectively take on the centres of power in
2145 Gibraltar we need authorities that are, firstly, independent. This is the first systemic issue. Most people in Gibraltar are compromised by an omnipresent administration that is also the key player in the economy, with enormous scope for the exercise of discretionary power in the provision of grants and subsidies, government contracts, jobs, public housing, etc. In Gibraltar, if you attack

2150 the Government, the Government can make your life extremely difficult. Even with the protections granted to whistleblowers, there is too much scope for the arbitrary exercise of power and resources to guarantee that there are no repercussions.

In Part 2, section 3 of the Bill, it states:

The Anti-Corruption Authority consists of the following members-

(a) the Chairperson appointed by the Chief Minister;

(b) four other persons appointed by the Chief Minister in consultation with the Leader of the Opposition and, who, in the opinion of the Chief Minister [satisfy a series of criteria].

2155 Apart from the independence problems I have already mentioned, this Bill clearly gives too much power to the Chief Minister and, if you dig a little deeper, perhaps also to the Leader of the Opposition. Why is the chairperson appointed by the key figure that the chairperson has to scrutinise, Mr Speaker? Can you see a Chief Minister appointed Chairman of the Anti-Corruption Authority investigating potential corruption directly affecting the Office of the Chief Minister? Why is everybody else elected between the Leader of the Opposition and the Chief Minister? Can you see this Anti-Corruption Authority investigating, for example, undue links between
2160 Government and the interests of powerful law firms, for example?

There are plenty more nooks and crannies within this Bill that afford the Chief Minister excessive discretionary powers that could be used to manipulate the work of the Authority. For example, under the all-encompassing and loosely defined pretext of the protection of security, public interest or governance, the Chief Minister may deprive the Authority of information, answers or documents necessary to investigate corruption allegations, by applying the same
2165 criteria. The Chief Minister may also tamper with reports by censoring parts of the information provided to the Authority. The Chief Minister also has the power to amend the list of offences susceptible to investigation, which means that in practice the Chief Minister will have the power to define what constitutes corruption and what kind of corrupt behaviour this Authority can
2170 investigate.

I know that it is completely inconceivable that the Chief Minister would make use of these discretionary powers for anything other than the protection of the general interest. Of course he would never move a finger to protect his supporters, funders, colleagues or employers. Surely he would never apply these loopholes to use this Bill as a weapon against his perceived enemies. But
2175 maybe, just maybe, we should legislate in a way that does not trust the wolf to guard the sheep. We should not give the man or woman in charge the ability to escape proper public scrutiny or weaponise our Anti-Corruption Authority if we want to really tackle the corruption problem that obviously exists.

We need authorities that are adequately resourced. Without adequate resources, no authority
2180 can properly do its job. Investigating corruption allegations is a complex and costly affair, but it can also bring substantial returns. In fact, the World Bank calculates a surcharge of some 10% to the cost of all business in highly corrupt countries. In Gibraltar, most regulatory authorities are left largely toothless and easily manipulable by chronic underfunding. In order to stop this, we need adequate levels of funding to be guaranteed as part of law. Will this new Authority and the
2185 anti-corruption branch of the RGP be given the safeguards and the funding to ensure that they have the necessary reach and muscle?

More things that should be tackled in this Bill, but are not. Government does many of its deals behind an iron curtain of government-owned companies or companies owned by Government
2190 puppets, the details of which it often refuses to disclose to the general public. This toxic embrace between the public and private spheres and the opacity that it creates for the taxpayer will not be solved by an Anti-Corruption Authority of the kind that is being proposed. We need an anti-corruption policy that somehow directly outlaws the opaque use of any public money, particularly the crony capitalist use of these private companies to funnel public funds to party acolytes. With this current setup, deals are perfectly legal and there is no way we can know the important details

2195 of what is happening behind the scenes. This new law does not appear to put an end to these practices, particularly when you take into account the lack of independence issues that will arise from it.

Mr Speaker, for all these reasons and for the many others that have been raised by my hon. colleague to my right, I shall also be abstaining when voting for this Bill.

2200 Thank you.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, thank you.

2205 I think the two interventions thus far have been, as you would probably expect me to say, quite disappointing because politics clearly gets in the way of common sense.

The hon. Lady who has just finished, if I can start with her, makes comments such as ‘systemic corruption problem’. As a matter of fact, as the Hon. Mr Feetham has said, and as she said herself, if there is a corrupt practice or if there is evidence of corruption, then a report is made to the Police, investigated and prosecuted today. How can the hon. Lady say ‘a corruption problem which is systemic’ and not have done her civic duty and reported that matter to the Police to be investigated as a criminal offence? It is a criminal offence today.

2210 How can the hon. Lady say that all of our regulatory authorities are under-resourced and underfunded? I have worked with probably the two largest regulatory authorities and I can assure her – and she will see it from the Estimates – that they are not under-resourced and they are not underfunded. Interestingly, those two authorities that I work with investigate activities of companies, and if they discover any criminal conduct, whatever it may be, corruption or otherwise, they report it to the Police for the Police to prosecute. Isn’t that, in a funny way, what the Anti-Corruption authority is seeking to do as one of its functions – receive complaints, receive information, investigate, and if they find evidence of a corrupt practice, report it to the Police to be prosecuted by the Police?

Hon. D A Feetham: No, this is part of it.

2225 **Hon. A J Isola:** That is precisely what the system is designed to do and is already doing in many other areas.

Mr Speaker, for my hon. Friend Mr Feetham to start off by saying, ‘I am going to leave politics aside,’ and then embark on, ‘We are going to abstain because we think it adds a level of bureaucracy and we do not agree with the list in the schedule, but if you add a few more other bits to the schedule, then it could begin to look more like what we think should be there.’ Surely ‘it does not go far enough’, which is what the hon. Member has just said, means it is a step in the right direction, which is what the lady said when she started her intervention this evening. The first thing she said was, ‘I welcome it. It’s a step in the right direction.’ What would be absolutely legitimate for the hon. Member to say is ‘We believe this is a welcome step, we believe this is progress, but we think we should go further.’ That would be legitimate, but to abstain in taking a step that I think everybody in this House should welcome because of the intent behind the legislation ... I do not understand how you can say you are going to abstain in the establishment, for the first time, of an Anti-Corruption Authority.

2235 The hon. Member says we still do not have a fully implemented code of conduct. It is true, we do not, but the hon. Member used to be the Minister for Justice in the previous Government. Where was the draft code of conduct? Below the belt? (*Interjection*) Mr Speaker, it is an absolutely fair point. For the hon. Member to have been a former Minister for Justice, to not have brought any legislation whatsoever on anti-corruption or a code of conduct –

2245 **Hon. D A Feetham:** That is not true.

Hon. A J Isola: – and when the step is taken, it is not enough ... Okay, but support it, for goodness sake, because that would be legitimate. *(Interjection by Hon. D A Feetham)*

Mr Speaker, when you look at the schedule, all the hon. Member is doing is suggesting that we should be adding other activities to that schedule. Well, let's have that discussion, but let's accept the step that we have made. Let's welcome the step that we have made.

This is why I say that politics has got in the way of common sense, because surely it is best for the jurisdiction to have an Anti-Corruption Authority. Surely it is better for the jurisdiction to have a place where ... because according to the hon. Lady, the place is rampant with corruption but nobody makes a complaint anywhere. Well, let's give the establishment of the Authority the public awareness so that people feel empowered to come and make complaints, to give information, to start investigations. But the suggestion that because we have not gone far enough they are not going to support it ... I just do not understand on what basis that can possibly be the right position to take.

The hon. Lady spent quite some time saying how on earth can the Chief Minister appoint the chairman. There is a letter, which all Members have, that shows that it is not the Chief Minister who is going to appoint the chairman. Not only is there a letter before all of us, but the hon. Lady the Minister for Justice explained the reasons why we are making that change. So has the hon. Lady not read the letter? Or did she not listen to the hon. Member, the Minister for Justice? It is a specified Appointments Commission that will appoint the chairman, not the Chief Minister. Why? Because it was a valid point, validly considered and changed to make sure there is no issue in that respect, there is no interference in that respect. In fact, it was welcomed by Mr Feetham. Of course it was – common sense.

So I really struggle to give any credence to the suggestions that we are creating, as Mr Feetham said, an extra level of bureaucracy, with cost, but if we add more items to the schedule, then we will be okay. Well, let's have that discussion, not the political abstention on a step forward, which just does not make sense.

I think this is a very good first step in the establishment of an Authority to do precisely what the hon. Lady has described this evening, and I have to say the mix between an Anti-Corruption Authority and establishing it and the act of corruption ... When we have anti-money laundering laws, which we have over the past years been focusing very heavily on in this House, it is not because we are accepting that there is an money laundering problem and that is why we need anti-money laundering laws; it is to stop any money laundering that we have the laws. This is precisely the same. This is not this Government saying there is corruption, so we need an Anti-Corruption Authority. Nonsense! It is precisely to ensure that we maintain good standards of conduct, it is precisely to ensure that there is no corruption, that we want people to be alive and aware so they can make complaints and we can stop it, not the reverse.

I think it is very unfair of the hon. Lady to stand up and say that we have a systemic corruption problem. If that is what she believes, I would expect her to make a report to the Commissioner of Police and ensure that those acts are fully investigated and ultimately – if it is true, which I do not believe – prosecuted.

Thank you, Mr Speaker.

Mr Speaker: Is the Leader of the Opposition going to be speaking? Who is? Roy Clinton then, yes.

2290

Hon. R M Clinton: Mr Speaker, I think we can all agree that the Bill is on a very serious topic that is the subject of much debate, not just here but around the world. And, of course, if we are going to introduce legislation in this place and we are trying to tackle either a real or perceived problem – and it may be more perceived than real – we have to make sure that in the eyes of the people we serve it is indeed credible.

I obviously identify with all the remarks by my hon. Friend the Hon. Mr Feetham, and indeed the hon. Lady.

If I had to characterise this piece of legislation, I would use two words: toothless and caged. This legislation is toothless. The Hon. Minister for Financial Services says, 'I work with the regulators, and if they find criminal conduct they go straight to the Police.' Fine, but what he fails to mention is that those organisations have the ability to sanction. They have the ability to remove licences and they have other powers by which to sanction individuals. This Bill, as far as I can tell, has no power to sanction anyone for anything, other than to refer it to the Police if there is evidence of a criminal offence. So what, in fact, is this organisation doing? What value is it actually adding to the public? Is it perhaps that we should, as a Parliament, have a public relations campaign and tell the general public, 'By the way, do you realise that you can report corruption to the Police? These are the criteria and this is the bar you need to reach.'

As my hon. Friend said, I think the general public have a different view of what they think of as corruption, and they do not necessarily look at it at a criminal level. The bar may be set perhaps too high to meet the test to be deemed corruption in that sense. There are many different ways in which, in the modern world, you can actually achieve the same result without money moving, and it may be very difficult to prove to the satisfaction of a criminal court that that offence has been committed. However, if you had a body that considered, as has happened in the UK in the past, where – certainly in my experience in banking, where they are talking about tax – they start talking about the spirit of the law, not actually the letter of the law but the spirit of the law ... Perhaps what we should be looking at is a wider concept, rather than narrowly defining it in what are existing legal terms and an existing legal framework. So in that sense this legislation is toothless. It does not actually add anything to anything.

In terms of being caged, the method of appointment is very much in the control of this place. As the hon. Lady has said, that will not necessarily assuage the concerns, real or imaginary, of the general public. I think we should perhaps have been a little bit more inventive in coming up with this legislation and perhaps had a little bit more discussion across the floor if we genuinely wanted to achieve consensus, because it is a very important topic.

And so, Mr Speaker, on that overall theme, I would say toothless and caged, but specifically in terms of independence, I am going to drill down to one very narrow point, which is in respect of the public financing of this, and that is that the hon. Lady refers specifically, I think maybe once or twice, to the public ombudsman structure. I was looking specifically at the funding of this statutory body and I refer Members specifically to Part 2, clause 3(13) and (14), which reads as follows:

The Anti-Corruption Authority must manage its affairs and any remuneration and expenses payable to a member shall be a charge on the Consolidated Fund.

Members will know that a charge has very specific meaning in public finance. It is an item that goes straight out of the Consolidated Fund without any reference to Parliament. We do not vote on charges. But subclause (14) then says:

Expenses incurred by the Anti-Corruption Authority in the discharge of its functions shall be payable out of the Consolidated Fund.

The wording is entirely different. 'Shall be a charge' has a very different meaning to 'shall be payable out of', so you have this bizarre scenario where the appointed members are a charge, a bit like the Chief Justice, but then the expense of the Authority is subject to political discretion.

I do not think that is perhaps what the Minister for Justice was intending in drafting this legislation, because she did specifically refer to section 4 of the Ombudsman Act, and if you read section 4 of the Ombudsman Act, it has two clauses under Remuneration and Expenses:

4.(1) There shall be paid to the holder of the office of Ombudsman a salary, expenses and allowances at such rates as may, from time to time, be determined by resolution of the Parliament.

2340 That raises one interesting point: who determines what the remuneration is of the members of the board? It is silent. We have nothing on that. And then secondly – and this is the important point:

(2) The salary, expenses and allowances of the office

– not the holder, the office –

of the Ombudsman shall be a charge on the Consolidated Fund without the need for appropriation.

2345 That is very different wording to what we have here before us. If you look in the Estimates Book, for the Ombudsman it appears on page 16 as Head 6, Emoluments and Other Charges, and then the full expense appears in Appendix A as a statutory body. I am sure this is what the hon. Lady intended with this, but that does not appear to be the effect of the wording that has appeared in the legislation. Of course we are abstaining, but from a public finance point of view it seems to be undermining the independence of the statutory body, in that only the cost of the board members is a charge, but the expense of running it is a political discretion. That cannot be right, so I would urge the hon. Lady, if she is adamant to continue with this Bill, to look at that because it may not give effect to what she thought it was going to do, and that is fundamental in a body which has to be not just seen to be independent but has to be financially independent. You cannot have the members being paid without political interference, but then it cannot even pay the rent on its offices without a political sanction. I think that probably is not what the Minister intends.

2355 Mr Speaker, I limit my contribution to that because, as I said, my hon. Friend has quite clearly laid out our position, as has the hon. Lady. As I said, if I had to sum this up: toothless and caged.

Mr Speaker: The Hon. Gilbert Licudi.

2360 **Hon. G H Licudi:** Mr Speaker, thank you.

There may be some points that I make which have already been touched upon briefly by my colleague Mr Isola, but there are some points that need to be stressed.

2365 Of course it is legitimate in a democratic society to have a difference of views on what legislation is or is not needed, so we can have a debate as to whether this Bill is necessary or unnecessary. What the Opposition cannot do legitimately, in my view, is say, 'This should not be done because we would not have done it.' Mr Feetham does not quite say that. He does not say this should not be done, he says this should be done but it should go even further – not that it should not be done.

2370 What the Government has decided is that this is the right way to proceed, at least at this stage, and that this is the way it should be done, but importantly, it is the Government giving effect to a commitment that it made a number of years ago and on which Members opposite, year after year, speech after speech have been saying, 'When are you going to do it?' Now that it is being done, they get up and they are not happy, and they abstain instead of saying, 'We agree that this should be done and therefore we are going to support it, but we would have done it in a different way and we would have gone further.' That is a legitimate position for the hon. Members opposite to take, but that would necessarily involve saying, 'We agree that this is a step in the right direction.'

2375 In fact, the hon. Lady touched upon this. I thought her contribution was going to be different, given that she started by saying this is a welcome step – a welcome and necessary step is what she says. Having described this as a welcome and necessary step, she says, 'but I am abstaining'. Well, if it is a welcome and necessary step, it is something that she ought to support. Why on earth she is not supporting it I fail to understand, given the contribution she has made.

2380 What she said – and quite an extraordinary statement – is that this Bill is an acknowledgement that the body charged with tackling corruption is ineffective. That, with the greatest respect to

the hon. Member, is an absurd proposition to make. That is a slur on the Royal Gibraltar Police. What is it she is saying, and on what basis is she making that statement? Is she saying that the Police have received 20, 30, 50 reports of corruption and they have not done anything about it, they are totally ineffective, they have not got the expertise, they have not got the officers, they have not got the equipment, they have not got the software? Is that what she is saying? And if she is saying that, on what basis is she saying it? What is the evidence?

It is all very well to come to this this House and make these grandiose statements, but they have to be backed up. Hon. Members opposite often say that their job is to hold the Government to account, but each of our jobs is to hold to account what each Member says, and the hon. Member has to account for what she says in this Parliament. It is quite extraordinary to come here and make a serious slur on the Royal Gibraltar Police without a shred of evidence to back it up. That is shameful conduct in this House.

Mr Feetham – a point already made by my hon. colleague, Mr Isola – when he says it does not go far enough and then he says trading influence, cronyism, nepotism, undisclosed conflicts of interest and all of that should be added to the schedule –

Hon. D A Feetham: Offences should be created.

Hon. G H Licudi: Yes, that is precisely the point, offences should be created, so it is not just a question of legislating in relation to public conduct because, as the hon. Member knows – and it is important not to confuse the two issues – there are principles of public conduct, generally known as the Nolan Principles, the seven principles of public conduct, which deal with all of these issues, but those generally find their way into a code of conduct which can be breached and for which there can be sanctions. That is very different from criminal conduct, and that is not what this Bill is about. This Bill is about corrupt conduct in the criminal sense, and therefore bringing all those other matters, unless you make them criminal offences ... That is, of course, a debate that can be had, but the last major piece of legislation on criminal offences was the Crimes Act 2011. And who was the architect of the Crimes Act? The Hon. Mr Feetham (*Interjections*) – a seminal piece of legislation, as he described it at the time in this House, which was not actually implemented until we came in, until we had that new dawn in December 2011 –

Hon. A J Isola: A proper Minister for Justice.

Hon. G H Licudi: We had another Minister for Justice – I forget who he was – who brought in the Crimes Act, but of course not taking away any credit from Mr Feetham. Mr Feetham created that legislation. He prides himself on it and really we do not have to derogate from that at all.

Mr Feetham has said today we are missing an opportunity, we are creating legislation which could have done this. But what about that opportunity? Why hasn't he explained, if he feels the way he feels, that cronyism, nepotism and all that should be criminal offences ...? If he feels that way, why weren't they included? Has he changed his view, or is it that nepotism and cronyism have to be a criminal offence when the GSLP Liberals are in government but not when the GSD are in government? Then it is just about politics. (**Hon. Chief Minister:** Discrimination.) It is all about making political points for the sake of political points rather than conviction. If the hon. Member was really talking about conviction – and this is a matter of conviction – then he would have done it, but he did not. But now that the GSLP Liberals are in office, they should do it, and all of this should be criminal offences.

Mr Clinton, in again a rather extraordinary intervention, describes this as toothless and caged and asks what value this is adding to the public. That approach is totally inconsistent with the approach that Mr Feetham has taken, which is not that this does not add value, it is just that it is not valuable enough. In other words, there is value in this. That is the approach that has been taken by the official Opposition, and Mr Clinton has just got up and shot that to bits, saying this

2435 does not add any value at all. Perhaps they could get their story right from one speaker to the other.

When he talks about this being toothless – and let us remember that the official line from the official Opposition is that this does not go far enough because there should be other *offences*, not just legislation, in terms of conduct in public life added to the list – what is it precisely ...? I did not
 2440 hear him say it and perhaps he could elucidate and tell us what he is thinking and what he is proposing. What is the tooth, given that this is toothless, that this is lacking, particularly in the context that cronyism etc., according to them, should all be criminal offences and added to the list?

Let's assume that Mr Feetham is right. We have a piece of legislation like this, which is good
 2445 enough, but then it adds seven, eight, 10 pieces of additional offences. And this is toothless because it does not provide for sanctions by this administrative body. What is Mr Clinton suggesting? What is the Opposition suggesting? That in respect of criminal offences, which is what this deals with and what Mr Feetham has acknowledged, the list is not long enough. What is Mr Clinton suggesting that an Anti-Corruption Authority as a statutory body should do? Should it
 2450 be setting out sanctions? Should it be now hearing criminal cases? Should it now be acting as judge and jury and everything else, and then issuing whatever criminal sanction? Is that what he is suggesting, an alternative form of criminal jurisprudence and criminal procedure being created in Gibraltar? He does not seem to have an answer to that. I am happy to give way for the hon. Member to say precisely what he is proposing in respect of all these criminal offences. How do
 2455 you create a statutory body and give it the power?

What this is designed to do is for the statutory body to receive reports or make investigations of its own volition because it considers that it is necessary. It has the power to interview, it has the power to go to court to seek certain orders, it has the power to collect all the evidence that it needs, and then, having taken a view, it can pass it on to the Police, who will decide, after further
 2460 investigation, if necessary, whether a criminal procedure should be adopted. I would suggest that that is the only way this can work, even with the long list that Mr Feetham has suggested should be added to the schedule. Again, we have a situation where hon. Members get up and make these statements but do not think them through, do not think of the consequences of making those particular statements, and they honestly have no answer to that.

Mr Speaker, this is something that has been in the offing for some time. It is a complex piece of legislation. It required work and it required thought. When I was Minister for Justice, this was a piece of work that I started dealing with, and then others have been involved. Not being a frontbench Member of the Government, as I see it the Government is to be commended for taking this brave step of setting up an Authority which will have the power to carry out investigations,
 2470 which will have the authority to request evidence and seek orders if necessary, and then to refer, where appropriate, to the RGP, which is empowered, which does its job properly and which also ought to be commended, and certainly we do so from this side of the House.

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

2475 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, we have had our internal discussions and we have adopted a view on how to vote because of our misgivings. It is no secret that we exchanged statements in the press when this Bill was first announced and we have, in many respects, already argued some
 2480 of the points that we have made and some of the points that no doubt the Hon. the Leader of the Opposition will be making on our behalf, certainly on the side of the Opposition, but one thing that we did comment is let's see if we can be persuaded by the hon. Gentlemen opposite. It is within the realms of possibility. *(Interjection)* The reality is this is a debating chamber, and unless you come here with a fixed and determined view for political reasons, as the Hon. Mr Isola is referring to, then you are not going to allow yourself to be persuaded. I must say, genuinely
 2485 speaking, that I am disappointed. The contributions we have heard up until now from that side of

the House have not persuaded us, and – (*Interjection*) There is a possibility that we change our minds by the time the hon. Gentleman to my right speaks. There is a possibility. Maybe the speakers who are lined up to speak now will be more persuasive than the hon. Gentlemen who have just spoken. That is a possibility.

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Let me say this, Mr Speaker: the reality is that this is a political issue and, as a result, we are approaching this labouring under a very strong dose of cynicism because of the track record of the hon. Gentlemen, so their arguments need to be even stronger to persuade and change our minds in relation to this issue, because actually ... I think the Hon. Mr Isola mentioned, and I share that view, the message that Gibraltar could be sending out to the wider world as a jurisdiction ... At the end of the day, this is going to be passed with a Government majority. It is inbuilt and we know it is going to pass – unless we are able to persuade some of them to vote with us, but I very much doubt it. The hon. the backbencher, who is not subject to collective responsibility, may vote in our favour, but even then we do not have the numbers. The reality is it would have been nice if it had had the unanimous support of the Parliament because this is an important piece of legislation, as the Hon. Mr Clinton said earlier, but unfortunately ... It is not an entrenchment, it is as a result of the history of their behaviour. When the Hon. Mr Licudi talks about a new dawn, that new dawn should have ushered in the introduction of anti-corruption legislation. It did not. They flip-flopped. Not only did they delay and actually not do it during the lifetime of that Parliament, in 2015 when they went to the people it was not in their manifesto, it was not in their programme of government, and then it was in 2019 and they have left it, coincidentally – and with a dose of cynicism again – to the election year. Because of that, this just comes across as an exercise of window dressing and a box-ticking exercise.

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I will tell the hon. Gentlemen who have spoken up until now why they have not persuaded us. I think the Hon. the Chief Minister, in the past, has said, when we have debated this issue in public, ‘The offences are already there. If you have a complaint to make, make it. You can make it to the Police.’ The Hon. Mr Licudi, in criticism of Ms Hassan Nahon ... criticises her very aggressively and vigorously about casting a slur on the RGP. That suggests that the RGP is doing its job and there is no reason to doubt or question that. Then what is the point of this legislation, other than to do the box-ticking exercise in advance of a general election which will be called during the course of the next 12 months? This is why I ask the speakers who are going to come after Mr Licudi and Mr Isola to be more persuasive. They need to come up with more. The Hon. Mr Feetham has suggested specifics that can be done to perhaps make us say, ‘Let’s back this legislation. We want to do more, but let’s back this legislation and then, as a society, as the political class currently in this Chamber, we can speak out in one voice, in unison, all united, that this is good for Gibraltar.’ But we cannot bring ourselves to do so.

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Mr Licudi talks about a commitment. I have already talked about the flip-flopping nature of their attitude. And then he says that we have been complaining ‘When are they going to do it?’ But what is ‘it’? This nonsense ... It is a damp squib legislation, based on the arguments, submissions and contributions put forward by Mr Licudi and Mr Isola, because they are both saying these are offences set out in the schedule that are already criminal offences which the RGP can investigate. Indeed, if the RGP investigates, the role of this commission is redundant by law. This is what this Bill says, (*Interjection by Hon. Chief Minister*) so how many ...? And Mr Isola talks about ... I have just heard the Hon. Chief Minister talk about the FSC. I do not know the exact point he was making. What is this, other than ... what, a post box to receive reports and complaints, at expense? And manning it, having employees, having people investigating – for a post box?

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Hon. A J Isola: It is a good idea.

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Hon. D J Bossino: It is a nonsense. It is not a good idea as it currently stands. It is not enough. (*Interjections*)

Hon. D A Feetham: In fact, what I said was that.

2540 **Hon. D J Bossino:** Mr Speaker, the Hon. Mr Feetham shows me his notes of his speech and he talks about an extra layer of bureaucracy, suggesting that he has not described it in positive terms. What is the point? An extra layer of bureaucracy, an extra expense – expense we can ill-afford because the hon. Gentlemen are having to use money from the Savings Bank because we have no money in the coffers.

2545 What is the point of this, other than to tick the box? COVID and Brexit, no doubt – you forgot about that excuse. (**Hon. Chief Minister:** Excuse?) Yes, it is an excuse. It may be an excuse which he can rely on legitimately, but it is an excuse, Mr Speaker. (*Interjection by Hon. Chief Minister*) Maybe they do not want to listen to what I have to say. (*Interjections*) I am listening to what they have to say (*Interjections*) and I am telling them why we are not persuaded. In fact, the perennial thought I had whilst I was listening to these two gentlemen was that they are digging a bigger hole for themselves precisely because of that RGP point, precisely because we have a list there which
2550 is a nonsense because the list already lists criminal offences. So what is the point?

Hon. D A Feetham: How many reports have there been to the RGP in the last [inaudible] years? (*Interjections*)

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Hon. D J Bossino: Mr Speaker, the Chief Minister's powers, in our view – and this is a bit more granular, but I think it still deals with the principle of this because there has been an attempt at slightly diluting those powers with this amendment, which quite frankly, yes, is a welcome step in the right direction, but it is a small amendment. It does not deal with the fundamental point
2560 (*Interjection by Hon. A J Isola*) because they have allowed themselves to include the Specified Appointments Commission to be the body which appoints the Chairman, and then they introduce – presumably as a sop to us, to try to get us to vote in favour ... I do not know, but again, I am afraid to say, with a dose of cynicism, as far as we are concerned, about every action they take – the Leader of the Opposition participating in the appointment of the four other members.
2565 But nothing is done – and the Hon. Mr Feetham has addressed this – about the removal powers, which stay with the Chief Minister. No attempt has been made at amending that provision.

I am not going to repeat the point that my hon. Friend has made in relation to that, which I concur and agree with because he suggested that maybe we should have the Appointments Commission also removing, but I would go slightly further. There is a list offences there which
2570 quite frankly, if they are committed ... It is absolutely and utterly bizarre that a person, for example, convicted of a criminal offence punishable by a term of imprisonment, is capable of continuing to be on the Authority, because as it currently stands the Chief Minister may, ergo can, exercise his discretion or her discretion – I am not personalising it to him; it is whichever Chief Minister we have in the future – and decide that that individual should remain or that that individual is guilty of misconduct. Yet the Chief Minister of the day decides, 'No, I think I am going to allow this individual to remain,' and that individual is actually going to be investigated for issues of misconduct. It is completely bizarre, and that shows that there has been an attempt at creating this sort of arm's-length situation, but the arm is *very* short, quite frankly. The arm is *very* short. The Hon. Chief Minister shakes his head and I look forward to hearing his contribution and seeing
2575 if he is able to convince and persuade us, but I very much doubt it.

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One final point, Mr Speaker, talking about – (*Interjection*) Yes, of course.

Hon. G H Licudi: Before he makes his final point, I wanted to make a point on what he has said and give him a chance to respond to this before he sits down.

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His main thrust in this contribution is what is the point of this legislation. That is essentially ... He has mentioned it several times: what is the point of this, because you have a list of criminal offences that can be investigated by the RGP? The main thrust of Mr Feetham's contribution was this does not go far enough because the list is too short. In other words, there should be other criminal offences added to that list which are criminal offences that are necessarily investigable
2590 by the RGP. So if there are more criminal offences that can be investigated by the Police, then

there is a point, but with the list as it is, there is no point. With respect, Mr Speaker, this argument makes no sense whatsoever.

2595 **Hon. DJ Bossino:** Mr Speaker, the hon. Gentleman has misunderstood the bones ... I know that he knows he is making a point on the basis of a misunderstanding. (*Interjection*) I know that he knows that. He is clever enough to know what point we are making.

I will explain, just for my final point, why we say that the Chief Minister still holds too much power. Under clause 39(2), reports are submitted in draft to the Chief Minister. (*Interjection*) They are submitted in draft to the Chief Minister, and there are elements of it where maybe ... I might
2600 be persuaded ... where he decides that material should be excluded because it would not be in the public interest. But then there is wording here which says where it would not be appropriate or it is necessary to exclude, and the individual who decides that is not the Authority and is not the Commission, which we have suggested maybe could be included in this decision-making process, it is the Chief Minister himself. I am not talking about Fabian Picardo, I am talking about
2605 any future Chief Minister. We hope that a future Chief Minister will be a different Chief Minister sooner rather than later – (*Interjections*) Well, I have made no secret about that. I am quite relaxed about that. I make no secret about that, that it will happen sooner rather than later.

2610 **Mr Speaker:** The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I welcome the opportunity to say a few words on this Bill, given the way things have evolved and the way the discussion has progressed, making the point also from the outset that I am not a lawyer, so I will be dealing with this perhaps slightly differently than my colleagues who have spoken before. But certainly I have
2615 to endorse every word that has come from my colleague Samantha Sacramento – and I congratulate her on her presentation of the Bill – and also from my colleagues, Minister Isola and Gilbert Licudi as well.

Let me say, first of all, that what we are doing in presenting this Bill is implementing our manifesto – that is to say our policy, the policy that we stood for election under, and what we are therefore obliged to do in government.
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The House knows that in 2011 we had proposed the establishment of an Anti-Corruption Authority in our manifesto. At that time we were criticised and attacked by the hon. Members opposite for proposing it. Their view then was that they had full faith in the RGP and the Attorney General to administer the provision of the law and therefore the Authority was not, in their view,
2625 necessary. The PDP at the time also took the view that there was no need for an Anti-Corruption Authority at all. In fact, they went further and said it would serve only to create alarmist headlines which would undermine the attraction of inward investment into Gibraltar by creating the impression that there must be rampant corruption in Gibraltar if there is a need for a special Anti-Corruption Authority. We took the view at the time, on the advice of the RGP, that we were not
2630 going to proceed with that then. We then were re-elected in 2015. The view was put at the time that, as I said, this was not something which was necessary. We then said in our 2019 manifesto that we would establish an Anti-Corruption Authority regardless. That, Mr Speaker, is what we are doing today: implementing the policy of the Government, implementing our manifesto and doing what we set out to do.

2635 So this whole business and area topic of an Anti-Corruption Authority has an interesting history, and in my view the Opposition have pitched their arguments too high to have criticised us for a clause in the Bill which has already been changed and which the Government has proposed to change, as my colleagues have already pointed out, and that is the question of the appointment of the chairman under clause 3(3)(a) of the Bill. The appointment is changed from the Chief
2640 Minister to the Specified Appointments Commission. The Specified Appointments Commission itself – I should just make the point – has two members appointed by the Governor, acting after consulting the Chief Minister, and two appointed by the Governor in accordance with the advice

of the Chief Minister. So I think there is a point to be made that when boards, bodies and organisations of this kind are set up – and I remember previous Chief Ministers making the same point – somebody has to do the appointing. They cannot just appoint themselves. So one of their main points in relation to this, which seems to have been the manner of appointment, we think has been taken care of by the amendment of which they have received notice and which was also announced and put forward to the House by my colleague the Minister for Justice.

They have, in my view, been ungenerous and too party political in the way they have decided to approach this issue, because the reality is we need to start somewhere. We do not have an Anti-Corruption Authority. They did not set up an Anti-Corruption Authority in 16 years in office. They never deemed it was necessary. Even in opposition, when we came into government, they still did not deem that it was necessary.

So we need to start somewhere, and as my colleague Minister Isola said, this is a good start. Legislation, I do not need to tell anybody in this House, is not set in stone. There is always scope for amendments, for changes, for improvements. Nobody, certainly not us on this side of the House, is claiming to be infallible. There is always room for improvement. If they felt so strongly about it, the Bill was published on 1st December and we tabled amendments to the Speaker on 17th and 20th January, they had those six weeks that follow publication of a Bill to contact my colleague the Minister for Justice, to put forward ideas and suggestions to try to persuade the Government to do something different. That could have happened before the Bill came to the House and there could have been scope for some constructive, positive opposition or constructive, positive co-operation between the Opposition and the Government.

I think the case in point here is the schedule we have on page 33 of the Bill and the listing of offences in the schedule. Hon. Members, as I have understood it, are saying that this does not go far enough and there is scope for adding or creating new offences. That is something the hon. Members could have put to my colleague in the six weeks that the Bill has been published, and there may have been an attempt to try to see whether we could find some common ground on that issue too. If that is the only concern in relation to the schedule, that too may have allayed some of the issues and concerns that they have raised here this evening.

So in persuading them to try to vote for the Bill on the basis that it is not set in stone, I sadly do not want to conclude that nothing will ever be enough and whatever we promise, pledge or do, it will not be enough, because I think they have come here with a mindset. The fact that they did nothing in the six weeks before the Bill was taken by this House to try to see whether we could accommodate some of their concerns suggests that. But there is still scope, I think, if they accept what we are saying, that this is not set in stone, it can be changed, it can be amended, there is room for improvement.

It is not perfect, we are not infallible, but this is an important and essential first step to get the ball rolling, and I think I would ask them to ponder those remarks and see whether they are prepared to do something different. Otherwise, Mr Speaker, sadly, it is simply opposition for the sake of it.

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

Hon. K Azopardi: Mr Speaker, I am not in politics for the sake of it, and I do not do opposition for the sake of it. I come to issues on a principled position and I hope that by the time I sit down, people will see that we have a principled position on these issues, which I will explain.

I will pick up the points that different speakers have made as I go along, but I want to start quite broadly because I want to explain, as my hon. and learned colleague Mr Feetham has already explained, our broad position, which is really twofold: that it does not go far enough and that there are flaws in the drafting. Let me explain that, so that people understand as they listen to this debate.

The issue of corruption controls does not get resolved by setting up an Anti-Corruption Authority alone – let's start there, it does not – although an Anti-Corruption Authority, an

2695 authority of some form, should be set up, because that is our view. We call it the Commissioner for Standards. We are not wedded on the label. An Authority is an integral part, but it does not resolve it alone. If one is set up – and one should be set up – it needs to be effective, and so the controls need to be wider, its jurisdiction deeper and the powers stronger. When you analyse this Bill, it falls short at a number of hurdles, but it also falls short because it does not go far enough.

2700 Our position is that of course we want comprehensive controls on corruption and abuse – we have said that, it is our policy position – but our view, because it falls short, is that there must be the creation of much wider jurisdiction, rules and standards under the same umbrella of corruption controls to give the Authority that wider jurisdiction. Again, our point broadly is that if they are serious, they should go further.

2705 I hear the Deputy Chief Minister say he doubts our desire to co-operate or participate in that because we have not contacted them in the last six weeks, but the feeling of scepticism is mutual for some of the reasons the Hon. Mr Bossino has mentioned, because we have seen processes before where things we thought we shared common ground on do not progress. For example, the well-known examples of the establishment of Select Committees on important issues, which never meet, whether it is special needs, the environment or parliamentary reform. So we view each other – let me put it that way – with a degree of scepticism, well worn over so many years of politics. That does not mean that we cannot co-operate, but it does mean that that we view each other in that way.

2710 It is also a matter of fact that when he talks about the period of six weeks, we can talk about the period of 12 years. Whether the Members opposite like it or not, it is a fact that this is being debated today, in January 2023, in the 12th year of their administration.

2715 Mr Speaker, for me to explain the principled approach that we take in relation to corruption controls, we need to take a step back and I need to explain our position in the context of our international standards in relation to corruption controls and why we say this does not go far enough if we are really going to grasp the corruption controls agenda, the controls and abuse agenda. I want to explain that, and the starting point, if I may, is the UN Convention Against Corruption, which Members opposite will be familiar with, which has in its scope a much more widely defined set of principles than just a body to criminalise or to pursue an investigative action in relation to criminal offences.

2720 The Anti-Corruption Authority is a body, under this draft that we are considering today, that will have jurisdiction to investigate certain criminal offences. That is one of the things the UN Convention Against Corruption says a country should do, but it is only one. There are many other things that need to be done and there are standards across the board that need to be dealt with, whether they refer to public sector supervision or interference of government officials with third parties who want things from the Government – ultimately, that is what it is about – the use of power, influence in the award and supervision of contracts or jobs or money, and regulatory accountability and standards.

2725 In the foreword to the to the UN Convention Against Corruption, the Secretary General of the United Nations talks about corruption having corrosive effects on societies, undermining democracy and the rule of law, distorting markets and eroding the quality of life. We can discuss and disagree in this House whether these principles that are in the Convention are met, but they are certainly much wider than criminality.

2730 I did think the hon. Lady's contribution opposite, the mover of the Bill, was helpful in giving us a guided tour of the Bill, so I am not going to criticise her. Her contribution was helpful in that way, but I was struck by the fact that she said the creation of the Anti-Corruption Authority was, I think she said, compliant with Article 6 of the UN Convention – and indeed it would be – which seeks the creation of an Anti-Corruption Authority. But of course the UN convention on corruption controls is not just about the creation of an Anti-Corruption Authority. I will give examples, so that people can understand the point I am making.

2745 Under Article 7 of the UN Convention, you are supposed to adopt, maintain and strengthen systems which are aimed to control any degree of corruption in the recruitment, hiring, retention,

promotion or retirement of civil servants – in other words, the appointment of public sector officers.

2750 Under Article 8, you are supposed to set up codes of conduct for public officials, to fight corruption.

Under Article 9, there are all sorts of controls that you are supposed to set up to deal with transparency, competition and objective criteria and decision making.

Under Article 10, states are asked to enhance transparency in public administration in relation to the organisation and function of decision-making processes.

2755 Under Article 12, there are supposed to be controls involving the private sector, enhancing accounting and auditing standards in the private sector.

2760 Mr Speaker, it is a long Convention, but the point I am making with these examples is that it is much deeper than just the establishment of an Anti-Corruption Authority to investigate offences that are already created. The Convention itself is much deeper and wider. It is about transparency, accountability, lack of opaqueness and public access to all this. So for us to seize that agenda of corruption controls, if we are really on the same page, it needs to be a deeper, wider and stronger Bill, legislation that is much wider in its jurisdiction, much more ambitious in its scope.

2765 My learned and hon. Friend Mr Feetham makes the point that trading influence is not a criminal offence and it is not scheduled to the Bill, but again, the Convention itself asks states to make it a criminal offence, and precisely this is part of what people talk ... maybe anecdotally, but this is the stuff that should be tackled if we are going to set up real controls that meet the issue that people are concerned about.

2770 The United Nations Convention Against Corruption is not the only document that sets out international standards. The Commonwealth Secretariat published, in 2021, 25 benchmarks on good anti-corruption practice. It is a number of benchmarks to deal with corruption offences, investigation and prosecution, asset recovery, transparency of asset ownership, political lobbying, public sector organisations, public officials, issuing permits, procurement, contract management, financial management, concession management, asset management – many more things than simply establishing an authority to be responsible for corruption. Establishing an authority happens to be one of the benchmarks, one of the 25, but it is only one out of the 25, and that is why this Bill does not go far enough, because it is not ambitious enough. It does not deal with the issue. This is not decisive.

2780 You have not dealt with the issue of corruption controls by setting up an Authority (*Interjection*) that, carbon-copy, has the same jurisdiction as the Police, but under section 18 of the Act needs to stop investigating if the Police are investigating, and therefore has nothing to do if the Police are already investigating. It does not deal with the issue. If you want to deal with the issue, deal with the other 24 benchmarks. Let's come up with legislation that is ambitious in its project, that actually deals with everything that we are supposed to, that is compliant with international standards.

2785 The Commonwealth Secretariat document, in its introduction, says this:

Corruption undermines the proper functioning of society. It corrupts government, parliament, the judiciary, law enforcement, public sector functions, private sector commerce, and dealings between private individuals. It results in poor public services and in over-priced and dangerous infrastructure. It damages organisations, resulting in reduced project opportunities and financial loss. It harms individuals, resulting in poor education and health, poverty, hunger, and loss of life. It prevents the proper rule of law so that the innocent and vulnerable bear the consequences while the guilty escape sanction.

It goes on to say:

In all countries, to a greater or lesser degree, corruption continues to erode all areas of society. Public officials embezzle public funds. Government ministers award contracts to political donors. Lobbyists improperly influence members of parliament. Law enforcement officers are bribed to tamper with evidence or bring false charges. [Etc.]

Obviously, this is a document written for the entire Commonwealth, and I am not suggesting in any way that any of these examples arise in Gibraltar, but the point is that if we are going to establish corruption controls against some kind of internationally acceptable set of standards, we need to be aware of what they are, and those benchmarks that are recommended by the Commonwealth are recommended as good-practice anti-corruption measures precisely because they are intended, as it says in the document, to help governments and public sector organisations assess their laws, regulations and policies to achieve the right standards.

When you look at the benchmarks produced by the Commonwealth Secretariat for the Commonwealth countries – and at the end of the day there are 54 Commonwealth independent states, and we are part of the Commonwealth family and like to think that we have common values and so it is important to look at these standards – it is obvious that it is much wider than simply setting up an authority. Several of the benchmarks are to ensure that there is adequate anti-corruption regulation in relation to activities which impact on the public, which would harm or produce loss to the public, including public services, or the financial system, or asset ownership, or political lobbying, financing, spending and elections, independent monitoring and auditing of public sector contracts. So it is about transparency and breaking down the opaqueness that we are concerned about on this side of the House. We have made it obvious by many of our contributions.

When you look at the specific benchmarks, benchmark 2 of the 25 is about setting up an authority responsible for preventing corruption, but there are so many other benchmarks on corruption controls that are not even touched by this legislation. At the end of it, when you make the balance sheet analysis on this legislation, it is poor and unambitious if it really wanted to deal with the issue.

Benchmark 10 requires public sector organisations to take particular action on anti-corruption. Benchmark 11 is about public officials.

Benchmark 12 is about issuing permits.

Benchmark 13 is about procurement, contract management, financial management, concession management – none of this is dealt with – independent auditing and breaking down the web of transactions.

If there is going to be real and effective adherence to the international standards, this Bill is not it. This Bill is a half measure – not even a half measure; it is a poor shadow of a half measure.

More recently still, in England there has been a report on propriety in governance that talks about the revolving doors on Ministers and the appropriateness of certain conduct being followed by Ministers in relation to appointments or business or lobbying. Again, these are lessons to be learned, but every time you look at these things and you then put next to them the Anti-Corruption Authority Bill that the hon. Members have produced – with great fanfare that they are ticking the box of compliance with their commitment to people in Gibraltar, as if to pretend that this therefore deals with the issue of corruption controls – the verdict is that actually it does nothing of the kind when you set it against the international standards, because in fact you realise that this is a pretty poor attempt. Yes, it establishes an Authority, which is one of the benchmarks, but it establishes an Authority that is ineffective, controlled to a very large extent in its powers, not strong enough, without wide enough jurisdiction, not dealing with offences that should be created and very limited in task because it is only about criminality. So the reality is that when you look at all those issues, that is why we are concerned, and we are right to be concerned.

The hon. Member Mr Licudi says they are carrying out ... I think he said they are carrying out their policy. I am not sure if it was Dr Garcia. (*Interjection*) Both of you – yes, I thought I heard it from both of you. I accept we cannot force the Government to go down the route that we would like, but equally I do not think it is right for Members on that side to chastise us for taking the view that because we do not think it goes far enough, we do not agree with you, and therefore that is a legitimate point of view as well. I do not criticise the hon. Members for taking the view that they only want to do an Anti-Corruption Authority of this type – ineffective; if that is what they want, so be it – but I think we have a legitimate position in saying that if we do not think this goes far

2840 enough, for the reasons I have explained and other colleagues on this side have explained, we are not going to vote for it. We are not going to vote against it, but we are abstaining because we do not think it goes far enough and the drafting in itself is flawed. I think it shows a terrible lack of understanding of the principles on corruption controls to think that this somehow does the trick, because it actually does not.

2845 The same goes, with all due respect, to the contribution by the Hon. and learned Mr Isola. He does not understand, certainly, that this is a half measure and we do not support it on that basis, and it is a total caricature of the position of the Hon. and learned Mr Feetham to say that if we were to tinker with the schedule, somehow this was going to be enough. Of course it is not going to be enough, because the Bill needs to be much wider, deeper and stronger, and that is the point we keep making. The Bill is, to a very large extent, as my hon. colleague said, window dressing in
2850 that sense. If you believe that you are giving the signal to the public that somehow the corruption controls are being dealt with, it is, if that is what is intended, window dressing, because it does not deal with the issue. It does not regulate conflicts of interest or cronyism or trafficking of influence at all. It does not deal with any kind of tendering or contract issues or transparency in financial management. It is a half measure. The Government has been brought, in our view, kicking and screaming to this issue, and it does not go far enough.

2855 The Hon. Dr Garcia made an allusion as to our position in 2011. It is correct that we were not in favour of the establishment of an Anti-Corruption Authority in 2011. We did not think it was necessary. But in the context of the current situation, yes, we do think there should be an effective Anti-Corruption Authority. Things have moved on, as well. The hon. Members can smile and smirk,
2860 but things have moved on. And things have moved on for them, by the way, because their party was in government in 1988 and they were elected in 2011 on the basis of doing things in a quite different way, so things have moved on in the same way things moved on for us as well.

2865 Our firm view is that if Gibraltar is going to deal with the corruption agenda on a proper basis, it has to be against the backdrop of international standards, establishing controls that are at arm's length of the Government so that there is proper balance, so that there are real checks and balances in the controls in a small community – in any community, big or small – as the Commonwealth benchmarks illustrate. It is for those reasons that we abstain on the Bill and it is for those reasons it does not have our support.

2870 This was an opportunity for a much deeper attempt at resolving the issue. After all, when Dr Garcia talks about the six weeks where we did not respond, if they have had almost 12 years to come up with this Bill he must understand that that is why we cannot see how they are serious about addressing the international benchmarks that exist in this area.

2875 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, it is late on a Friday, but I am afraid to tell Members that I wish to respond to a lot of what they have said and pursue the purpose of this Parliament. A parliament, as I have often had cause to remind hon. Members, is defined by the word 'parliament'. The word 'parliament' means to parley, which is to debate, and to debate to try to reach an accommodation or an understanding.
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I am not one of those people who believe that we come to this House with our inbuilt majority simply to do that which we set out to do, and we have demonstrated that today in the moving of the amendment that the hon. Lady has put before the House already and which I will take a little further this evening, hoping that hon. Members will then feel that they are able to join us in supporting this Bill.
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As I will demonstrate during the course of my address, what we are doing in this Bill is not failing to comply with the UN Convention because we do not do everything in the UN Convention, not failing to comply with the Commonwealth principles because we do not comply with all of the Commonwealth principles in this Bill; what we are doing is putting the last of the building blocks

2890 necessary for Gibraltar to be in compliance with the UN Convention and with the Commonwealth principles.

So the position that has been set out by the Leader of the Opposition in summing up for the official Opposition is actually logically, legally and factually wrong, because what he has suggested, as I will demonstrate when I go through their speeches, is the complete opposite of what the
 2895 Commonwealth principles are there for and what the UN Convention does. I will also demonstrate that they have said the same things in the past. I think what I will also be able to demonstrate to hon. Members is that their memories, even of what happened six weeks ago, is starting to fail.

Abstaining on something as important as this Bill, especially given the issues that the hon. Members have set out, I think is no more than a political tactic, so I hope to persuade them either
 2900 to support the Bill as I will propose it should be amended, or to have the courage of their convictions and vote against the Bill, (**A Member:** Hear, hear.) (*Banging on desks*) but not simply to abstain, because that is clearly no more than a political device deployed in an election year.

Of course, what hon. Members cannot do is get up and say this is a widely drawn Bill – that is how Mr Feetham suggested to us that this Bill was drafted, widely – but just not deeply enough.
 2905 Of course this Bill will not detract, and neither will any other Bill in this House, from the powers of the Royal Gibraltar Police to investigate and prosecute offences – of course not – but we see that, as Mr Clinton alluded, in other areas where the FSC is able to investigate matters but the Royal Gibraltar Police can take over those investigations and, in some instances, will be alerted by the FSC, or another regulator that we may have in our laws, to the investigations when there is a need
 2910 to prosecute criminal offences.

The Bill that we have drawn is complementary to the powers of the Royal Gibraltar Police. What we are not going to do, neither would hon. Members want us to do, and indeed I will remind them that they told us we should not do, is create a parallel police force, a new jurisdiction, and –
 2915 given where some of the arguments were taking us, after Mr Bossino in particular – a new kangaroo court where people would simply have allegations thrown at them and they would not have the guarantees of due process etc., that our well-tested and well-established legal system provide to them.

What we are doing, as the hon. Lady said in her intervention, is ensuring compliance, now full compliance, with the UN Convention on Anti-Corruption and Anti-Bribery. We already comply
 2920 with the Convention on Anti-Bribery in particular, because, as Mr Feetham reminded us, our Crimes Act, drawn by him, and therefore, because it was drawn by him, a seminal piece of legislation which, in effect, brought together lots of other pieces of legislation in one book – it is that seminal ... He defended it in 2011 as already ensuring compliance with the UN Convention.

This Bill is so widely drawn that we even go down the rabbit hole of providing anti-corruption measures in respect of corrupting the Anti-Corruption Authority. It is all there in section 33. That
 2925 is how widely drawn the Bill is. If Mr Bossino has not seen it yet, he should have regard to it.

I will descend to particulars in dealing with the issues that hon. Members raised specifically, but there is a key point about the power of the Chief Minister, a power of the Chief Minister in this Bill, that I am not going to defend, because as hon. Members will see when I come to
 2930 particulars, I will seek to persuade them through agreement with some of their points that we should change some of them. But this Bill, when it gives power to the Chief Minister, is drawing that power in exactly the same way as our laws already give almost exactly the same power to the Chief Minister, whoever the incumbent may be, to redact reports, make determinations as to the public interest, decide whether things should be stopped or things should be continued, and that
 2935 is a power that has been the power of Chief Ministers – power with a small p; we are Gibraltar, we have no seat in the Permanent Council of the United Nations – power such as it may be for Chief Ministers from the times of the AACR.

We shall look at those powers, but that model is not exclusive to Gibraltar. It is even the model in the United Kingdom, where the words ‘Chief Minister’ become ‘Prime Minister’, where in some
 2940 instances it is set out in legislation identical to ours, or where it is set out ... not set out in conventions where the Prime Minister has that power. It is all right and a model for the rest of the

2945 world for Boris Johnson to have the power to dismiss the person who finds that he has failed to act properly, and yet here, where it is very unlikely – and I shall not speak about myself, but hon. Members have, I am grateful, depersonalised it from me ... where all of my predecessors would not deserve an allegation that any of them had acted in a way where they would be protecting themselves in respect of anti-corruption, yet here it is somehow unfair that it should be the Chief Minister. Well, the buck has to stop with someone. Or is it that we are still in the age where we have the chip that if the buck stops with Bwana in the Convent, it is fine, but if the buck stops with Fabian in Convent place, it is not fine?

2950 Mr Speaker, I put it to the Hon. the Leader of the Opposition in particular that he has led thinking in Gibraltar to suggest that we should not simply think that putting in the hands of the United Kingdom appointed officials is better than putting in the hands of the Gibraltarian elected politician. If somebody has to make a determination as to what is in the public interest of Gibraltar, should it be the Governor appointed by the United Kingdom, or should it be the person ...? I know they do not like that it was me, and that is what the political game is about, but should it be the person who has topped the poll of confidence of the people of Gibraltar, who enjoys the confidence of the majority of the people elected by the people of Gibraltar to this place, and who in this particular instance, by the way, got a majority of two to one votes to those who were not elected to government?

2960 Why is that relevant? And this is not about the last election, but why is it relevant? Who should be making the determinations as to the public interest? I put it to hon. Members that there should only be two persons who should be making the determination as to the public interest in the final end game of decision making in Gibraltar. One should be the senior elected politician representative of the people of Gibraltar and the other should be a judge. In some instances, judges have to make determinations as to the public interest, and in some instances, in fact, the determination made by the senior elected politician of this community – that is to say the Chief Minister – as to the public interest is even subject to review by a judge, who also makes a determination as to the public interest and can judicially review a decision or can, in any event, sometimes review statutorily a decision in the inherent jurisdiction of the court. We do not need to discuss those issues. We know that is the case. Of course it should be that way. But I will descend to particulars and I will try to create consensus across the floor of the House, because I want to send a signal not just to this community, but beyond it, that we are able to act together and in consensus on these issues.

2975 Certainly the result of the election that gives the power to a Chief Minister under our laws – our laws before 2011, our laws before 1996 and our laws before 1988 – should give power to a Chief Minister whatever the result of the election should be, surely. And so there cannot be a different barometer for the moment when the person sitting here is speaking from St Peter's chair – Sir Peter's chair, sorry – or when the person sitting here is speaking from Fabian's chair, because that would be almost to take the view that extreme right-wing republicans are taking now, that one president is good and can do and another is not and cannot do, and none of us in this House, neither Mr Azopardi or myself, or any of the people we represent, I am sure, or the hon. Lady, stand for that. Power to a Chief Minister is as good when one party wins an election as when another party wins an election, whether or not we like what the power does or who will do it. Of course we have different views, but given that we four in particular have been in politics together for 30 years, none of us would think that we would abuse that power.

2985 Let us analyse, therefore, what it is we are going to be doing with this Act that has caused hon. Members to suggest that it would be so different. If they want to change it, of course, as the Hon. the Deputy Chief Minister has said, they could have proposed a change, but they did not propose any change when we published this Bill.

2990 I want to talk generally about a small part of the political history of this issue because it is fundamental in understanding the speeches that hon. Members have made. The Deputy Chief Minister rightly said, 'We published the Bill in December; you did not get back to us.' I say more: we published the Bill in December and what we got from hon. Members was a press release saying

2995 that this was too little, too late, it does not go far enough, it is flawed, they have no faith in us
given that we tolerate opaque financial and governance practices, that we fail to clamp down on
conflicts of interest, waste, abuse and corruption, and we had 11 years to act and we did nothing.
At the next election they said they will have a comprehensive package of reforms and that will be
it. So I am afraid that the Deputy Chief Minister failed to reflect that, short of engaging with us,
they actually went out of their way to say they would not engage with us.

3000 Indeed, Mr Speaker, if the hon. Member, from a sedentary position, asked me why I did not
reach out to him, it is because he has also forgotten what he did in April. In April, the Hon.
Mr Azopardi held a press conference. I have, from GSD social media, a document that says
'6th April 2022 – Back on Track.' The GSD says, in this document, they will set out anti-corruption
provisions, they will investigate and audit the spending of all the government-owned companies –
3005 all the government-owned companies are being audited, they all have auditors, so I do not know
what it is that they are going to do that is not being done already – and how Government awards
contracts, etc. And when I said then I welcome this because this is actually in keeping with our
own position on anti-corruption etc., when I reached out, as the hon. Gentleman says – 'Picardo
welcomes Azopardi support for Government's agenda on standards in public life and anti-
3010 corruption' – I was told that they were not willing to engage with me because what I was doing
was box ticking, it was late in the day. I understand that: it was April and Mr Clinton thought that
the election was going to be the March before, so of course they thought it was late; they thought
it was in month minus one after the election.

3015 So, automatically, when we reach out, what we get is rebuffed, not only in December when we
publish the Bill and they do not engage, in April when we reach out and they turn us down. So
frankly, if all they are going to do is say that we are not genuine, say that it has to be wider etc.,
then they are doing what they always do, they are saying we are doing and, as the Hon. the Leader
of the Opposition says from a sedentary position, we are going to do what we always do. We are
going to lead, we are going to be pioneers and we are going to ensure that we comply with our
3020 manifesto commitment.

The Hon. Deputy Chief Minister alluded to this, but Sir Joe actually zeroed in on it on television.
Gibraltar is the only place where the Opposition criticises the Government because the
Government does what it told the public it would do in a general election and the public elected
us to do. We went, in 2019, with a commitment in our manifesto to do an Anti-Corruption
3025 Authority and we went with that commitment saying to the public, 'We went with this
commitment in 2011. We did not do it because we were persuaded not to do it. In 2015 we had
set it out also, and in 2019 we are going to do it.' So hon. Members' criticisms that we are going
to do an Anti-Corruption Authority is criticism because we are going to do what we said to the
public in a general election that we would do.

3030 What I find absolutely remarkable is that they have not criticised us for not doing it within six
months of being elected. Our manifesto of 2019, if they bother to look at it, gives them fodder for
criticism. We actually said that we would do it within six months of being elected. How I wish that
I had been here being criticised by them because our Anti-Corruption Authority was not good
enough in March 2020. Instead, he and I were standing together in Convent Place dealing with a
3035 worldwide pandemic. Of course that has delayed us. Of course it has. I make no secret of the fact
that we are just coming out of that very difficult period of having to deal with Brexit and the
pandemic. Now we are just dealing with Brexit – bad enough already, but it is one crisis, and you
can legitimately say, 'When you were elected in 2019, you knew that you had to deal with Brexit,
so it would not be proper for you to say Brexit.' Mr Bossino would be entitled to say – he did not
3040 alight on this point either, which would have been a good one – 'Brexit you cannot use as an
excuse because you knew about Brexit when you made the commitment in your 2019 manifesto
to do this within six months.' But none of us knew about the pandemic. That is why we are
delayed, and I am giving a reason to the public in Gibraltar of why we are delayed beyond the six
months that we said we would comply with, a reason that even they have not taken me up on,
3045 which I could have glossed over because their speeches are over. But because we are honest with

the public, we stand up for the things that we do and when we say we are going to do them, and when we cannot do them, we explain it. That is why we were not able to do it.

3050 But perhaps the strangest thing there is that in 2019 they started to agree with us. In 2011, both Mr Azopardi as leader of the PDP and Mr Feetham as putative leader of the GSD, in positioning, were telling us that we should not have an Anti-Corruption Authority. I will come to the things that Mr Azopardi has said about that later. (*Interjection*) But now we have done an exercise of giving the very widest powers to this Authority to obtain information, we have made Ministers specifically subject to the provisions of the Act and public servants. My view is that Ministers are subject to the Act, even without the clause on Ministers, but of course we have
3055 wanted to be explicit. No public official, no Member of Parliament can avoid the provisions – production orders, search warrants, all very widely drawn. Yes, in respect of those offences, which are the offences that are in the schedule, which I will come to. It is all very good for Members to say there should be other offences in the schedule and not say which. The Hon. Mr Feetham at least said we need to create new offences. Well, okay, I will come to that in a minute, Mr Speaker,
3060 but if they are new offences which are required, they cannot be in the schedule because they do not exist.

In respect of certificates, by the way, a certificate issued by a Chief Minister is final because there has to be finality, and certificates usually when they are referred to in a statute are referred to as being final when issued by the person who is responsible for issuing them. That does not
3065 mean that they are not reviewable. Hon. Members should at least have indicated to the public in the course of their speeches that in this Bill there is no clause seeking to exclude the jurisdiction of the court, which there could be, because hon. Members know that there are clauses in statutes that say, ‘and this shall not be inquired into by any court’. We do not say that, so even the things that I do – the redaction of reports, the granting of certificates, all of those things – are obviously
3070 reviewable by the courts.

So there is no question of us seeking to draw a narrow Bill that is not deep enough, that does not create the right jurisdiction. Indeed, if it is the public sector where there is an issue to investigate, we created during our first term in office the protection of whistleblowers and in this
3075 Bill we further protect whistleblowers who will be whistleblowing against somebody in the infrastructure of the public sector, who could be a Minister, and yet we are creating the protection for it. That is wide. That also demonstrates a confidence by this Government that there are no issues affecting any of the individuals represented here that could be drawn, despite the many things that are said outside this place by hon. Members.

Gibraltar also has to be a jurisdiction where people come to the House not to say the things
3080 that they say outside the House, where things that might be considered potentially defamatory are said outside the House rather than inside the House. Here, when we come, it is not about us; we depersonalise the debate – I think that is absolutely right – but then outside they say, ‘It is your problem, it is because of you, you are the one who is tolerating the corruption; you are the problem.’ I will come to the exact words used. Incredible.

3085 So we create the whistleblower legislation, we comply with our manifesto commitment now, and we extend the provisions on investigations of corruption and protection of whistleblowers, and we get criticised for it. I would have thought that anybody who is prepared to give a fair hearing to what the Government is doing would understand that this is a Government that is acting entirely properly.

3090 If what we are doing, as Mr Feetham suggests, is creating an extra layer of bureaucracy, I do not understand how he can reconcile that by saying, ‘but you do not go far enough’. Those were his two opening phrases: an extra layer of bureaucracy that does not go far enough. And then the Leader of the Opposition says it has to be deeper, wider, better. What? A deeper, wider, better layer of bureaucracy? You either believe in an Anti-Corruption Authority or you do not.

3095 The average person will say they are concerned about corruption now and historically, about all governments – probably true. Not legal corruption, not as set out in the Bill – also probably true; people mix many things up. But what is it that they are talking about? Standards in public

life, conflicts of interest etc? Maybe that is what they are talking about. Do they not know in our law where conflicts of interest are prohibited, the many places where conflicts of interest are prohibited and have to be guarded against and where conflicts of interest are a criminal offence? Do they not know that? They are the places where they have said they are concerned about them. I refer hon. Members to section 25 of the Procurement Act. Are they not aware of that? They are talking as if they do not know that these things are in our law. I will come to the detail of it later.

A trafficking of influence, undeclared conflicts of interest: 'These things are not provided for in our law.' Yes, they are, Mr Speaker. They are explicitly and they are implicitly, and of course we also have common law rules which deal with those issues. We do not have an explicit crime of nepotism or cronyism, but we have a fraud by abuse offence. Does he remember where it is? He brought it to the House: section 419 of the Crimes Act, fraud by abuse of position. We have the common law offence of misconduct in public office, which extends to Ministers and does not require evidence of corruption. Those things are there already. We have the provisions of our procurement rules which specifically provide about conflicts of interest and the obligation to declare conflicts of interest: section 25. If those are the things that the public are concerned about, which the Hon. Mr Feetham told us are the things that the public are concerned about, then they are provided for in our laws already. They are in our Corpus Juris. That is to say they are in all the laws that apply to Gibraltar. The hon. Gentleman says there is no legislation that comprehensively deals with that. Well, common law offences are not dealt with in a statute, they are common law. Unless he has now had a conversion from being an established common lawyer to being a civil lawyer who wants everything codified and in a statute, he would not be making that point.

'Take the opportunity to look at other types of conduct' – well, Mr Speaker, the codes of conduct of Ministers and MPs, we did them. He was here. Does he remember that it was Peter Caruana who asked us not to make them binding? He asked us to look at them in select committee. I have been dying to make them applicable generally. Why? Because we have acted from the day we published them – even though not binding – in keeping with the ministerial code, and we have to extend that to hon. Members also, who have the publication of the code but have not said that they would act in keeping with it. Frankly, I do not think it is fair.

If they said these things in a press release in 2015 or we said that we had to do more in 2015, a few things have happened. Shortly after 2015 we had Brexit, and that consumed us for a while. And then hon. Members know everything else that happened, which Mr Bossino calls an excuse. That is why we have not made the codes binding, but what have they done since 2015? Have they brought a motion with the codes of conduct saying we now adopt them? No, they have not brought that motion. They have not been dealing with Brexit. They have not been dealing with the intricacies of COVID. If this was so important, as they say it is because it is now stopping them from supporting us because the codes are not applicable, why haven't they brought a motion? Any Member can bring a motion. It is what I would do, bring a motion and say, 'When the time comes, that is what I will do. As Leader of the House, I will bring such motion.' Could the Government have voted against a motion saying that the code the Government said should be binding should be binding? Of course not. We stopped it from being binding because they asked us to stop it from being binding. These are just excuses not to support this Bill.

In 2019, they were going to put a Commissioner for Standards, they said, Well, okay. They went to the general public with that, to the electorate, and they got one vote for every two votes we got. Actually, the Commissioner for Standards in the UK has not been a body that has performed particularly well. We just have to see the resignation of Lord Geidt, the toothless nature of it, in particular when the person being investigated is the Prime Minister, which is *highly* unusual but it could happen, and there was no provision for what happened when the person being investigated was the *primus inter pares*, the Prime Minister.

The fact that all of these offences can be dealt with by the Police, says Mr Feetham, is enough to justify his cry that this is just a further bureaucratic layer, but in the United Kingdom, the issues that the Commissioner for Standards investigates which lead to a report can also, and very often

do, lead to a criminal investigation. I do not need to remind hon. Members of Partygate and the fines that have been issued as a result of the views of the Commissioner for Standards etc.

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‘Why are the Police not already investigating these offences, if they are happening?’ said Mr Feetham. Well, perhaps because they are not happening. Perhaps because we talk a lot about things in this community. We do not like it when others get a contract, even if they have got it fairly, just because we did not get it and perhaps there is nothing untoward about that person getting a contract. Indeed, I had an episode once, when they were in government. I thought, ‘This is terrible, that person has got the contract as well.’ I dug a little and there had been a tender. On that occasion they had issued a tender and the person who got it was the only person who had applied. The street was rife with gossip and I thought, ‘Well, fair enough,’ but there was enough rumourology there to go to the Police every day of the week and for the Police to say, he was the only one who applied.’ So maybe that is why the Police are not investigating things that actually do not merit investigation and there is a lot of talking about but very little action on.

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Mr Feetham has said very clearly what we need is an offence of nepotism and an offence of cronyism. I think those are hugely difficult to define. We have in our laws issues of conflicts of interest, which nepotism and cronyism are about. Conflicts of interest are inclusive in here, they are inchoate in these definitions and we should add them to the schedule. If hon. Members are serious, Mr Speaker – I have checked my diary – I offer them Thursday at 11 a.m. in my office. We should look together at the proposed definition that they might send me, before close of business on Wednesday, of an offence of nepotism and cronyism. If it was acceptable to the Government – on which we will take advice because we obviously do not want to make criminal offences that are not good – we would put a joint motion for the next Parliament, in February, to include that definition in our laws. We would bring a Bill to this House to make nepotism and cronyism as defined – if we can agree a definition – an offence, as he has said, and we will give hon. Members an undertaking that we will add that new offence to the Schedule of this Bill as soon as they have become offences after the six weeks have passed, and they will be passed with the Government majority before the Easter recess. There you go: the offence of nepotism and cronyism.

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If you were serious about what you were saying, I challenge you to vote in favour of the Bill on that basis, and I challenge you to produce a draft of a law that makes nepotism or cronyism a further criminal offence, because we say it is already a criminal offence. And if you say it is not your job to do that from opposition, okay, it is not your job to do that from opposition, but then you are not serious about contributing to this. We have very senior silks on the other side, Mr Speaker. Of course they can turn their pen to drafting something, although we would have to ask ourselves why there is not, in the United Kingdom, in Canada, in Australia or in Hong Kong already an offence of nepotism or an offence of cronyism. The answer is very likely because those things are already inchoate in misconduct in public office, in the offences against conflicts of interest which are already in our law, and on the offences of fraud or abuse of position.

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If they say that they can deal with that and bring a proposal, please let me know, so that I block out the 11 o’clock slot in my diary for two hours on Thursday. I will not hold my breath because when I offered them this in April, they said they would not meet with me on this issue – they turned me down – to bring about the changes that they might not want to bring about. Yes, they did, Mr Speaker, they turned me down, (*Interjection*) let’s be very clear.

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Under section 3 – (*Interjection*) Yes, I have the hon. Member’s press release, if he wants me to share it.

Hon. K Azopardi: He probably has my letter, too, and my letter invites him to write to us with proposals, which he never wrote to us on.

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Hon. Chief Minister: His letter says that what I am doing is creating a circus, and that is why they turned down the olive branch, because they are not interested. They are not interested today in doing what they said was necessary. They are not interested in crafting a law to make nepotism or cronyism an offence. I challenge Mr Feetham, if he says it is possible, to do it. And second, they

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are not interested in engagement. They are interested only in party political posturing, whether or not Gibraltar, therefore, has an Anti-Corruption Authority or not, although it is one of the final building blocks for us to comply with the UN Convention. I know what I am saying is exactly true.
(Interjection)

3205 Mr Speaker, let me now deal with something else they have said. Section 3, which is the appointment provision: we proposed, given what they said publicly, that, okay, we should have the Specified Appointments Commission appoint the Chairman of the Anti-Corruption Authority, and then the Leader of the Opposition could appoint two and the Chief Minister would appoint two. That is as politically neutral as it comes. They said that is not enough. By the way, Mr Feetham
3210 should note it is not the Special Appointments Committee, it is the *Specified* Appointments Commission.

The Government is prepared to agree that all five members should be appointed by the Specified Appointments Commission. We have no issue with it. We are prepared to change the amendment so it is the five members appointed under the Specified Appointments Commission.
3215 We are prepared to agree that you produce a draft of the offences of cronyism and nepotism that stands up to scrutiny and is not more bureaucracy – in other words, not just what our law already provides on conflicts of interest, what our law already provides under section 418 and what is already provided for under misconduct in public office – and we are prepared to allow that the five members be appointed by the Specified Appointments Commission. That, at least, they could
3220 have written to us about.

Hon. G H Licudi: Or proposed an amendment today.

Hon. Chief Minister: Or proposed an amendment today, indeed. When the hon. Member got
3225 up, he could have said, 'I propose an amendment', which could have gone further than that of the hon. Lady. But I am open to the fact that they just thought that politics was about confrontation and not about trying to work together, and that now they will reflect and, given the offers I am making, they will support the Bill, they will help us with the drafting of those offences and they will support the amendment that I will put, so that all members are appointed by the Specified
3230 Appointments Commission outside of the hands of any Chief Minister, not just this one.

The hon. Lady got up to say that we had been postponing this Anti-Corruption Authority for over a decade. Well, the last time I checked my history, she had stood for election in 2015 with the political party that had told me in 2011 that an Anti-Corruption Authority was not necessary. Her policy in 2015 was not that I was postponing things by not doing it, but that I was doing the
3235 right thing by not doing it, so you can hardly suggest, Mr Speaker, that I was procrastinating or postponing this.

And of course this does not emerge in a vacuum, she says. I accept that. That is why we proposed it in 2011, that is why we talked about it in our manifesto of 2015 and that is why we recommitted to it in 2019. We are not saying, however, that the RGP is incapable of complying
3240 with its commitments. We are creating a dedicated body in great measure because the Commonwealth principles require it, because the UN Convention requires it, because it is one of the parts of the infrastructure of having effective anti-corruption provisions and complying with those conventions internationally.

And so, Mr Speaker, given what I have said about the Specified Appointments Commission, I
3245 hope she also is able to accept the points as to independence, because the points as to independence disappear. She appeared in her address, as Mr Isola said, to have ignored the amendment which the Hon. Minister moved in her first speech, but now that I have told her we are going to go even further than that and the Chief Minister is going to have no power to appoint anyone, it is all going to be in the Specified Appointments Commission, I hope she will be able to
3250 support it, because she said one of the key issues is that the chairman is appointed by the person he has to investigate or criticise. I am going to do away with that point for her, because the chairman will be appointed by the Specified Appointments Commission, but actually it would be

3255 a very sad day indeed if the chairman of an Anti-Corruption Authority had to criticise the Chief Minister. In most instances, one would have thought he would be criticising people in the public sector, if necessary, if that was relevant, or elsewhere, but not the Chief Minister – in the United Kingdom it has happened once, although today the Prime Minister has once again been fined and has been subject to a criminal sanction – and I say that of all Chief Ministers in our history, all of them.

3260 On the question of the redaction of reports in the public interest, I refer to what I said at the beginning of my speech. Who could be a better judge of whether a report needs to be redacted in the public interest than the Chief Minister? The Chief Minister is the person in the hierarchy of politics in Gibraltar who has the overview of everything. He has the overview of all the Departments, he has the overview of the public finances. There is no one with an office as privileged as the one I hold today – except maybe the Deputy Chief Minister, because he sits with me daily on all of these issues – that has the overview across Departments and across Ministries, and therefore all of the areas of public responsibility of Gibraltar. Who should redact, if not the Chief Minister?

3270 It is very unusual that there should be a redaction. I have never redacted a report in the time I have been in office. A former Chief Minister decided not to publish a report, although it had been paid for by the public purse. Hon. Members might remember the GBC report. I said, ‘The minute I am elected, I will publish it,’ and the minute I was elected I published it. Reports sometimes have to go through the Maxwell process, where individuals are entitled to redact things about themselves if they are mentioned in it. That is not what we are talking about here. Those redactions are the legal process of redaction, where an individual is entitled to do that. But who better than the Chief Minister? Okay, on appointments it should be the Specified Appointments Commission, but on redactions how can it be anybody other than the Chief Minister? And even then you can appeal and go to a judge, and a judge can look at what a Chief Minister has proposed should be redacted and say it should not be redacted.

3280 Then she said, ‘Don’t trust the wolf to guard the sheep.’ That, I have to say to her, is a very unfair characterisation of this or any former Chief Minister of Gibraltar. The Chief Minister of Gibraltar is not a wolf. Far from it, Mr Speaker. The Chief Ministers of Gibraltar – and I think all of them – have shown commitment to the people of Gibraltar, who are the ones in whose interests we would redact a report if we ever had to redact one.

3285 The reference she made to an iron curtain of government-owned companies on which we do not give information is one which I am afraid I just cannot accept. Yes, we might not give all of the information that hon. Members want. Hon. Members want almost all of the information they would have if they were in government, or more, because sometimes they ask us for things that Ministers are not involved in, that are being done by civil servants, and they want that level of detail. But, in fact, Mr Speaker, in your usual ability to assist in the debate, your booklet on Speakers’ Rulings is extraordinarily useful because the hon. Lady says an iron curtain of government-owned companies where we do not give information, and in the second ruling contained in your booklet on Speakers’ Rulings, Speaker Vasquez, one of our longest-standing Speakers, in 1980, when the GSLP was not in government, said this on 24th January:

I think I have ruled on this once before. The Minister is answerable for his Ministerial responsibilities and not as chairman of any particular firm.

That is helpful. The next sentence of this ruling is even more important:

3295 I think I must rule on this one, that he

– the Minister –

is not entitled to part with information which he has exclusively as chairman of the company and not as part of his Ministerial responsibility.

So this iron curtain is one that comes from a ministerial position in 1980 and as ruled by the Chair.

Mr Clinton then moved on to say that we may be able to save some part of the Bill, and I thought he was going to be positive, although then he turned very negative and called it all toothless and caged. Well, I think Mr Licudi dealt with a lot of those issues. But he did make a point. He said we should have been more inventive. Well, he was the one who did the press conference in April that led to the non-meeting when I offered it.

The point he made about section 14 of the Ombudsman Act is one that we are prepared to take on board, so we shall also move an amendment – and I am sorry Mr Clinton is not here to hear me, but I assume he is hearing from the antechamber – to deal with the issue he raised there. We shall amend section 3(14) so that the last part of the section will read ‘shall be a first charge on the Consolidated Fund’, so that we are taking the reference to payments being made by way of vote to the first charge language that he referred us to.

He then also talked about the issue of nepotism and cronyism. I will be very taken by Mr Feetham if he is able to produce a draft of a law that deals with that; he may have more time to research these things than I do.

I am pleased to see Mr Clinton back, and I am sure he has heard about my amendment to 3(14). (**Hon. R M Clinton:** No.) Oh, sorry, Mr Clinton. I have suggested we will move an amendment to 3(14) to make it a first charge on the Consolidated Fund, as he has suggested, and I hope that, therefore, will, together with everything else I have said, persuade him to vote in favour of the Bill.

On nepotism and cronyism, it is also true, I am sure, that one man’s cronyism, one man’s nepotism, is another man’s good government – surely, because let’s be very clear: the things they say they are complaining about in their statements outside of this House, grant of tenders etc ... At least there are tenders. What we inherited at Midtown was the direct allocation of the two naval grounds to one particular group of property developers by the party that they represent. (**Hon. K Azopardi:** Direct allocations.) I am sorry? (**A Member:** Direct allocations.) We have not done direct allocations. (*Interjection by Hon. K Azopardi*) No, we have not. Mr Speaker, the hon. Gentleman is saying from a sedentary position that we have done direct allocations. We have not done any direct allocations. We have not. (**Hon. K Azopardi:** Yes.) No. I am happy to give way to the hon. Gentleman if he wants to tell me about a direct allocation.

Hon. K Azopardi: Mr Speaker, there have been questions in this House that in the Bayside/St Anne’s plot and in the Eastside plot the person adjudicated those plots had not submitted any expressions of interest in the processes that were run, and therefore they were direct allocations. What else were they?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman has taken leave of his senses. We gave the football pitch to the GFA without going to tender because it was the GFA. We have given it to an institution in Gibraltar. (*Interjection*) And on the Eastside –

Hon. K Azopardi: Mr Speaker –

Hon. Chief Minister: Sorry, if he wants me to give away –

Hon. K Azopardi: Yes. I am not talking about the Victoria Stadium, I am talking about the Bayside/St Anne’s plot –

Hon. Chief Minister: Oh, I see.

3345

Hon. K Azopardi: – where there was not an interest expressed by that entity because it did not exist, you gave it to them, and the Eastside. Yes.

3350 **Hon. Chief Minister:** Mr Speaker, there is a description that refers to the genitalia of the male
cow that is the best way to describe what the hon. Gentleman has said. Let us be clear: tender
processes were run in respect of the Bayside/St Anne’s plot. They did not submit one, but they
came with an offer of more, and what the Hon. the Leader of the Opposition is suggesting is that
it is a direct allocation to give a plot of land that has gone to tender to a party that has bid more
3355 than the highest tenderer. We call that looking after the interests of the taxpayer, because that is
what a tender is for. A tender is to ensure that we get the best value for the taxpayer, and when
we saw that it was possible to get it, we did. Moreover, on the Eastside, exactly the same thing
happened and what we got was more per square metre for the taxpayer in respect of those plots
than had ever been offered in a tender.

3360 **Hon. R M Clinton:** How do we know?

Hon. Chief Minister: We know because in the tenders they submitted less. That is why it is
obvious.

3365 **Hon. R M Clinton:** How do we know that?

Hon. Chief Minister: Well, look, if you distrust us, to lie to this House – because I have now put
on the record of this House what this position is – if you ever win government, come and look. I
am very happy to see the hon. Member on Wednesday morning and show him all of the bids that
3370 came in, so that he can see that I have not misled this House. We cannot publish them because
we cannot publish the names of people who submit bids that are not successful. We have taken
advice on that because people insist that they need ... a lot of their covenants are based on that.
I would never mislead this House. Mr Clinton, by saying, ‘How do we know?’ suggests that I might
be thinking of misleading this House, something I would never do, even implicitly, but on
3375 something that I know empirically because numbers are numbers and this number is higher than
that number, I can tell hon. Members there have never been direct allocations and we have always
given to the highest bidder.

But what did they do? They gave Midtown, two naval grounds, on direct allocation with no
previous tender – in other words, it is not that they gave it to one because they had run a tender
3380 process and this was more; they never ran a tender process. Indeed, to the same group they gave
a contract with a value of £1 billion and did not run a tender process, and when I asked how does
this comply with the procurement rules, I was told that the Government would not answer, and
the Speaker at the time said to me, ‘I am sorry, Mr Picardo, I cannot compel the Government to
answer.’ When I was elected, I exercised my right to check the file – I cannot see some things in
3385 the former Governments’ files but I can see others – and I saw the advice that said they had acted
in breach of the procurement rules. One man’s cronyism and nepotism is another man’s good
government or another man’s golden legacy.

That brings me, conveniently, to Mr Bossino, who is the one who talked about the golden
legacy of the GSD when he was elected here before 2015, the first time he decided that now was
3390 not for him and it was all about the following election. He started by saying that they could be
persuaded. Well, I have agreed to the provisions of the nepotism and cronyism Bill being
proposed, if they propose it. I have agreed that all appointments should be under the Specified
Appointments Commission. I have agreed to change that this should be a first charge on the
Consolidated Fund under section 3(14). But when he says that one of the reasons they are not
3395 going to support us is because they look at this in the context of our track record, it grates a bit
with the fact that they said they were going to depersonalise this, because why is our track record
relevant?

We arrived in 2011 wanting to do an Anti-Corruption Authority. I still have the report in the *Chronicle* on 26th October 2011, where for the first time they were making common cause, Mr Feetham and Mr Azopardi, Mr Feetham saying we comply with the UK Bribery Act, we comply with the United Nations Convention, and Mr Azopardi saying creating an Anti-Corruption Authority is telling the world that we have a corruption problem and you should not do it, the Police have all these powers and we do not need to do these things. I have it here. 'Half-baked ideas' and 'checks and balances' – that is what they said. There is his press release: 26th October 2011. And now, because of our track record, it needs to be done and it needs to be done deeper and wider.

The fascinating thing is that the United Nations Convention is dated 2003. It was signed in 2003, it was accepted by all the parties in 2005, and in 2011, when I was saying that we had to do an anti-corruption convention to comply with the UN Convention, they said, 'No, we already comply.' And yet today they take the view that, actually, not only do we not comply but even with this Anti-Corruption Authority we will not comply because it is not wide enough, not deep enough – all the words that have lots of meaning and none.

In 2015, we set out our position. In 2019, the position that appertains now is the one that I have told them about already. So the delay that he talks about, the new dawn that should have ushered in the Anti-Corruption Authority he forgets was what they said should not happen, and what we said in 2015 was, 'Fair enough.' We were persuaded by what our opponents said and what the Police said at the time.

So it is not that we have left it to the end. In fact, we should have done it within six months, but I have explained why we did not. But as usual, the hon. Gentleman does not think through the points he makes. He does not even look at my 2019 manifesto so he is able to criticise me.

Mr Speaker –

Hon. Member: Will he give way?

Hon. Chief Minister: Well, I am now dealing with Mr Bossino. I dealt with you 15 minutes ago. Mr Speaker, we are never going to finish. It is Friday night. If I give way, he is going to have to buy 12 Heineken for us all later, because it is going to be that time, so he will allow me to continue, if he does not mind. I have given way to the Leader of the Opposition, Mr Speaker.

Mr Bossino said, 'What is this? Is this going to be a post box?' Well, their manifesto has two-thirds of the same thing in the context of an anti-corruption ... 'Anti-corrupt practices', they talk about on page 85, and then they say they would:

Establish an independent Public Offices Commission whose remit would be to ensure standards in public office, investigate and address any issues of conduct or misbehaviour of anyone in public office. [...] The law will be able to deal with any allegations of corruption or offences involving, for example, the allocation of land, contracts or tenders ...

– except we have those laws already. Our laws on the procurement of things already provide for issues relating to land, contracts or tenders. They do not seem to know it, because they are going with a manifesto promising to do that which is already in our laws.

I noted, by the way, Mr Speaker ... it may be a glitch, but their manifesto is no longer on their website. I do not know whether they are just trying to do that to avoid us all going back and embarrassing them. Happily, I download these things and we have them for posterity. (*Interjections*) Probably, they want to block me. I am not surprised, they know the damage I can do when I get their material.

Hon. D A Feetham: As a hacker.

Hon. Chief Minister: No, not as a hacker, Mr Speaker. The damage I do to them, I do intellectually. It is intellectually, Mr Speaker.

3445 This idea that removal of individuals from the board they might have been appointed to by the Specified Appointments Commission – in 3(9), I think it is, of the Bill – is still dealt with by the Chief Minister. That is before I told them that all appointments would be dealt with by the SAC. Well, I am prepared to think about removals being dealt with by the SAC, but the SAC does not deal with removals, it deals with appointments, so somebody has to deal with removals. Unless it is the very
3450 evil Chief Minister, who could then remove somebody who is investigating him – the wolf guarding the sheep – this rule about ‘may remove’, even if convicted, is not autochthonous to this Bill; it is what the power of removal is like anywhere. So you have in our statutes, elsewhere, references to people who might be convicted and, if they are convicted, may be removed from something by a Chief Minister or another. So what point is he making? It is another non-point: ‘It looks bad, it is
3455 something I can potentially embarrass with; I do not think through that actually my own Government did that when it was in Convent Place.’ The GSD did that as well.

I have dealt already with the reports redaction.

A theme that developed on the other side was this idea that we were window dressing, that we were box ticking by complying with our manifesto. We consider our manifesto to be an
3460 obligation, and if we fail to comply with it, we have failed our obligations. In some instances we may have to fail to comply with it because we have not had time because of COVID, what he calls an excuse. They have again demonstrated that, for them, complying with a manifesto, by criticising us for doing this, is window dressing and box ticking. I am reminded of the GSD mantra on this. In the leadership interview on radio in November 2011, the GSD leader said, ‘For the GSD,
3465 a manifesto is a wish list.’ We shall take their manifesto with the requisite pinch of wishes when they publish it when a general election is called.

Mr Speaker, for all of those reasons I have dealt with already, I challenge them, given that the only specifics they have come to are the ones that I have dealt with, to vote in favour of the Bill or to have the courage of their convictions and vote against the Bill. Otherwise, they will be seen
3470 simply to be playing a device. A device is what the Leader of the Opposition tells us he is not in politics to play with. He says, ‘I am not here to do politics for the sake of it,’ and yet, on these issues in April and December all he did was respond with what might be considered by somebody with a less thick skin to be insults – that I am the problem today. This is what Keith Azopardi has permanently been saying. Whether it is on direct democracy or whether it is anywhere else, he is
3475 not saying, ‘I am going to abstain because I do not like this clause or that clause,’ which is what they have come here to say to our faces. When we are not there to defend ourselves, it is completely different – ‘an air of recklessness that pervades the handling of your public money, waste, abuse and sufficient controls to prevent corruption’. We bring an Anti-Corruption Bill and they say, ‘This does nothing. It’ is a layer of bureaucracy. The laws are already there on corruption.’
3480 I really could not make up the inconsistencies that hon. Members reflect in the arguments they put. It is just remarkable and it is frankly unfair on the people of Gibraltar.

So I put it to him that in fact this is just a device, a political attempt to avoid dealing with these issues, and that, given what I have read hon. Members, that their 2019 manifesto is a more radical
3485 version of our law than this is an utter nonsense. What they are going to put in is what has been shown not to work in the United Kingdom, unless they are going to appoint somebody with greater power than the Chief Minister, a Governor and a Speaker, who will then be the person that we will have to guard is not ever corrupt, because if that is the person who is going to hold all the power, somewhere there is going to have to be a control. The controls need to be wider, the jurisdiction needs to be deeper and the powers need to be stronger. When the time came to put
3490 some flesh on that, at least Mr Feetham talked about what offences were missing. What did he do? Nothing. It is not enough, he says, but he never says what more is needed. When he talks on any issue he says, ‘We are going to have a big programme to deal with this. Then, when you go to the programme, it says, ‘We are going to have a great law that will provide for this.’ Do we ever see the law? No. It is like the law that never came, that was going to provide an alternative on

3495 abortion, that was going to ensure that we were going to be able to have a law that ... but then it never came. These laws never come, because they were never really thought of. The soundbite was good, it was a good way to react to Picardo, but there is never really anything behind it.

And so, Mr Speaker, when they say that the feeling of scepticism is mutual, I am pleased at least that we both feel the same way, because in April they did not want to work with us, in
3500 December they shot us down when we published our Bill, and it is frankly remarkable that he gets up in this House and says, 'We judge you by the fact that you have not called a meeting of the Select Committee on Disability, on the Environment, on Parliamentary Reform or the Constitution.' He did not mention the Constitution, but it is also an important one. We have not called a meeting, and he knows, because we are all political geeks in the same way, that the
3505 Deputy Chief Minister and I would love to have a meeting of the Select Committee on the Constitution and be able to pursue the reforms that he drafted for me when he was in private practice, when I asked him to practise and which will form the basis of what I bring here and therefore I hope will enjoy his support, given that he prepared them. But he knows what has happened since October 2019. He knows what has happened, so if he is going to judge me because
3510 I have not had Select Committee meetings in that time, and at the same time say that I have not brought a safe and secure and beneficial treaty and I should bring it sooner, he knows that what he is saying is for the birds.

It is not too late, and this is not a box-ticking exercise because, by the way, there are many months left to a general election, and not because there are many months left to a general
3515 election is this the last minute, because I think it is only he and his supporters who think that this is our last year in government, even though there is going to be a general election. We put ourselves in the hands of the electorate. The electorate will decide, but we are making this Anti-Corruption Authority Bill not thinking that these are our last potential six, seven, eight, nine, 10 months in power. We are making this Bill for the long term, expecting to be returned after the
3520 next general election, if people give us their confidence. It will be up to them. We humbly put our performance in the past four years before the electorate and ask them for their support and ask them to return us – not late in the day and not box ticking.

Mr Speaker, it is remarkable that the Hon. the Leader of the Opposition took the position he took on the Commonwealth principles and the UN Convention. All of them say that an Anti-Corruption Authority is one of the things that has to be provided for, but when you go through
3525 the rest of the list you find that much, if not absolutely all of the rest of it is already provided for in our laws, even the things the Hon. the Leader of the Opposition talked about. Let me take him through the list.

Benchmark 1, corruption offences, sanctions and remedies – already in our law. Mr Feetham
3530 has said so himself. It is why he says that this is an extra layer of bureaucracy.

Benchmark 2, an authority responsible for preventing corruption – we have not got it, so benchmark 2 we do not meet.

Benchmark 3, investigation, prosecution, asset recovery and policing – we have got it, of course we have got it, we do it all the time on many issues.

3535 Benchmark 4, the court system – we have got it and it is one of the best in the world.

Benchmark 5, Parliament – I think, therefore I am; we have got it.

Benchmark 6, regulatory authorities – we have got them.

Benchmark 7, regulation of financial institutions and the financial system.

3540 Benchmark 8, transparency of asset ownership – we do not just have it, we have an open Register of Beneficial Ownership, which even the United Kingdom does not have yet.

Benchmark 9, political lobbying, financing, spending and elections – we certainly have that.

Public sector organisations – we have that.

Public officials – we certainly have.

A provision for issuing of permits – we certainly have.

3545 Procurement rules – we have some of the toughest procurement rules in the world. Every time they criticise the procurement rules, I assume they are criticising them on the basis that we are

practising the procurement rules in the same way they were, i.e. not, and giving £1 billion contracts and giving vast tracts of land on direct allocation.

Contract management – we have that; we have a Contract and Tort Ordinance.

3550 Financial management – we have that, of course we have that; we have these processes etc. in our budgetary process.

Concession management – of course we have.

Asset management – we have that.

3555 Independent monitoring – indeed, we have it, and now we even have an Independent Monitoring Authority for the things that relate to our obligations under the Withdrawal Agreement.

Independent auditing – we have an Act on the Principal Auditor and it is in our Constitution.

Anti-corruption training – we actually already have that in the Royal Gibraltar Police.

3560 Reporting of corruption – of course we have that; we have been debating it today and this will make it stronger.

Standards and certification – we also have that throughout our institutions.

Professional and business associations – of course we have that.

A hugely important part of civil society: participation of society – you could not get more of that than you do in Gibraltar.

3565 International co-operation.

The only one missing is benchmark 2, and he says he is not going to support this because it does not do all those things. Is he seriously telling the people of Gibraltar, in a way that he expects them to believe, that in order to comply with the Commonwealth principles and the UN Convention, you have to have one law that does all that? No, you have to have these things in our laws, and in our laws we have these things. The only one we do not have in our laws ... The nervous laughter; every time I catch them out, the nervous laughter. The only thing we do not have is the Anti-Corruption Authority. As we say in the courts, Mr Speaker, *res ipsa loquitur*. We need this Act.

3575 **Hon. D A Feetham:** I have never said that in my life, I have to say...

Hon. Chief Minister: I am afraid your Latin is not up to standard then.

3580 And so all of the things that are in the Secretary General's forward are the things that we subscribe to, Mr Speaker, and are the reasons why we are acting. We would have acted in 2011, we should not have listened to them, and we are acting now as quickly as we are able to in compliance with our manifesto commitments.

3585 In the circumstances, having dealt with all of those issues – including, by the way, trafficking of influence, which in my view is covered already by misconduct in public office and is covered by the rules on conflicts of interest, which we already have, but if it is not, I look forward to receiving, before the close of business, the draft that the hon. Member will provide, *(Interjection)* which I will, of course, get the law draftsman to provide for us – *(Interjection)* Oh, you are going to provide it, but you are not going to vote in favour of the Bill. *(Interjection)* Why am I not surprised? *(Interjection)* When I address all of the things that hon. Members tell me are their legitimate concerns, they are not going to vote ... I am not surprised, Mr Speaker.

3590 The things that people talk about anecdotally I have dealt with already. I am not going to, at this time, labour in the House, but the things that people talk about anecdotally we are all long in the tooth enough to know are very often utter codswallop.

3595 The example I gave before, of a tender that everybody was saying was disgraceful and in fact there had only been one applicant and the applicant had got it, is like the joke about the guy who goes to pray because he wants to read the lottery. Christ appears to him and says, 'I am happy to help, but buy the lottery ticket!' Mr Speaker, frankly, I really do believe if the hon. Member does not even get the joke, then we really are on a hiding to nothing with this Opposition. *(Laughter and interjections)* His critics are right.

3600 Wider, deeper, stronger. Never has a law on anti-corruption been proposed in this House that
is wider, deeper or stronger than the one we are bringing, because it is the first one that has been
proposed. But ours is not sound bites, ours is not about failing to provide the flesh on the bones;
ours is about actually going ahead and doing.

3605 As the Hon. the Deputy Chief Minister said, absolutely rightly, we do not believe we are perfect,
we do not believe we are infallible. If the hon. Member comes up with something good, we will
do it ourselves. We will bring the law to this House and we will add it to the schedule, no doubt
without their support, because we certainly have not had to be dragged here kicking and
screaming. Quite the opposite. We published a Bill, and the minute we published it we exposed
ourselves to criticism. In fact, what we are doing is not just complying with a manifesto
3610 commitment, we are complying with a manifesto commitment, our obligation to the people of
Gibraltar, and we knew that the minute we published our Bill we would hear the screaming and
suffer the kicking, because immediately we issued the Bill I got the kicking and I was told that I
was the problem with Gibraltar. Today I was told that the issue that had to be resolved was my
tolerance of corruption etc. Utter nonsense, and if ever there was a time to demonstrate that, it
is now, to vote in favour of the Bill, to support the Minister for Justice, who has taken an oath to
3615 support the rule of law and is moving this Bill on that basis, and to comply with our manifesto
commitment.

So, Mr Speaker, for all of those reasons, before I commend the Bill to the House, I deprecate
the points the hon. Members made. Some of them were wrong in law and wrong in fact, and
indeed for all of those reasons I have laid down a challenge to hon. Members that I am sure they
3620 will not take up. They will not support the Bill. They will, despite those explanations, vote against
it, but I certainly commend the Bill to the House.

Mr Speaker: Does the hon. the mover of the Bill wish to respond?

3625 **Hon. Miss S J Sacramento:** Mr Speaker, I am grateful to my colleagues on this side of the House
for their interventions, and given the late hour and what we have heard from this side of the
House, I have nothing further to add.

3630 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the
establishment of the Anti-Corruption Authority and to provide it with powers of investigation and
other duties, powers and functions for the investigation of corrupt conduct and for connected
purposes be read a second time. Those in favour? (**Members:** Aye.) Those against?

3635 **Hon. Chief Minister:** Mr Speaker, this is a hugely important piece of legislation and seminal. I
call a division.

Hon. D A Feetham: We are all abstaining. (*Interjection by Hon. Ms M D Hassan Nahon*)

3640

3645

3650

Mr Speaker: A division is being requested, so we need to have produced the list of Members and then we will ask individually how they will vote.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. K Azopardi	Hon. Sir J J Bossano
Hon. Prof. J E Cortes		Hon. D J Bossino	Hon. E J Phillips
Hon. V Daryanani		Hon. R M Clinton	Hon. E J Reyes
Hon. Dr J J Garcia		Hon. D A Feetham	
Hon. A J Isola		Hon. Ms M D Hassan Nahon	
Hon. G H Licudi			
Hon. S E Linares			
Hon. F R Picardo			
Hon. Miss S J Sacramento			

Mr Speaker: The result of the voting is as follows: 9 were in favour, there were 5 abstentions and there are three Members who are absent, so the Second Reading of the Bill is carried.

3655

Clerk: The Anti-Corruption Authority Act 2022.

**Anti-Corruption Authority Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3660

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

3665 **Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

3670 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Commonwealth Park (Amendment) Bill 2022, the Employment (Amendment) Bill 2022, the Personal Light Electric Transporters Bill 2022, the Adoption Bill 2022, the Crime (Disorderly Behaviour Penalty Notice) Bill 2022, the Domestic Abuse Bill 2022 and the Anti-Corruption Bill 2022.

In Committee of the whole House

**Commonwealth Park (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Commonwealth Park Act 2014.
Clauses 1 to 4.

3675

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

3680

Mr Chairman: The long title stands part of the Bill.

**Employment (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Employment Act.
Clauses 1 to 3.

3685

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Chairman, I think there should be an amendment to all the Bills.

Mr Chairman: You are now moving an amendment to the Bill, replacing 2022 with 2023?

3690

Hon. S E Linares: And I think that should be the case with all the others.

Mr Chairman: Well, you can speak about that – or is it automatic? (**Hon. S E Linares:** Okay.) Automatic, right, okay.

3695

Hon. S E Linares: Thank you.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Personal Light Electric Transporters Bill 2022 –
Clauses considered and approved with amendments**

3700

Clerk: A Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes.
Clauses 1 to 12.

3705

Minister for Transport (Hon. P J Balban): Mr Chairman, there is an amendment.

Mr Chairman: Clauses 1 to 12 stand part of the Bill.
There is an insertion that the Member wishes to make.

3710

Hon. P J Balban: Mr Chairman, I may take this as read, the letter?

Chief Minister (Hon. F R Picardo): They are very technical.

Mr Chairman: The Members of the Opposition would have received a circular letter containing amendments. Are the Opposition content?

3715

Hon. K Azopardi: Yes.

Mr Chairman: The Minister needs to say that he is moving an amendment where he inserts after ... He has given notice of an amendment, which inserts, after clause 12, a new clause 13. He needs to say that.

3720

Hon. P J Balban: Mr Chairman, the amendment is that after clause 12, we insert the amendment of which I have given notice.

3725

Clerk: Clauses 1 to 12 as amended.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

3730

Mr Chairman: I think there is an amendment to the long title.

Hon. Chief Minister: It is just the date.

3735

Hon. P J Balban: It is just the date.

Mr Chairman: It says here, 'In the long title, after "Traffic Act 2005", insert "the Insurance Motor Vehicles Third Party Risk ..."'.
Motor Vehicles Third Party Risk ...".

3740

Hon. P J Balban: Mr Chairman, there is an amendment:

After the long title, after Traffic Act 2005, insert 'the Insurance Motor Vehicles Third Party Risk Act 1986'.

Mr Chairman: The long title as amended stands part of the Bill.

I also need to raise the fact that the Hon. Mr Feetham was abstaining on this Bill.

3745

Hon. D A Feetham: Mr Chairman, yes, because I had written to the Minister in a professional capacity in relation to this.

**Adoption Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes.

Part 1, clauses 1 to 4.

3750

Mr Chairman: I take it there are no amendments to ...?

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Chairman, following some of the interventions from the Hon. Mr Bossino on some typos earlier, I will deal with those under the slip rule because, checking them all, they are pretty much caught by the slip rule. They are amendments such as changing 'they' to 'he' or 'she', and very minor, inconsequential typographical amendments, I would say.

Mr Chairman: I made a reference to this. I do not know whether it was clarified by the Hon. Minister. In clause 15(3)(a) you made reference to the word 'placement' and that there should be a reference ... I do not know whether this is something that you are going to be discussing as a future amendment to the Bill or ...

Hon. D J Bossino: I am not sure how the slip rule works, but would it assist the Minister if I wrote to her with the points I made in the course of my intervention, and then she can take a view?

Chief Minister (Hon. F R Picardo): Mr Speaker, my understanding is that the slip rule enables you to deal with the typos. The hon. Gentleman talked about typos etc. Anything which is more than that, we would want to consider if we have not agreed it in the debate. So the typos can go under the slip rule, and you can exchange letters just to make sure that they are agreed, but otherwise it should be a more substantive consideration for the future.

Hon. D J Bossino: I think, given the time, I will write to her with all the points, and then she can decide how best to approach it.

Mr Chairman: Please continue.

Clerk: Part 2, clauses 5 to 13.

Mr Chairman: Part 2, clauses 5 to 13 stand part of the Bill.

Clerk: Part 3, clauses 14 to 60.

Mr Chairman: Part 3, clauses 14 to 60 stand part of the Bill.

Clerk: Part 4, clauses 61 to 70.

Mr Chairman: Part 4, clauses 61 to 70 stand part of the Bill.

Clerk: Part 5, clauses 71 to 74.

Mr Chairman: Part 5, clauses 71 to 74 stand part of the Bill.

Clerk: Part 6, clauses 75 to 83.

Mr Chairman: Part 6, clauses 75 to 83 stand part of the Bill.

Clerk: Part 7, clauses 85 to 95.

Mr Chairman: Part 7, clauses 85 to 95 stand part of the Bill.

Clerk: Part 8, clauses 96 to 106.

3805 **Mr Chairman:** Part 8, clauses 96 to 106 stand part of the Bill.

Clerk: Schedule 1.

Mr Chairman: Schedule 1 stands part of the Bill.

3810 **Clerk:** Schedule 2.

Mr Chairman: Schedule 2 stands part of the Bill.

3815 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022–
Clauses considered and approved**

3820 **Clerk:** A Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour.

Clauses 1 to 12.

3825 **Mr Chairman:** Clauses 1 to 12 stand part of the Bill.

Clerk: The Schedule.

Mr Chairman: The Schedule stands part of the Bill.

3830 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Domestic Abuse Bill 2022–
Clauses considered and approved**

3835 **Clerk:** A Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes.

Clauses 1 and 2.

3840 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clauses 3 to 5.

Mr Chairman: Part 1, clauses 3 to 5 stand part of the Bill.

3845

Clerk: Part 2, clauses 6 to 36.

Mr Chairman: Part 2, clauses 6 to 36 stand part of the Bill.

Clerk: Part 3, clause 37.

3850

Mr Chairman: Part 3, clause 37 stands part of the Bill.

Clerk: Part 4, clauses 38 to 40.

3855

Mr Chairman: Part 4, clauses 38 to 40 stand part of the Bill.

Clerk: Part 5, clauses 41 to 43.

3860

Mr Chairman: Part 5, clauses 41 to 43 stand part of the Bill.

Clerk: Part 6, clause 44.

Mr Chairman: Part 6, clause 44 stands part of the Bill.

3865

Clerk: Part 7, clauses 45 to 49.

Mr Chairman: Part 7, clauses 45 to 49 stand part of the Bill.

Clerk: The Schedule.

3870

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

3875

Mr Chairman: The long title stands part of the Bill.

**Anti-Corruption Authority Bill 2022–
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes. The Hon. the Minister for Justice, Equality and Public Standards and Regulations.

3880

Part 1, clauses 1 and 2.

Mr Chairman: Part 1, clauses 1 and 2 stand part of the Bill.

Clerk: Part 2, clauses 3 to 14.

3885

Mr Chairman: Part 2, clause 3 needs to be amended.

3890

Chief Minister (Hon. F R Picardo): Mr Chairman, the hon. Lady has given a notice of amendment to clause 3(3)(a). During the course of the debate I said that the proposal from the Government would be to continue to amend clause 3(3)(a) as is proposed in the letter, but that in clause 3(3)(b) we would change matters a little more, and instead of saying, as set out in the Minister's letter, that it would be the Chief Minister and the Leader of the Opposition who would

3895 appoint two each, we will in fact propose to change (b) by saying 'four persons appointed by the Specified Appointments Commission and who, in the opinion of the Commission' and then the rest should stay the same.

There was then also an amendment, which has been circulated in writing, to clause 3(12) by the Hon. Minister, and additionally, although we have not given notice in writing, in respect of clause 3(14) we are proposing to change the words 'payable out of' to 'a charge on'.

3900 **Mr Chairman:** So the Chief Minister is suggesting that we remove 'be payable out' –

Hon. Chief Minister: Of.

Mr Chairman: 'shall be' –

3905

Hon. Chief Minister: A charge on.

Mr Chairman: A first charge or a charge?

3910

Hon. Chief Minister: No, a charge on. First charges, I think, are constitutional.

Mr Chairman: 'Shall be a charge on' –

Hon. Chief Minister: The Consolidated Fund.

3915

Mr Chairman: So it should read 'shall be a charge on the Consolidated ...' That is the amendment to –

Hon. Chief Minister: That is right, yes.

3920

I think that is, apart from ... Later, I think the hon. Lady was moving ... in clause 21, anyway.

Clerk: Clauses 3 to 14 as amended.

Mr Chairman: Clauses 3 to 14 as amended stand part of the Bill.

3925

Clerk: Part 3, clauses 15 to 28.

Mr Chairman: Part 3, clauses 15 to 28 stand part of the Bill. (*Interjection*) No. It should be clauses 15 to 20 stand part of the Bill, and there is an amendment to clause 21.

3930

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Chair, I gave notice to proposed amendments to clause 21 and, in particular, subclauses (3) and (4)(b), in my letter of 17th January. May I respectfully suggest that we take those amendments as read, as contained in the letter?

3935

Mr Chairman: Clause 21, as amended, stands part of the Bill.

Clerk: Clauses 22 to 28.

3940

Mr Chairman: Clauses 22 to 28 stand part of the Bill.

Clerk: Part 4, clauses 29 to 32.

Mr Chairman: Part 4, clauses 29 to 32 stand part of the Bill.

3945 **Clerk:** Part 5, clauses 33 to 38.

Mr Chairman: Part 5, clauses 33 to 38 stand part of the Bill.

Clerk: Part 6, clauses 39 to 40.

3950

Mr Chairman: Part 6, clauses 39 to 40 stand part of the Bill.

Clerk: The Schedule.

3955

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

3960

**Commonwealth Park (Amendment) Bill 2022;
Employment (Amendment) Bill 2022;
Personal Light Electric Transporters Bill 2022;
Adoption Bill 2022;
Crime (Disorderly Behaviour Penalty Notice) Bill 2022;
Domestic Abuse Bill 2022;
Anti-Corruption Authority Bill 2022 –
Third Reading approved: Bills passed**

Mr Speaker: The Hon. the Chief Minister.

3965

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Commonwealth Park (Amendment) Bill, the Employment (Amendment) Bill, the Personal Light Electric Transporters Bill, the Adoption Bill, the Crime (Disorderly Behaviour Penalty Notice) Bill, the Domestic Abuse and the Anti-Corruption Authority Bill have been considered in Committee and agreed to, some with amendments, and I now move that they be read a third time and passed.

3970

Mr Speaker: I now put the question, that the Commonwealth Park (Amendment) Bill 2022, the Employment (Amendment) Bill 2022, the Personal Light Electric Transporters Bill 2022 as amended, the Adoption Bill 2022, the Crime (Disorderly Behaviour Penalty Notice) Bill 2022, the Domestic Abuse Bill 2022 and the Anti-Corruption Authority Bill 2022 as amended be read a third time and passed.

3975

Those in favour of the Commonwealth Park (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Employment (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

3980

Those in favour of the Personal Light Electric Transporters Bill 2022?

Several Members: Aye.

Hon. D A Feetham: I abstain, Mr Speaker.

3985

Mr Speaker: But the Opposition will be voting in favour.

Hon. D A Feetham: I am abstaining.

- 3990 **Mr Speaker:** You are abstaining, right, but I did not quite catch the ...
Those in favour of the Adoption Bill 2022? (**Members:** Aye.) Those against? Carried.
Those in favour of the Crime (Disorderly Behaviour Penalty Notice) Bill 2022? (**Members:** Aye.)
Those against? Carried.
Those in favour of the Domestic Abuse Bill 2022? (**Members:** Aye.) Those against? Carried.
- 3995 Those in favour of the Anti-Corruption Authority Bill 2022? (**Members:** Aye.) Those against?
Abstentions? The Opposition is abstaining. The Bill is, therefore, carried.

Adjournment

- Chief Minister (Hon. F R Picardo):** Mr Speaker, it is late in the hour. The Government does not like to keep Members this late, but if we had not resolved these issues today, we would have had to come back next week and I know we all have other commitments – the Deputy Chief Minister and I will be travelling.
- 4000

- I am grateful to all Members for the debate this afternoon on all of the legislation that has passed. We have passed some seminal pieces of legislation, not least and in particular the Domestic Abuse Bill that is now law, a very short but important Bill on employment matters which will deal with trade union recognition, and a seminal Bill on the creation of Gibraltar's first Anti-Corruption Authority. On that basis, I thank all hon. Members for the debate and I move that the House should now adjourn *sine die*.
- 4005

- 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.
- 4010 This House will now adjourn *sine die*.

The House adjourned at 10.13 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 7.27 p.m.

Gibraltar, Monday, 13th February 2023

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The House adjourned at 7.27 p.m...... 75

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*]

Thoughts with victims of Turkey and Syria earthquake

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before we start our prayer this afternoon, I
5 thought it would be fitting that the whole House, as we start our prayer, should keep in mind
those who have passed away in the tragedy that hit Turkey and Syria a week ago, and of course in
particular Dr Chami, who was one of our colleagues in the Gibraltar Health Authority.

PRAYER *Mr Speaker*

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 13th February 2023.

10 Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the
last meeting of Parliament, which was held on 18th, 19th and 20th January 2023.

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

15

Mr Speaker signed the Minutes.

Best wishes to Sir Joe Bossano for a speedy recovery

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, very quickly, before we start the business of
20 laying papers on the table etc., everyone in the House will know that the Hon. the Father of the
House has been in hospital for some considerable time. He is now back home, but not well enough
to join us. I am sure I speak for the whole House in saying that we very much look forward to

25 seeing him back amongst us, as always the most energetic of us, as always the most combative of us, and no doubt watching us right now on television, hating the fact that we are talking about him, our deep affection for him and our best wishes. (*Banging on desks*)

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

30 **Hon. K Azopardi:** Mr Speaker, on this side of the House we join with the remarks of the Chief Minister.

Mr Speaker: The Hon. Marlene Hassan Nahon.

35 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I associate myself with the comments and wish the Father of the House a convalescence and a speedy recovery for us all to continue to enjoy him in the House for years to come.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

40 **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 Mental Health Board Annual Inspection Report 2022.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q114/2023

Europa Sports Complex – Management and manning systems

45 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 114/2023. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport update this House in respect of the progress made since his answer to Question 439/2022 to permanently settle the management and manning systems at Europa Sports Complex?
50

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

55 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the arrangements in respect of the management of the Europa Sports Complex are in a transitional

period with final arrangements currently being discussed. I expect I will be in a position to provide more information to this House at the next session of Parliament.

60 **Hon. E J Reyes:** Mr Speaker, I understand what the Minister is saying in his answer. In previous answers, he has also said it was work in progress and so on. If the Minister hopes to be able to update the House at the next session, with your leave, Mr Speaker, when should I be able to pose this question so we can have an update?

65 **Mr Speaker:** Will the Hon. Minister be ready with an answer at next month's meeting of the House in the third week in March?

Hon. S E Linares: Yes, Mr Speaker, as I have stated, in the next session, which would be the March session.

70 **Mr Speaker:** Then the hon. Member can lodge a question accordingly.

Hon. E J Reyes: I am extremely grateful, Mr Speaker, for your assistance in that.

Q115/2023
Gibraltar Sports and Leisure Authority –
Update re staffing

Clerk: Question 115/2023. The Hon. E J Reyes.

75 **Hon. E J Reyes:** Can Government update this House in respect of the agreed staffing complement at the Gibraltar Sports and Leisure Authority, indicating which posts are presently vacant and which are being filled in an acting capacity?

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

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, there is no agreed staffing complement at the GSLA, but at present the GSLA has a staff complement of 61. There are no current vacancies at the GSLA.

85 **Hon. E J Reyes:** Mr Speaker, going back a few months, the Minister, in one of his answers, said that he was discussing with the representatives of the GSLA having an agreed complement, which was subject to the needs, which he was analysing at the time, of Lathbury Barracks Sports Complex and so on. I appreciate that he said there are 61 members of staff now within the complement, but I do not quite understand why he says there is no agreed complement because that does not
90 coincide with the answers given in the past, that they were discussing what the complement was going to be. Can the Minister enlighten us further on that?

Hon. S E Linares: Mr Speaker, the hon. Member knows that in all Authorities and Agencies there is no set manning level or complement. It is a flexible thing that we ... Even so, we are still
95 looking at how we man Lathbury, so there are still negotiations going on in relation to Lathbury. What I have just stated is that the complement is currently 61 and the management is working out how best to run Lathbury together with the Victoria Stadium – or should I say the Bayside Sports Complex.

100 **Hon. E J Reyes:** It does shed some light, at least, Mr Speaker. I understand that it is work in progress, which is what the Minister is saying.

Mr Speaker, would you agree if I gave him, let's say, three months, maybe after the Easter recess, perhaps shortly before that six-month period? Would I be allowed to seek an update in, say, three months' time, so that we have this issue alive?

105

Hon. S E Linares: Mr Speaker, the hon. Member is now giving us dates via asking his questions. I think, in all fairness, if he wants to pose the question in three months in a different way, he can do so. All I am saying now is that I might not be in a position in three months' time to give him the answer. I am not going to be bound by a three-month period because, like I said, it is work in progress and it might take longer, or even shorter.

110

The hon. Member must understand that these are two different complexes that we are running. We have never run them before – for example, the wonderful 52 m swimming pool – and we have to see how we can manage the best we can.

115

Mr Speaker: I think it is not going to be possible. On the basis of what the Minister has said, you are going to have to wait for the six months.

120

Hon. E J Reyes: Yes, Mr Speaker, I understand your guidance on that question. However, sir, if we are in February, I was thinking in three months' time one thinks the month of May. By then the GSLA is about to put into practice the summer schedule, which brings about more active participation by the sports and so on, so I do not think it is unreasonable that in May we are in a position to at least have some updates. However, if, reluctantly, one has to wait six months, we are talking of after the summer recess, so it leaves not just myself but sports lovers and users of facilities totally unaware of what the situation is. I do not know if the Government can enlighten us further on that.

125

Mr Speaker: I do not think we can hold the Government to a certain period of time. When the Government is ready to make the announcement it will do so. I think that is still my position. You will have to wait the six months unless the Minister wishes to speak to you ahead of those six months and can advise that he is ready with the information – then we might consider allowing you to put the question in before those six months, but we cannot hold the Government to account on this basis.

130

Chief Minister (Hon. F R Picardo): Mr Speaker, can I just, if it is helpful ...? The hon. Gentleman has said a few things which I think are just entirely wrong. There is no question of the public not knowing about these new arrangements, if we agree them, simply because the hon. Gentleman cannot ask the question in this House.

135

The rules of this House, as you have set out, are very clear. The arrangements are being pursued by the Minister. If an arrangement is reached, it is very likely that the Minister and the unions will want to issue a statement to the membership and more widely, but in this House there is a rule, and the rule is that you ask no more than once every six months on the same subject. That does not mean that the public will not find out.

140

Mr Speaker: Next question.

Q116/2023

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

145 **Clerk:** Question 116/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority facilities since 1st September 2021, indicating the location, date and reason for the cancellation?

150

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 now hand over to the hon. Member opposite the information requested.

Answer to Q116/2023

The cancellations incurred at GSLA facilities since 1st September 2021 are as follows:

GSLA Swimming Pool Complex:

Accessible Pool:

Date	Remarks
9 th September 2021	Faecal Accident
26 th September 2021	Faecal Accident
25 th October 2021	General Power Cut
6 th to 8 th November 2021	Air Handling Unit Malfunction
3 rd January, 2022	Burst Compressor
5 th to 11 th January, 2022	Gas Burner malfunction
16 th January, 2022	Faecal Accident
9 th February, 2022	Faecal Accident
20 th to 22 nd March, 2022	Gas Burner Malfunction
9 th April, 2022	Vomiting Incident
31 st July to 2 nd August 2022	Various Issues with plant room
8 th to 14 th September 2022	Works in the plant room. Burst pipe on Accessible Pool system
28 th November to 28 th January 2023	Damage to main air handling unit. Industry shortage on spare parts.

Bayside Sports Complex

Hockey Pitch:

Date	Remarks
2 nd to 8 th August, 2022	General Water Shortage

155 **Hon. E J Reyes:** Mr Speaker, I am grateful for this information. Perhaps a little clarification. From 31st July to 2nd August we had a couple of days of closure of the accessible pool, listed as 'various issues with plant room'. They could be of a minor works nature and so on. But then a month later, from 8th to 14th September, it closed again because of, it says, 'works in the plant room'. This one at least expands on 'burst pipe on accessible pool system'. Was the closure due
160 to the same reasons and probably just lasted a month before it went again? And a burst pipe – to take about a week to fix a burst pipe somewhere that is full of water at first sight does not quite make sense.

Perhaps the Minister has some notes given to him by the staff there with a bit more detail on what the various issues were at the end of July and what works in the plant room ... It is just a
165 burst pipe. To take a week to fix a burst pipe, there must have been a considerable amount of loss of water through the burst pipe. I do not know.

170 **Hon. S E Linares:** Mr Speaker, when he has a burst pipe at home, I hope he has another tap, so that he can close the whole of the system so that it does not waste water. But be that as it may, if it says here the various issues in the plant room ... If I remember correctly, there were some issues with some parts that were fixed, and if it has taken a week for the burst pipe in the accessible pool to be fixed, it means that they might not have had this pipe in stock and therefore had to procure it from somewhere else until it came in.

175 I do not see it as unreasonable. Why would they take longer? Why wouldn't they want the accessible pool working? I think they would do the works as fast as is possible.

Mr Speaker: Next question.

Q117/2023
Varyl Begg Estate –
Removal of weeds

Clerk: Question 117/2023. The Hon. D J Bossino.

180 **Hon. D J Bossino:** What progress, if any, has been made to remove weeds which continue to be seen growing in roof gutters at Varyl Begg Estate?

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

185 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the removal of weeds – the hon. Member does not like calling them weeds, they are just plants – growing within the gutters to some of the buildings forming part of Varyl Begg Estate have been tackled in the recent past. However, there are still a number of buildings to address. Aquitania House, Valiant House and Royal Sovereign House will be the next buildings to receive this treatment. Other buildings suffering from this issue will follow suit in the near future.

190 **Hon. D J Bossino:** Yes, he did say, in answer to the question posed by my hon. Friend Mr Reyes in February 2020, that the matter was being tackled. Can he explain why it is taking so long for the issue to be tackled once and for all?

195 **Hon. S E Linares:** Well, apart from there was a pandemic in between, I would not know why it has taken so long. This is the answer I have from the authorities I have asked. I am sure it is just a rolling contract or a rolling maintenance that they have, and therefore ... I do not know why it is taking ... Maybe there weren't weeds in 2020. I do not know whether the hon. Member saw the weeds then.

200 **Hon. D J Bossino:** Mr Speaker, I did not ask the question, it was asked by my hon. Friend Mr Reyes, and it must be because there were weeds.

205 Mr Speaker, he mentions by name three or four blocks within Varyl Begg Estate, and then he mentions other buildings. Can he state which those are, and are they all within Varyl Begg Estate?

210 **Hon. S E Linares:** Mr Speaker, just to be helpful, I will read the supplementary that has been prepared for me. There are 18 buildings that form part of Varyl Begg Estate. The Housing Works Agency is currently looking into the possibility of adapting the roofs with an access hatch and safety lines to avoid having to erect the scaffolding every time there is the requirement for removing weeds.

May I say to the hon. Member that these were refurbishments that were done during the GSD for Varyl Begg and we are having loads of problems in the new roofing that they did.

215 **Hon. D J Bossino:** The hon. Member makes a party political point, which is of absolutely no assistance. Can he please answer the question? Which other buildings does he refer to in his prepared reply? He has not answered that question.

220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this House, in the days whilst we are dealing with the final stages of negotiation of a treaty within months of having come out of a pandemic, has now spent five minutes talking about weeds in a gutter. That is not a party political point that the hon. Gentleman has made, it is an important point. He will want to know that despite all the other things that we are dealing with, because we work together on these issues and because I visit the estates, I have seen how the weeds come back. Weeds are removed, weeds come back, weeds are removed, and weeds are going to continue to vex us for many years in those buildings and in other buildings, a whole list of which I think I would propose we should provide to the hon. Gentleman behind the Speaker's Chair – not because it is secret, but just to let him have it – or by letter, not across the floor of the House, and we should not waste this House's time further with weedy questions of the sort that we are dealing with now.

230 **Hon. D J Bossino:** Mr Speaker, this is an important question which has been raised with me and Members of this side of the House, and I and nobody else on this side of the House is going to be controlled, as he tends to do ... what we do. He can rest assured that we will continue to ask questions that matter to people, and this matters to many residents in Varyl Begg Estate, and we will continue to ask these questions.

235 He has failed to answer the question. His Government has failed to answer the question. Is the answer that he does not have the information in relation to which buildings still require to be fixed in order to remove the weeds?

240 **Hon. Chief Minister:** Mr Speaker, certainly the Government is not going to be controlled by the Opposition and certainly we are not going to be controlled by the hon. Gentleman in particular, whose style appears to be to want to come here to make points about his style rather than points about what matters to people.

245 What matters to people is that their estates should be in the best possible condition. That is the condition that the estates are in today after the very considerable number of millions of pounds spent by this Government in the teeth of the opposition of hon. Members opposite when we have refurbished the estates, we have clad the estates, we have removed weeds from the estates, we have improved conditions in the estates and we will continue to do so.

250 Therefore, the answer to the question will remain as helpful as it was when I first rose. We will write to the hon. Gentleman with all of the details that he seeks. That is how we provide the fullest answers possible to the questions that he pretends to be seeking answers to.

Mr Speaker: Last question.

255 **Hon. D J Bossino:** Mr Speaker, he knows he is not being helpful at all, and I am afraid to say that he is able to stand up in his usual way and score as many party political points as he thinks he can score and level against us. But let me tell him this. Can he not agree with me that he simply needs to answer the question by saying he does not have the information I sought? The purpose of the question and answer session is to seek information. Can he tell me that he does not have this information available? Yes? No?

260 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman wishes to cross-examine me, he should bring proceedings in a court of competent jurisdiction, and there, as counsel, he can ask me to answer questions on the basis of a yes or no answer.

I will avail myself of the parliamentary privilege that I enjoy as Leader of this House to answer the question in the way that I think is in the best interests of the people of Gibraltar, and that is to tell him that we will give him all of the information available to us, in respect of weeds in gutters, in a letter that we will write to him which provides all of that information, if what he really wants is transparency.

265 As to his suggestion that we are here to score goals, the only thing I can say to him is that as a long-suffering Liverpool supporter, I very much look forward to being in the Champions League final, and that is the only place I am interested in scoring goals.

Mr Speaker: Next question.

Q118/2023

Lift maintenance in Government rental housing – Details of provision and level of satisfaction

Clerk: Question 118/2023. The Hon. D J Bossino.

275 **Hon. D J Bossino:** Some things never change, Mr Speaker.

Please provide details of the lift maintenance programme the Government has in respect of the Government rental housing estate to include (i) how often lifts are subject to maintenance; (ii) whether the Government is satisfied with its effectiveness; and (iii) which company provides the service.

280

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 lift maintenance regime has three facets.

285 First, the current lift maintenance provider, General Lifts Ltd, carries out its own monthly maintenance checks to all passenger lifts servicing Government rental housing accommodation.

Second, the client's specialist lift inspector undertakes six-monthly inspections and then programmes the works on a 'very high' to 'low' priority basis, always in conjunction with the findings of the aforementioned inspections.

290 The third and last facet is the reactive approach to the lift repairs, whereby a defective lift is reported via the reporting office or after-hours duty manager for the necessary action. This third aspect is in line with the reactive reporting of all defects within Government rental housing accommodation.

295 These arrangements appear to be working well. In fact, the current company has a very prompt response to calls and all maintenance issues that arise.

Hon. D J Bossino: When he says that it appears to be working well, is he satisfied in relation to that? On what basis does he come to that conclusion?

300 **Hon. S E Linares:** On the information that I am given, and I am satisfied.

Hon. D J Bossino: Who gives him that information?

Hon. S E Linares: The Housing Works Agency.

305 **Hon. D J Bossino:** Did he mention two companies? He talked about General Lifts Ltd and then he talked about, I think, the client's specialist company. Can he give more information on that? I think I understand what they each do and the different roles they perform, but I was not able to obtain information in relation to the second company.

310 **Hon. S E Linares:** Mr Speaker, the second company is engaged by the Housing Works Agency and is called Specialist Lift Inspectors, which is WJ Enterprises Ltd, to co-ordinate, supervise and oversee the maintenance and repair programmes of all lifts.

315 **Hon. D J Bossino:** Is that the client that he was referring to as the client of the Housing Works Agency? Is that understanding correct?

Hon. S E Linares: Yes, sir.

Mr Speaker: Next question.

Q119-122/2023
Kings Bastion Leisure Centre –
Ice-skating rink; boulder park

320 **Clerk:** Question 119/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the last 12 months prior to its closure, how many people used the ice-skating rink at the Kings Bastion Leisure Centre?

325 **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 120 to 122.

330 **Clerk:** Question 120/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the last 12 months prior to its closure, what was the net income or deficit of the ice rink at the Kings Bastion Leisure Centre?

335 **Clerk:** Question 121/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the past 12 months, how many people have used the boulder park at the leisure centre?

340 **Clerk:** Question 122/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the last 12 months, what has been the net income or deficit at the boulder park at Kings Bastion Leisure Centre?

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

Hon. S E Linares: Mr Speaker, during the 12 months prior to its closure, the ice rink received 11,800 admissions with a deficit of £50,921.

350 In the last 12 months prior to 6th February 2023, the boulder park has received 16,400 admissions, with a net profit of £52,405.

Additionally, the boulder park does not cause the environmental problems caused by the ice rink and its installation did not require the capital expenditure the ice rink repair would have required. The House will recall, even if the hon. Lady does not, that information about the global warming emissions was given in Press Release 675/2020. This provided that:

This will replace the ice rink, which has now reached a point where it has become beyond economical repair. The Government has been informed that the refrigerant gas used to chill the surface of the ice is no longer manufactured. This follows the global drive to cut emissions of gas that contribute to global warming. In turn, this has reduced the supply available, led to a shortage and increased the cost of the limited supply of gas that exists. The installation of new equipment, the chiller plant and compressors to take a different type of gas has been estimated to cost in the region of £470,000. The replacement of the ice rink with a new Boulder climbing facility will also mean considerable recurrent savings for the taxpayer, since the ice rink has been heavily subsidised from day one. The cost of electricity alone has been running at some £8000 a month, when it has operated on revenue returns of around £3000 a month. There have also been ongoing issues with water penetration from the ice rink to the bowling alley below, given that it was not designed and located on the ground floor. This has resulted in considerable costs to the taxpayer over the years. In 2019 alone, those operating costs, excluding staff and repairs to the bowling alley, came to nearly £150,000.

355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer and the detail of the answer. It is clear that the boulder park makes more sense economically and environmentally, and people are enjoying it a lot more, too.

360 Can I just ask whether, given this drastic improvement in the coffers of the facility, as well as in the usage by people, if the management of the boulder park is looking to enhance facilities or make changes? From what I understand, routes sometimes need to be changed within the facility, and my question is, therefore, because of this enhanced popularity, is there a plan for enhancements and changes to be made?

365 **Hon. S E Linares:** Mr Speaker, I am happy to say that the management of the Kings Bastion are always looking to improving the centre, so much so that they have now bought new machines for children. They will look at entrances and exits of the place. They are managing the boulder park, which as I stated, is now making a profit. Not only that, but they are consistently, and openly will take any suggestions from the general public as to how to improve the Kings Bastion Leisure Centre.

370 Let me just say that when we came into government, the leisure centre had a deficit of £2.6 million – that was the expenditure – and the revenue was a mere £50,000. Now, Kings Bastion costs approximately £1.4 million and the revenue is nearing £900,000, so I am really pleased at the direction, not only of its facilities ... The facilities are improving every single day because the management are proactive, they look at all the modern machines, e-gaming and everything that
375 needs to be looked at. If the hon. Lady would like to go – and I open this to her ... She can go to the management and if she has any suggestions about how they come in or they come out or people flow through the centre, I open that to her.

Mr Speaker: Next question.

TRANSPORT

Q123-24/2023

**Gibraltar Car Parks Ltd –
Services provided; payment received**

380 **Clerk:** Question 123/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government detail what services Gibraltar Car Parks provides under its contract?

385 **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 124.

390 **Clerk:** Question 124/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how much Gibraltar Car Parks are paid for their services?

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

Hon. P J Balban: Mr Speaker, Gibraltar Car Parks Ltd is a Government-owned company. The company is responsible for the implementation of all of Government's parking initiatives.

400 **Hon. E J Phillips:** So, Mr Speaker, logically, then, it does not get paid for the services that it offers our community – is that correct?

Hon. P J Balban: Yes, sir.

405 **Mr Speaker:** Next question.

Clerk: Question 125/2023. The Hon. E J Phillips.

410 **Hon. K Azopardi:** Sorry, just to clarify, the company is not receiving a sum for any contracted service, the employees are paid by the company, but then they get some kind of subvention or subsidy from the Government to pay the employees. How does that work?

Chief Minister (Hon. F R Picardo): No, Mr Speaker, it operates on exactly the same basis as every government company, like the Bus Company.

415 **Mr Speaker:** Next question.

Q125/2023

**Cars registered in last 12 months –
Numbers by fuel type**

Clerk: Question 125/2023. The Hon. E J Phillips.

420 **Hon. E J Phillips:** Mr Speaker, can the Government state, of the total number of cars registered over the last 12 months, how many were (i) petrol, (ii) diesel, (iii) hybrid or (iv) electric?

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

425 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the information requested is as follows. However, the Hon. Member should note the information I shall be providing is in respect of the 12 months for the year 2022: 266 diesel cars, of which 232 are standard and 34 are hybrid; 980 petrol cars, of which 464 are standard and 516 are hybrid; and 25 electric cars.

Mr Speaker: Next question.

Q126-27/2023
Registered cars –
Numbers of cars per owner and per household

430 **Clerk:** Question 126/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, at 31st December 2022, how many owners of registered cars appear as the owner of one car, two cars, three cars and more than three cars?

435 **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 127.

440 **Clerk:** Question 126/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, at 31st December 2022, how many households have one car registered with that household's address, two cars registered with that address, three cars registered with the address, and more than three cars registered with that household's address?

445

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

450 **Hon. P J Balban:** Mr Speaker, upon requesting the information from the Driver, Vehicle and Licensing Department motor vehicle registration database, I have been advised that in extracting information of this nature there will be an element of inaccuracy due to the potential mismatch of records. However, upon running a query that has checked for forename, surname and address, the figures are as follows: one car, 16,525; two cars, 1,482; three cars, 301; more than three cars, 214.

455 On a similar note to Question 126, I wish to advise the Hon. Member that I am advised by the Driver, Vehicle and Licensing Department that there will be an element of inaccuracy due to the potential mismatch of records, but the details are as follows: one car per household, 11,341; two cars per household, 2,439; three cars per household, 743; and more than three cars per household, 532.

460 **Hon. K Azopardi:** Mr Speaker, I am grateful for that, with the caveat, of course, that I understand the possible inaccuracy, especially as details may not get updated when people change homes and all of that. I understand that.

I do not know if the Minister had asked for details of a similar nature before. Given the caveats to the question, it may be that the Minister had not done that, but does he agree with me that this information is important in terms of the formulation of the overall Transport Strategy and the encouragement of alternative modes of transport and the discouragement of ownership of too many vehicles per household?

Hon. P J Balban: Mr Speaker, we have requested this data before as part of the study that was conducted, and in fact we look at these figures when we are doing our residential parking schemes to see what are the chances of giving everyone an opportunity to park within the area, or not. This is also how we set our policy in that respect.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q128/2023

New laws re electric scooters and protection for cyclists – Enforcement

Clerk: Question 128/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, given the statements made by the Commissioner of Police regarding policing resources, how confident is the Government that new laws introduced to regulate the use of electric scooters and the 1.5 m distance rule for cyclists will be enforced?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the Government is very confident that the new rules for the protection of cyclists will be fully and properly enforced.

Hon. E J Phillips: Mr Speaker, the recent press coverage in relation to those officers enforcing those rules probably predates the time at which this question was asked, but I note that is in the public domain now. I am not going to withdraw the question, obviously, but insofar as the 1.5 m distance rule, a number of people – motorists and individuals themselves, actually – have expressed some concern about how that will be enforced, given the sometimes narrow parts of our roads. I was wondering whether the Minister had any feedback from the Police in respect of that and any difficulties that they may have been experiencing insofar as enforcement is concerned.

Chief Minister (Hon. F R Picardo): Mr Speaker, we have had this discussion in this House before, I think, in the last two months. We clarified that our understanding of the position is that this will be particularly relevant when someone is knocked down. It is not something that will be measured in the day to day, but it is something that will be relevant in an assessment of negligence, carelessness, dangerousness and liability in the context of a cyclist being knocked down, much in the same way as the rules on dangerous and careless driving are not policeable.

People are making this big fuss – and this is the point we made last time – about the 1.5 m and how you are going to measure the 1.5 m and all the rest of it, and do you have to go around with a tape measure to put against the cyclist as you go past? Well, when you are driving inside your vehicle in a way that is not visible from outside ... For those of us who have the age to remember,

if you are trying to remove a cassette tape and it has got stuck, and you are driving and pulling the cassette tape and all the rest of it, that will be dangerous driving because you will not be giving your concentration to the operation of the motor vehicle.

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Of course the Police do not have a camera inside the vehicle. They are not policing you, pulling the tape and trying to get it back together so that it plays the final countdown properly once more, and all the rest of it, but if you crash the vehicle and you hit someone or you break something and the Police turn up and ask, 'What were you doing, for goodness' sake?' and you say, 'I was trying to pull the tape out and I was trying to ...' then it will be relevant.

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We have had that discussion already, Mr Speaker, in the last two or three sessions of the House. I have not been able to search for it in the *Hansard*, but I put it to the hon. Gentleman that we have ventilated it and that is how it is going to be dealt with from our understanding, although the rule is an important one to enable the Police to prosecute if there is an accident, if there is an injury, if there is loss of life, if there is damage, etc.

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Hon. E J Phillips: Mr Speaker, I understand what the Chief Minister says. We asked the question about some of the other European laws and compared the fines in respect of the 1.5 m rule, so I think insofar as clarifying the last discussion we had in this House, it was around those legal fines that can be imposed by other jurisdictions in relation to the 1.5 m, which led to a discussion, as the Chief Minister has articulated.

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I think what he is saying quite clearly to us in this House is it is after the event – effectively 'when someone is knocked down' I think are the words he used. Obviously, insofar as careless and dangerous driving there can be instances when an individual is not injured as a result of the careless and dangerous driving, so there is a bit of a distinction there. What I am trying to get at is many members of the community have expressed a concern about the distances that they are operating in relation to those on electric scooters. It is just that I was asking the Minister whether she might be able to provide some reassurance about them. That is all.

525

Hon. Chief Minister: Mr Speaker, somebody does not have to be knocked down. I gave that example, but that is not the only example. A cyclist could complain, could phone the Police and say, 'G 1116 just passed within a hair's breadth of me. I did not fall because I managed to control myself, but I was put in danger. He came within 20cm. It is very unfair because this is totally outside the rule.' He can complain to the Police and the Police can then investigate, and if there is CCTV in the area, they may use it, or not. So this is going to be policed, as we understand it, in exactly the same way as all other traffic rules are policed.

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535

Mr Speaker: Next question.

Q129/2023

New fire station –

Whether, when and where to be built

Clerk: Question 129/2023. The Hon. D J Bossino.

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Hon. D J Bossino: Will the new fire station promised by the GSLP Liberals in 2011, 2015 and 2019 be built; and, if so, where?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, yes, sir, the new fire station will be built and located at the Rooke site.

550 The plans have already been approved by the Chief Fire Officer and the relevant officers at GFRS, who have been directly involved in the planning stages. The plans will be submitted to the DPC in the coming weeks.

Hon. D J Bossino: Is she able to provide –?

555 **Mr Speaker:** I think you need to refer to the Minister as the hon. Lady, rather than ‘she’.

Hon. D J Bossino: Mr Speaker, I do not think I was being rude at all.

560 **Mr Speaker:** I am not suggesting that at all. I am saying that I think you should address her in the proper form. That is all I will say.

Hon. D J Bossino: Mr Speaker, the hon. Lady says from a sedentary position that it is parliamentary etiquette. Does that apply to all Members of the House? So from now on, in the future, we need to refer to the hon. – (*Interjections*) And indeed, my hon. Friend here to my left is called by her first name by Members opposite, so ... But anyway, is that the ruling, that from now on we cannot use the pronoun, we have to refer to the hon. Members as the ‘hon. Member’ or the ‘Hon. Minister’?

570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, hon. Members have never, other than through inadvertence, referred to a Member of the Opposition or a Member on this side of the House as anything other than ‘the hon. Member’. The hon. Lady says that she was referred to by her first name. I did that in a speech when I was not referring the House to her, I was setting out a recitation of something. But when we refer to each other, when we call each other’s attention through the Chair, we always refer to each other as hon. Members – the hon. Lady, the hon. Gentleman, the Hon. the Leader of the Opposition. That is how we have always done it, and hon. Members on the other side I do not think have failed to do so either.

575 I think you were just rightly pulling the hon. Gentleman up today, but if this is another one of the parliamentary rules that they feel they should change because today they have decided that that is the way they can best put forward their case, well, obviously we are happy to listen to why they think that generations of parliamentary procedure should not be followed.

580 **Hon. D J Bossino:** Mr Speaker, I really –

Mr Speaker: No, we are not going to go into a slanging match here. We are now going to continue. The Minister was due to answer the question, the Minister will answer the question and then you can put your supplementary, and we are going to stop there. We are going to ask the supplementaries once the Minister has answered the question.

Hon. D J Bossino: Can I simply point out, Mr Speaker, that we –?

590 **Mr Speaker:** I am not asking you to point out anything. Resume – (*Interjection by Hon. D J Bossino*) No, I am going to enforce – (*Interjection by Hon. D J Bossino*) You have questioned and queried. Now please resume your seat. I do not want to take this any further.
Where are we now?

595 **Hon. D J Bossino:** My question.

Mr Speaker: Right.

600 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman was about to ask me a supplementary question.

Hon. D J Bossino: Mr Speaker, we have been called to order before when we refer to an hon. hon. Member as –

605 **Mr Speaker:** No. Again, you persist. Please resume your seat.

Hon. D J Bossino: Will the Hon. the Minister please state, if she is able to, when she expects the building of the fire station to be completed?

610 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there is an element of overlap with this question and other questions on the Order Paper, as the hon. Member will know. The project has not even gone to planning yet, so clearly this is not something that is happening immediately. Once it goes to planning and is approved, there will be a clearer indication of how long it will take to construct it.

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Hon. D J Bossino: Whilst the Hon. the Deputy Chief Minister – and I am grateful for that answer – may not have a specific idea, is he able to give us some further information on, once it goes into planning, how long he thinks the whole project is likely to take in order to come to fruition?

620 I ask this question, Mr Speaker, because this is a promise, a manifesto commitment of the hon. Members opposite in the last three elections, which they won – 2011, 2015 and 2019 – so there is some pressure to see this happening once and for all.

Can I ask the Hon. the Deputy Chief Minister if he is able to give an indication as to when it will be finally completed?

625

Hon. Dr J J Garcia: Mr Speaker, once all the permits and everything are in place, we would expect this to happen within 12 to 18 months. This is only a very rough estimate and I would not want to be held to it. I am simply saying it to assist the hon. Member and to try to answer his question.

630

Hon. D J Bossino: Would the hon. Member agree with me that, at most, this is a project that is likely to be completed during the course of the next Parliament, should the hon. Members be returned to office?

635 **Hon. Chief Minister:** Mr Speaker, given that I have made no secret that there will be an election during the course of this calendar year – this calendar year is going to run for another 11 months and the estimate that the hon. Gentleman has been given is 12 to 18 months – I think that he is sufficiently able to do the maths himself.

640 **Hon. D J Bossino:** The Hon. the Deputy Chief Minister is absolutely right that I think it conflates nicely with the question I have in relation to the expressions of interest in relation to the other project. Did he say – I may not have caught it – that the site that has been left out of the Carlton Properties Ltd project in relation to the Rooke ...? Is that the site where the fire station is to be located?

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Hon. Dr J J Garcia: Mr Speaker, this is the subject of a separate question on the Order Paper, so if the hon. Member and Mr Speaker prefer, I will answer that when we come to the question.

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

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

Can I ask, in terms of the construction of the fire station, is that something that will be constructed in house, or is it going to go out to tender? If it is going to be in house, does the Government have an estimated cost for the construction of this new fire station?

655 **Hon. Dr J J Garcia:** Mr Speaker, yes, the Government has an estimated cost, but we have not determined exactly how it is going to be done as yet.

Hon. K Azopardi: So the Government is not willing to share across the floor of the House the estimated cost – is that the position?

660

Hon. Chief Minister: Mr Speaker, it would be grossly contrary to the interests of the Gibraltar taxpayer for the Government to share its internal estimate of what the police and fire station are going to cost, and I am sure that on reflection the hon. Gentleman will agree.

665 The Hon. the Deputy Chief Minister has told the hon. Gentleman we have not yet determined whether we are going to build in house or whether we are going to go to tender, so if we were going to go to tender, we would be giving away what we think it would cost, so that if anybody thought they could build it for less, they would not. Therefore, I am sure he will agree with me that it is right that we should not disclose that internal estimate now.

670 **Hon. K Azopardi:** Do I take it from the answer he has just given, unless it was a slip ...? He said it is the police *and* fire station. Is it two stations in one?

Hon. Chief Minister: No, Mr Speaker, it is that the two stations go in the same area.

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

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just follow on from that question, does the Government have any plans of what it intends to do with the current station, which will be the decommissioned fire station?

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Hon. Dr J J Garcia: Mr Speaker, yes, the Government has ideas as to what we want to do with both of them, including putting them out to tender, so it is still open in that sense.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q130/2023

Queen's Cinema and Queen's Hotel sites – Update

685 **Clerk:** Question 130/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update as to the development of the Queen's Cinema and Queen's Hotel site?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, yes, the Government continues in discussions with a preferred bidder for the sites.

695 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. If I could just ask two very quick questions, firstly, in terms of the discussions, this is for both sites combined as one development? And then secondly, would there be any linkage between the development of this site, which I imagine will involve the demolition of the Queen's Hotel site and the proposed modular construction at Coaling Island?

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Hon. Dr J J Garcia: Mr Speaker, yes, the tender and the development will be for the two sites combined, so it will be one project; and there is no connection between this and the development at Coaling Island.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the hon. Member tell us whether their intention will be to sell to whoever the bidder is for a culture incentive, given that this was hailed as the TheatreLand hub in, I think, two manifestos previously.

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Hon. Dr J J Garcia: Mr Speaker, this has not been TheatreLand for quite a while. I think originally, the hon. Lady is correct, there was an intention. The theatre was mentioned in connection with this project. GBC was also mentioned as a possible location for this project, but in the last expression of interest that was published ... it has come out of expression of interest more than once. In the last one, there was no mention of either of these, but there will be, nonetheless, a cultural dimension to the project as well, yes.

715

Mr Speaker: Next question.

**Q131/2023
Europort Road development –
Loss of parking**

Clerk: Question 131/2023. The Hon. D J Bossino.

720

Hon. D J Bossino: Following the issuing of an expressions of interest in respect of a plot of land at Europort Road, what measures are being put in place to address the loss of parking spaces that will result should the development proceed?

725

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, in the event that the site is developed in the future, the parking spaces currently there will be re-provided inside the Rooke development.

730

Hon. D J Bossino: Is he able to say how many expressions of interest have been received in relation to this site? I realise now, reading it, that the closing date is not finished, so it may be a bit precipitous for him to answer the question, but is he able to give some form of indication by way of assistance?

735 **Hon. Dr J J Garcia:** Mr Speaker, the short answer is no, because the process closes on 17th February. We will have an indication then of how many there are going to be. In past experience, people tend to leave this until the last minute on the last day.

740 **Hon. D J Bossino:** And in relation to the Rooke site, he is referring to the one that is the subject currently of an application before the DPC, I think, filed by a company called Carlton Properties Ltd. Is he talking about that particular development, which seems to have provided for parking spaces? I assume that the idea is that it will be made a condition that the parking spaces currently on this site, the site that is the subject of this question, will be transferred or will be replaced on the Rook site development.

745 **Hon. Dr J J Garcia:** Mr Speaker, yes, that is correct.

Mr Speaker: Next question.

Q132-36/2023
Rooke site –
Proposed development by Carlton Properties Ltd

750 **Clerk:** Question 132/2023. The Hon. D J Bossino.

Hon. D J Bossino: What premium has been or will be paid for the Rooke site, now the subject of a recent application for outline planning permission filed by Carlton Properties Ltd?

755 **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 Questions 133 to 136.

760 **Clerk:** Question 133/2023. The Hon. D J Bossino.

Hon. D J Bossino: Which supermarket is expected to form part of the proposed development by Carlton Properties Ltd at the Rooke site?

765 **Clerk:** Question 134/2023. The Hon. D J Bossino.

Hon. D J Bossino: Will the raised platform deck at the proposed new development at the Rooke site filed by Carlton Properties Ltd be accessible to members of the public?

770 **Clerk:** Question 135/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why is the plot to be occupied by Carlton Properties Ltd at the Rooke site reduced in space from that advertised in the expressions of interest?

775 **Clerk:** Question 136/2023. The Hon. D J Bossino.

Hon. D J Bossino: Is the Government supportive of the recently announced development filed by Carlton Properties Ltd at the Rooke site?

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

780 **Hon. Dr J J Garcia:** Mr Speaker, the premium to be paid in respect of this development depends on the final form of the proposal that is approved by the Development and Planning Commission. The Government does not consider it prudent, therefore, to disclose an amount at this stage.

The supermarket chain remains a commercial decision to be taken by the developer.

To the question in relation to the platform, yes, it was a condition of the Government, as
785 landlord, that it should be open to the public.

On Question 135, as has previously been publicly stated, the plot has been reduced in space to accommodate the elderly residential home at the northern end and the police and fire stations at the southern end.

In relation to Question 136, the development filed with the DPC by Carlton Properties Ltd has
790 obviously been negotiated with the Government, as landlord. However, it will be examined further by the DPC from a planning perspective.

Hon. D J Bossino: Mr Speaker, I appreciate that there will be a planning process, but as the Hon. the Deputy Chief Minister himself says, the Government will be present as part of that
795 process because it will have voting members within the DPC, and also it is the landlord. In relation to the Government's support of the project, he did not quite put it in those terms. He said that it was obviously negotiated by the Government as the landlord, but if this was a successful applicant of the tender process, I assume that the Government is happy with it and therefore I would suggest that they are also supportive of the project.

800 In relation to that, is he able to comment as to why it is that, according to press reports ... I did not see it in the design statement, I saw it in the *Gibraltar Chronicle* press reports. I calculated that the tallest building, if you include the double flooring just under the podium level, will come to 20 floors. That, so that people understand, is double the size, on any rough calculation, of the modular construction of which we now see the full height. It is going to be double the size of that
805 particular building. How is he able to marry the Government's support in relation to this project and what they said in their 2019 manifesto when they talked about ...? I understand that it was in descriptive terms of the London and Regional proposals at the time, which were relevant at the time, but it says in block letters – and the block bit is the 'not', the negative, 'This will NOT be a high-rise development.' Isn't this a high-rise development? And what does the Government have
810 to say in relation to that?

Hon. Dr J J Garcia: Mr Speaker, the Government marries this in a very simple way. First of all, the residential construction will only occupy 20% of the site, so it is to the northern end; 80% of the site – that is to say the bulk of it – will be a green area, a park, sporting facilities, and a
815 restaurant/café, I think it said in the planning statement. So the bulk of the site will be an open area on three storeys, having the car park and the commercial activity taking place below. That is how the Government marries it.

In relation to the support in the DPC, the Government Ministers in the DPC are not necessarily bound to support Government projects. There have been occasions when my colleague Minister
820 Cortes and I have voted differently on projects. So developers do not take for granted anymore that because they have the consent of the Government as landlord, it means they will have the consent of the Development and Planning Commission, which looks at different criteria and looks at planning considerations, which is not necessarily what the landlord does.

825 **Hon. D J Bossino:** Just to understand the position a bit further, is it the Government's position that it has been willing to – how can I put it in terms which are as parliamentary and as friendly as possible? – bend what appeared to be a very firm commitment by his party in the 2019 election manifesto that they would not be building high-rise flats in that area? Is that the Government's position, that it is willing to change its position in relation to that very specific commitment,
830 because 80% of the land is going to be, in effect, in the podium-level green area and places of leisure and all the rest of it?

835 **Hon. Dr J J Garcia:** Mr Speaker, the Government has made it a condition also – as landlord, I should add – that it will not accept that the building should be higher than Midtown, which is the one immediately across the road from it. So there is a restriction imposed, as landlord, that the building will not be higher than Midtown. Given that, and given that the Midtown development is already there, we think it is a good balance to be able to have a site where 80% of the land area will be devoted to public use, to recreational use – it represents a huge public gain – and to confine the development to the north, and that it is, in fact, that development that pays for everything else.

840 **Hon. D J Bossino:** He will be sighted on more detail than I am, by far, but from my reading of the papers I am not persuaded that certainly the tallest building is not going to be higher than the Midtown development, which will be, in effect, behind it. It depends which way you are looking at it; if you are looking towards the bay, it will be behind it.

845 Can I ask him, in relation to the premium ...? This is a preferred bidder, and whilst I appreciate that there will be finality in the negotiations and all the rest of it, and alighting on a specific number, once it goes through the planning process and they go into the specificity of it, is he able to give us at least a range within which the Government has negotiated, by way of a premium price, which he is able to tell the public now?

850 **Hon. Dr J J Garcia:** Mr Speaker, it is very difficult at this stage to be able to give the Member that information for a number of reasons, including the fact that if, for example, the DPC were to remove five floors from the project and make it economically unviable, we would then have to proceed with the next highest bidder on the list. So it is difficult to give that information.

855 But in terms of the height point the Member made at the beginning of his intervention, he should not confuse floors with height.

860 **Hon. D J Bossino:** May I ask why there was a change of heart in relation to the expressions of interest? The expressions of interest, so that people understand, was originally to include the area, in effect, where the parcel post currently is and where it is now earmarked to include the fire station and the police station. Why that change of heart, when indeed it was the Government's own position that the fire station was going to be located on the Rooke site?

865 **Hon. Dr J J Garcia:** Mr Speaker, for the sake of clarity, let me read out what the expression of interest says:

A process of consultation and negotiation will follow with the parties that submit ideas or concepts that are of interest to the Government. Such concepts, ideas or proposals may need to evolve or be adapted as discussions or negotiations move forward.

870 So it is a perfectly common thing that happens in this kind of negotiation that sometimes things change. Sometimes it also happens, I should say, on the basis of practical and technical advice to pursue a different course of action from the one originally intended, but it is perfectly common, normal and standard in any process for this kind of thing to happen.

875 **Hon. D J Bossino:** Or is it because the original proposal was for the developer to pay for the police station and the fire station? Is that what has changed? The expressions of interest state that any expressions of interest should include proposals as to whether there will be provision of a police station or fire station within the area, which was indeed the Government's stated policy decision in 2015 and in 2019.

Hon. Dr J J Garcia: Mr Speaker, the developer will still be paying. The Government has found a different way of doing that.

880 **Hon. D J Bossino:** Is the Hon. the Deputy Chief Minister saying that the developer will be paying for the fire station and the police station?

Hon. Dr J J Garcia: Mr Speaker, yes.

885 **Mr Speaker:** We will have one – (*Interjection*)

Hon. D J Bossino: I have quite a number of questions on the –

Mr Speaker: The Hon. the Leader of the Opposition, then we will have the Hon. Roy Clinton.

890 **Hon. K Azopardi:** I have two. I am just going to roll them up. They are different questions, but it might be easier. First of all, I am not really sure I understand that last answer you have given, given the previous answer.

895 **Hon. D J Bossino:** No, the Hon. Deputy Chief Minister.

Hon. K Azopardi: Yes, the Deputy Chief Minister, given that he answered before that the Government had not ... He had intimated that the Government was going to pay for the fire station, so I am not really sure. Perhaps he can clarify that.

900 The other issue is when he says that 80% of the site will be green – he is obviously sighted on the plans and we are not – is that a scientific assessment of the percentage proportions of the plot? I cannot really get my head round that, because if it is going to have this new, dense residential commercial development and it has the Rooke elderly site, it has the fire station and the police station all on that site, how is it possible that, once you have built all that, you still have 80%, which is going to be a park?

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Hon. Dr J J Garcia: Mr Speaker, the park is on a podium. That is clear from the designs that have been published. It is not at ground level. It is a podium level on a building which will have three floors, which would be spread over the entire site.

910 On the paying point, clearly the developer will be paying the Government and the Government will be choosing its own contractor and paying its own contractor to build them.

Mr Speaker: The Hon. Roy Clinton.

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

915 If I may ask the Hon. Deputy Chief Minister, and following on from the questions that my hon. colleagues to my left have been asking, can the Minister just confirm to the House that the tender has in fact been awarded? There was no Government announcement and, so far, I have not actually heard those words, that the tender has been awarded to Carlton Properties. Is that the case? Can the Minister at least confirm that point?

920 And then secondly, I presume that some heads of agreement must have been drafted with a premium in mind, maybe contingent on certain things, but can he confirm that something is in writing and has been signed? And could he distinguish the process in this scenario from the Eastside project, where we have a premium of £90 million already announced? I do not understand why one has an announced premium and the other one does not. What is the difference?

925

Hon. Dr J J Garcia: Mr Speaker, the two are different. First of all, the development was put to planning by a preferred bidder, so the entity we are dealing with is still a preferred bidder. There are, as he rightly says, certain heads of agreement or certain terms and conditions which, if those

930 are met and if the Development and Planning Commission approves the development in a certain style and way, will lead to a premium, and we are now close to also developing the detailed MoU.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. Can he just confirm, then, effectively until this clears DPC, the tender has not been awarded?

935 **Hon. Dr J J Garcia:** Mr Speaker, that is correct, and that is why we are unable to give a premium amount at his stage.

Mr Speaker: The Hon. Damon Bossino.

940 **Hon. D J Bossino:** I am grateful, Mr Speaker.
Is he able to – because I do not think he has – confirm that the preferred bidder is the company that I have been referring to? I have been referring to that company based on my reading of the design statement, which cites this company as the client. Is it Carlton Properties Ltd? And is he
945 also able to say whether there are any other entities other than Carlton Properties Ltd involved in this project?

Hon. Dr J J Garcia: Mr Speaker, yes, the preferred bidder is Carlton Properties Ltd. Remember, there were two consortiums originally. The Government was negotiating with two in respect of
950 the site. Those two then merged into one. The preferred bidder is the merged entity, and that is the proposal with which they have come forward.

Hon. D J Bossino: And presumably that is separate to London and Regional, which was referred to in the 2019 manifesto. Is he able to say why that particular project did not prosper?

955 **Hon. Dr J J Garcia:** Mr Speaker, London and Regional, if I remember correctly, emerged from a different expression of interest. That expression of interest closed when the Government was unable to agree terms with them, if I remember correctly, and a new one was then put forward, which is the one we are dealing with today.

960 **Hon. D J Bossino:** And in terms of the further detail, is he saying that Carlton Properties is a third named entity which combines two previous entities that he has referred to? Is that the case, or is Carlton Properties Ltd one of the two?

965 **Hon. Dr J J Garcia:** Mr Speaker, the two entities were asked to come to the Government with one proposal for the entire site. This is the product of that discussion. Whether legally or technically those two entities are represented in Carlton Properties Ltd is not something I can answer today, but to all intents and purposes, as far as I am aware, this is the product of that joint bid.

970 **Hon. D J Bossino:** Mr Speaker, I think it may be of public interest to understand, but if the Hon. the Deputy Chief Minister does not have that information with him today, you understand a bit of the history of this, is he able to provide some history in terms of the entities that are involved, or does he not have it? I think he said obliquely in his reply that he does not have that information
975 with him, and if I may, with the Speaker's leave, I would like to ask further questions in relation to that at the next session of the House, because I think it does arise from the question and answer session we have just had.

Mr Speaker: Does the Hon. the Deputy Chief Minister wish to answer the question? Does he
980 have any further information that will answer the supplementary that he is proposing, which he has in his mind and which he would like to put to you? Do you have any answers to that?

985 **Hon. Dr J J Garcia:** Mr Speaker, I am happy to provide the general history, which we have done in this House already. If you recall, the expression of interest came out, there were two interested parties whose bid the Government liked, we negotiated with them separately, we were then advised that technically and legally and in terms of the lease and other issues it was better to negotiate with one entity rather than with two in respect of that site, we then advised those parties to get together to come back with one joint bid, and that is what has happened and is where we are today.

990 **Mr Speaker:** I think we need to stick to the six-month rule, so if you have any questions now, please put the questions.

995 **Hon. D J Bossino:** Mr Speaker, in relation to the exchange we have just had, I do not think I can pursue the hon. Member further because he does not have that information, and it is on that basis and premise that I was seeking your permission to ask the question so that the hon. Member has the information with him. The difference is that I would write to him and I am sure he would be willing to provide the answer to the question.

1000 **Mr Speaker:** Perhaps that may well be the way forward.

Hon. Dr J J Garcia: Mr Speaker, I am not quite sure what information he wants. Does he want the names of the two entities. Is that what it is? Right. If he writes to me, I would be happy to provide that.

1005 **Hon. D J Bossino:** Procedurally, Mr Speaker, the only reason why I am asking for your leave is because I would rather this information ... If the hon. Member is telling me it is confidential, then it is a different matter, but if it is a question of simply providing the information, I would rather it be recorded in *Hansard*, and on that basis I would be grateful for a bit of flexibility to allow me to ask the question and not be beholden to a six-month rule that actually makes it very difficult when one is meant to be asking pertinent and relevant questions precisely because the hon. Members introduced the policy of having monthly meetings of the House.

1015 **Mr Speaker:** In the future, in the Select Committee on Parliamentary Reform, that should be brought up, but as things stand at the moment, it is a six-month rule.

If the hon. Member wishes to write to the Hon. the Deputy Chief Minister for answers to all his supplementaries, then I am sure the Hon. the Deputy Chief Minister will be more happy to give the information.

1020 **Hon. D J Bossino:** Mr Speaker, it is not a question of wishing to write. I would rather ask the question across the floor of the House.

Mr Speaker: I understand, but the hon. Member is a Member of the Opposition, he is a Member of this Parliament, and I am the Speaker and I decide, with respect.

1025 **Hon. D J Bossino:** Mr Speaker, if I may ask a question in relation to the supermarket – I think he was talking about this being a commercial decision for the entities. Indeed, I suppose everything is a commercial decision, including the height of buildings and things like that. Is he able to say whether the Government has any condition in relation to this? The design statement talks about a new major supermarket in very specific terms. Is he not able to provide ...? I ask this question because I was asked by somebody to ask it, in the street, because there is interest to know what supermarket is going to be placed there. Does he have any information in relation to that, or indeed, does the Government have any conditions in relation to that issue?

1035 **Hon. Dr J J Garcia:** Mr Speaker, the prospective developers have shared the information with the Government confidentially. The question really asks *which* supermarket is it, and that is not really a question that the Government can answer.

1040 **Hon. D J Bossino:** So he does have the information. Were there any conditions imposed by the Government in relation to the identity of the supermarket? For example, does it have to be a British supermarket, a British chain, or are they not particularly concerned about that?

1045 **Hon. Dr J J Garcia:** Mr Speaker, it is a commercial decision for the operator or the intended or proposed developer. They shared their view, their vision of the project with the Government, and I am sure announcements will be made. He will have seen the planning statement.

Hon. D J Bossino: Mr Speaker, I understand that fully, but is the answer, therefore, that the Government has no particular preference or, indeed, condition imposed in relation to this issue?

1050 **Hon. Dr J J Garcia:** Mr Speaker, the Government published an expression of interest, and if I recall, it was quite wide. It said the Government, at this stage, is not restricting the future use of the site and is open to ideas and proposals. Entities came forward with those ideas and proposals to the Government. The Government went through the different lists of entities and the different interested parties and determined on this particular one, which has now put forward the application for planning permission. That included a supermarket, but it could not have included a supermarket. A supermarket was not a condition imposed by the Government, but a condition imposed by the expression of interest.

Mr Speaker: Next question.

Q137/2023
Old GBC site –
Update re expressions of interest

1060 **Clerk:** Question 137/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update in respect of the expressions of interest issued in connection with the old GBC site.

1065 Before the hon. Member answers the question, Mr Speaker, simply to say, out of an abundance of caution, that I have an interest because I live in the area, but I have been asked to pose this question by residents of the area ... in relation to this question and the other one in respect of Mount Pleasant. I am not sure if the hon. Member is answering the question.

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

1070 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government continues in discussion with a preferred bidder for the site.

1075 **Hon. D J Bossino:** Mr Speaker, when I asked this question on 17th May last year, 2022, the Hon. the Deputy Chief Minister said he was currently reviewing four applications, which I think was the total number of applications that had been received. Is he telling this House that that number has been reduced to one, that he is looking at one, almost successful, applicant?

Hon. Dr J J Garcia: Mr Speaker, that is correct. The Government has now centred on one particular application, and that is the proposed developer that we are dealing with.

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Hon. D J Bossino: Is he able to give any information in relation to what type of project that is going to be? I know he has set out some conditions, which are that it should not be a high rise, that I think, if memory serves – I have the *Hansard* here – they would have to provide a number of – I think 40 – public parking spaces, but other than that, is he able to provide any information? I understand that he is currently in negotiations, so there may be an element of restriction in relation to that.

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Hon. Dr J J Garcia: Yes, Mr Speaker, there is a live negotiation going on, so I would not like to say too much, but I would remind the hon. Member, as he has reminded the House, that the proposed scheme was for a low-rise residential development, for a use which was compatible with the area and had to provide a minimum of 40 public car parking spaces and a green area. The other element was if the developer chose to increase the footprint of the site, they were also obliged to pay for and relocate a number of cultural entities that are, at the moment, on the site, either completely somewhere else and they paid for it, or temporarily and then bring them back to the site. That provides a flavour of the kind of thing that we are trying to achieve there.

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Hon. D J Bossino: The Hon. the Deputy Chief Minister talks about the extent of the site and he is absolutely correct, that was the subject of the expressions of interest and is not necessarily new information which he is giving to the House, but is he able to confirm that the extent of the site is as shaded in red and blue, subject to the point that he made? I think blue is the one that is optional. If the successful applicant is able to move those sites where there are cultural activities currently taking place, is he able to confirm that that is the extent of the site?

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Hon. Dr J J Garcia: Mr Speaker, that is precisely the new information that I provided to the House, that the developer is looking at the entire site, which is option 2, and not only at the area shaded in red, which is the first option.

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Hon. D J Bossino: Yes, Mr Speaker, I was just trying to be helpful by way of my preamble, but he is saying that it is new information, in that ... I understand what he is saying, that the applicant is minded to include, as part of the development, the area shaded in blue, but my question was slightly different. Is he telling the House that the extent of the area does not go beyond the red and the blue, as set out in the expression of interest?

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Hon. Dr J J Garcia: Mr Speaker, the extent of the area in terms of Government ownership, Government land, is the red and blue. The Government is not free to sell or negotiate with other people's property.

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Hon. D J Bossino: Is it a possibility that part of the development is to consider an area that is adjacent to the red one, which is, I understand, currently in private ownership? Is it going to be extending to that particular property? I think it is one family that lives there.

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Hon. Dr J J Garcia: Mr Speaker, part of the proposal the Government has received includes extending it to private land to the south of the Government plot. So there is the option of extending it or not extending it. There are two options being looked at.

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Hon. D J Bossino: This is with the one potential applicant that he talked about earlier?

Hon. Dr J J Garcia: Yes.

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Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q138/2023

**St Martin's School hydrotherapy pool –
Whether fully operational**

Clerk: Question 138/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government confirm that the hydrotherapy pool at St Martin's School is now fully operational?

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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, no, sir. There have been complex design problems which have affected drainage and so I have not approved its use until these are resolved. I am sure that faced with the same issue, all hon. Members would have acted as I have and in the same timescale.

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The works for the resolution of the problems are ongoing and I expect them to be completed in a matter of weeks.

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Hon. E J Reyes: Can the Minister expand further on what problems are causing these delays? I think he said something generally, but I did not quite capture it.

Hon. Prof. J E Cortes: Mr Speaker, there are issues related to the drainage of the pool and the ability of the pipe taking the water away from the area to deal with that amount, which has led to backflow. I was not comfortable that that was acceptable, and therefore I have requested – in fact, more than requested – that these be rectified before we are able to do it. I have been told only in the last few weeks that they have now come up with an engineering solution, which will involve some changes and also a regular maintenance programme that will check the system regularly, and I am confident that in a matter of weeks we will be able to have it up and running.

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Mr Speaker: Next question.

Q139/2023

**St Martin's School –
Life skills and vocational courses**

Clerk: Question 139/2023. The Hon. E J Reyes.

Hon. E J Reyes: Is Government planning any future life skills or vocational courses for pupils of Saint Martin's School to follow once they complete their compulsory educational years at said school?

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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 Gibraltar College has offered life skills and vocational courses since 2013. Young people who have been able to access these courses have always been able to enrol on these, regardless of the educational setting in which they completed their compulsory education.

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1170 Our plans for the new Gibraltar College include a dedicated learning zone for young people with additional needs. This will offer opportunities for expansion of the present curriculum. Further life skills and vocational courses are currently being explored.

1175 **Hon. E J Reyes:** I welcome the news, Mr Speaker, for the future, for the College, but can the Minister confirm, as we stand today, despite whatever the College is offering, are they able to cater for students who may have additional needs as we speak, or is this something that is in the pipeline for future implementation within the College?

1180 **Hon. Prof. J E Cortes:** Mr Speaker, as I think I have explained, the College offers opportunity. The College at the moment I believe has a number of pupils who were formerly at St Martin's. It does really depend on the disability of each particular student, to see whether the College is able to cater and support them with learning support assistants, for example. This is considered on a case-by-case basis and it does depend on the level of disability, but the panel and the teachers who have experience in this will be the ones to determine what they can offer.

1185 I do know that the courses being offered at present are the ASDAN programme and there are a number of subjects covered, ranging from managing social behaviour to preparing for work, functional skills, healthy eating, food safety and one or two others.

1190 **Hon. D J Bossino:** The hon. Member says that further life skills and vocational courses are currently being explored. Is he able to provide some detail in relation to that?

1195 **Hon. Prof. J E Cortes:** Not detail as such, but the current College site is obviously limited. The new College that is in the process of being designed – in fact, the designs are pretty advanced, or at least the requirements set – will be able to offer more facilities. I would not be able to detail which specific courses, but I am happy to look at this and offer it and write to the hon. Member. I would appreciate being reminded, to ensure that I do not omit ... I usually do remember to write back and copy the Clerk, but if he wants to remind me, I can get those details for him.

1200 **Hon. D J Bossino:** And in relation to the ASDAN programme, is he able to enlighten this House as to what specific special needs that is geared for? I am not familiar with it.

1205 **Hon. Prof. J E Cortes:** Mr Speaker, I would not be able to give the details. I can imagine what they are, but I think it would be unfair for me to do that. I can tell the House what subjects are covered, like I have said, which really focuses on allowing these young people to progress in matters like good health, independent living, community inclusion and employment, but the specific details of the requirements and so on, I would need notice of that question.

1210 **Hon. D J Bossino:** Mr Speaker, I am grateful for your indulgence in relation to this. Just one final question. He talks about the body which in effect decides whether an individual can access these courses or not, and he talks about the teachers – presumably the teachers at St Martin's School – as to whether an individual is capable of having a sufficient level of understanding to be able to follow those courses. Presumably those are the factors which go into the mix. And then he talks about a panel. Which panel is he referring to?

1215 **Hon. Prof. J E Cortes:** I am referring to the Special Needs Panel, which I have referred to in the past, and the teachers not just of St Martin's but also of the College, who would be the receiving institution. But I can say – and I do not have the figures here, but I think I have given them in the past – that there is an increasing number of young people from St Martin's now receiving a higher level of education at the College, and the intention is that we will continue to do that.

1220 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, the hon. Member has spoken about the College site and the designs for it. Does he have a fixed site in mind for this area?

1225 **Hon. Prof. J E Cortes:** Mr Speaker, this is well known. The site that is being worked on at the moment is the one behind the Cross of Sacrifice.

Mr Speaker: Next question.

Q140-41/2023

**Bayside and Westside music departments–
Bayside performance room; damage to equipment**

Clerk: Question 140/2023. The Hon. E J Reyes.

1230 **Hon. E J Reyes:** Can the Minister for Education provide details of how long the performance room at Bayside’s music department has been out of use and the estimated date by when this facility will once again be available for use by pupils and staff?

1235 **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 141.

1240 **Clerk:** Question 141/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of any damage caused to music equipment and related apparatus, inclusive of costs to repair or replace these, at both secondary schools?

1245 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

1250 **Hon. Prof. J E Cortes:** Mr Speaker, the performance room at Bayside suffered water ingress in the last week of term in December 2022, the week commencing 19th December. All equipment and resources were moved at the time to avoid any damage. The only item which was not moved and became damaged as a result was a very old amplifier that had already been deemed obsolete.

At the start of term, on 10th January 2023, a works order was raised by Bayside School and reported to the facilities management contractor. On 12th January, the contractor checked all the electrics and the performance room was deemed to be safe for staff and pupils. The performance room has been available for use since 13th January.

1255 Westside School has had very minor water ingress in the music area and no equipment has been damaged.

Other than the damage caused to the obsolete amplifier referred to above, no equipment was damaged. The Department of Education does not expect to incur any costs for the repairs caused by water ingress damage.

1260 **Mr Speaker:** Next question.

Q142/2023

**Water ingress and construction defects in schools –
Damage to classrooms and equipment**

Clerk: Question 142/2023. The Hon. E J Reyes.

1265 **Hon. E J Reyes:** Can Government provide full details of the damage caused to classrooms and equipment at any of our schools as a result of water ingress or construction defects, together with estimated costs to repair or replace damaged fixtures and/or equipment?

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

1270 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have just handed over a schedule with the information requested. It is on its way to the hon. Member.

Answer to Q142/2023

Answer to Question 142

School	Water Ingress Location	Damages to Fixtures/Equipment	Action	Estimated cost
St. Joseph's Upper	Top classroom/activity room	Light fittings	GIBS is undertaking major works (re-roofing) to the Clock Tower roof due to recurrent water ingress issues.	£52,473.74 is cost of roof relining. Resulting damages at Nil cost
St. Joseph's Lower	top classroom	Light fittings	GIBS is undertaking major works (re-roofing) to the Clock Tower roof due to recurrent water ingress issues.	
St. Anne's Upper Primary	Sports Hall Gym store Library	ceiling tiles and water stained wall Light fittings, ceiling tiles & plasterboard some light fittings & ceiling tiles/2 blinds	Repairs undertaken unsuccessfully - ongoing investigation Repairs undertaken unsuccessfully - ongoing investigation affected light fittings disconnected - partial lighting available - ongoing investigation	Related to defects and liability period. The Department does not expect to incur costs for repairs
Governor's Meadow	LSF - through skylight	none	repaired	£50.00
St. Paul's	Nursery	none	ongoing investigation	Unknown at this stage
St. Bernards Lower Primary	Sports Hall and adjacent areas Various locations Various locations School entrance lobby/SA Store	Historical issues from inception that have caused considerable damage to the building interior Intruder alarm callout and subsequent repairs Fire Alarm callout and subsequent repairs recurrent damp/water filtration causing damage to wall plaster	Repairs undertaken by contractor include waterproofing/relining of Playground surface and works to Green Roof Repairs by contractor Repairs by contractor Currently under investigation	Related to defects and liability period - Managed through Chief Technical Officer £523.00 £1,215.15 Unknown at this stage
St. Bernards Upper Primary	Various locations Various locations	Intruder alarm callout and subsequent repairs Fire Alarm callout and subsequent repairs	Repairs by contractor Repairs by contractor	£415.00 £2,137.25
Westside	Computer suite 130 - Level 2 playground through staircase 4 wall Room 304 - Level 4 playground down through staircase wall Room 318 - Level 4 playground through an unknown path Staircase 2 lift shaft - Level 4 playground through the main wall Lab 115 - Ceiling. Music Rooms - Water coming in through the window Staircase 3 - Podium Level - Water coming from the external podium/upper floors through the windows	None as this area had been secured from previous year Ceiling tiles collapsed. Staining of the walls. Damage to posters etc on the wall Ceiling tiles collapsed. Water stains on the wall Residue build on the doors and shaft. Rust evident in the level 3 lift door Superficial water damage to the middle pod. New observation Water staining on the wall. Area of the room has been cordoned off after the rains Water damage, stairs having to be cordoned off	Works report issued to Facilities Management contractor Works report issued to Facilities Management contractor Works report issued to Facilities Management contractor Works report issued to Facilities Management contractor Works report issued to Facilities Management contractor	Education Department does not expect to incur costs related to water ingress issues at the two secondary schools
Bayside	Room 226 - music area	Amplifier, ceiling tiles, flooring & other minor issues	Works report issued to Facilities Management contractor	

1275 **Hon. E J Reyes:** Mr Speaker, going through this list, in St Joseph's, both the upper and the lower primary schools, in the column of damages the Minister has kindly put in light fittings. Does this entail a danger to electrical installation? Is that what is meant by it, or is it just a physical lampshade that has been damaged?

1280 **Hon. Prof. J E Cortes:** Mr Speaker, the water ingress did affect the electrics. That obviously was dealt with immediately, and during the period that the room was compromised, the children were moved to another class. I believe they are likely to have got back today; I need to confirm that. Clearly, whenever there is the slightest suggestion that there could be a danger due to water getting into the electrics, that classroom is not used and the works are carried out immediately.

1285 **Hon. E J Reyes:** Mr Speaker in respect of the Westside School, the Computer Suite 130 Level 2, under damages it says 'None as this area has been secured from previous year'. What exactly is

meant by that? I do not quite know. It says no damage because the area has been secured. It means what?

1290 **Hon. Prof. J E Cortes:** I believe what that means is the solution happened last year and therefore there has been no damage this year, but for the fullness of record we have included it, as that was an area that was giving problems earlier on.

1295 **Hon. E J Reyes:** In the Minister explaining that it had been settled last year, on the estimated cost there is no indication of how much the cost was.

1300 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, because these are considered to be problems arising from the original construction. We would not be expected to pay for matters that have arisen as a result of pending faults, and therefore it has been absorbed by the contractor as part of the post-snagging process.

1305 **Hon. E J Reyes:** Mr Speaker, if I go to Bayside, at the very bottom it says the damage was to an amplifier, ceiling tiles, flooring and other minor issues. Kindly, a student provided some footage taken with a mobile phone and showed it to his or her parents and I have seen big puddles of water accumulating in these classrooms, but the Minister puts it down as 'other minor issues'. Is that what is considered as a minor issue, very big puddles of water if it has rained overnight or the day before they come to school? It is a hazard and of course makes the whole area slippery. I do not know if he has any further information on what is happening there.

1310 **Hon. Prof. J E Cortes:** Mr Speaker, I suppose that 'minor' is a relative term. I think this is the area that I referred to in my previous question, which has now been dealt with, and, as in the other cases in Westside, because they were residual they have not cost the Department because it has been made good by the contractor.

1315 **Hon. E J Reyes:** I see, Mr Speaker, that in respect of Westside we have far more detailed, broken-down information than in respect of Bayside. I do not know if this is a question of the manner in which it has been reported to him or not, but I believe that, not for the first time, just a few days ago even whiteboards were coming off the wall when teachers were using them in classrooms. Is the Minister aware of that problem happening live in a classroom with pupils?

1320 **Hon. Prof. J E Cortes:** No, Mr Speaker. This question refers to water-related problems. I do not know whether the hon. Member is suggesting that the whiteboards problem is related to water ingress. If there is another separate question on whiteboards, then obviously I would have to inquire, but I have no information in relation to any specific whiteboards. I think the hon. Member said in the last few days. It certainly has not come to me and it certainly did not arise when I last spoke to the senior team in the schools.

1330 **Hon. E J Reyes:** I appreciate, Mr Speaker, the Minister can only provide information as given to him. Just for clarification, my question does say 'as a result of water ingress or construction defects', so it is not just water ingress. I believe that there are some walls – I take it they are probably of plasterboard material, or whatever – that are completely warped and so on, so that I attribute as more as a construction defect, and normally logic tells you when these walls get warped it is because the plasterboard itself has got wet. I do not know if the Minister is aware of the cause of these problems.

1335 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, indeed, but I have no indication either as to whether the incident that he is referring to on the whiteboards is anything to do with construction defects. I have provided the information that has been provided to me. If the hon. Member is aware of

1340 anything further, then I would be happy to consider it. What I can say is that none of this would have happened in any new school made by the party opposite when they were in Government because they did not build any new schools.

1345 **Hon. D J Bossino:** Mr Speaker, there are references in the description the hon. Member has provided under damages to fixtures and equipment which can be somewhat alarming. We are talking about a building full of people, not just children but teachers as well, and we are talking about ceiling tiles collapsing. That features on at least two occasions, and some of these issues have had to result in areas such as stairs being cordoned off. Is the hon. Member concerned about the state of the buildings?

1350 **Hon. Prof. J E Cortes:** No, Mr Speaker, the hon. Member is not concerned about the state of the buildings. These types of problems do arise in new buildings. If it is in relation to water ingress, I can say that the ceiling tiles are not heavy tiles, they are soft, cardboard-type tiles, so they have not caused any injury, nor would they cause any injury. So absolutely no concern whatsoever.

Mr Speaker: Next question.

Q143/2023
University of Gibraltar –
PGCE courses

1355 **Clerk:** Question 143/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government update this House in respect of the international accreditation of Postgraduate Certificate in Education (PGCE) courses offered by the University of Gibraltar?

1360 **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 can provide the following information.

1365 The PGCE at the University of Gibraltar was designed with reference to the UK Quality Code for Higher Education, the UK Characteristics Statement for Masters Degrees and the UK Teachers' Standards. This postgraduate degree provides school experience and professional portfolio evidence that students need in order to apply for professional recognition of their qualification.

1370 In Gibraltar, no person can work as a teacher in a school operated by the Department of Education unless registered on the Gibraltar Qualified Teacher Status (GQTS) Register. Successful completion of the PGCE programme at the University of Gibraltar provides direct entry on to the GQTS Register as per the Education (Gibraltar Qualified Teacher Status) Regulations 2020.

1375 In the UK, no person can work as a teacher in a school that is part of the UK state-funded school system unless they hold Qualified Teacher Status (QTS). Although QTS is not a legal requirement for all UK schools – for example, free and private schools – many schools still use QTS to assess the quality of candidates for teaching posts.

1380 Those with a University of Gibraltar PGCE degree and GQTS registration follow the same process as individuals from nations that include those in the EEA, Hong Kong, Northern Ireland, Scotland, Australia, Canada, New Zealand, Switzerland and the USA, namely, they can apply for direct online entry on to the UK QTS register. Each country has different requirements and regulatory organisations that deal with teacher qualification recognition. ENIC (previously NARIC) is a commercial information centre that provides the contact details for the appropriate

organisation in international countries and can assist individuals with the overseas process, for a fee.

1385 In general, most countries and international schools require overseas applicants to provide some form of professional recognition – for example, a jurisdictional government-issued teaching licence, such as the GQTS. In addition, most international schools and organisations will seek to ensure that the qualification awarding body, typically a university, meets internationally recognised standards for quality assurance in higher education. The University of Gibraltar, following a successful international quality review against all 10 higher education quality standards, was recently awarded international accreditation by the UK Quality Assurance Agency for Higher Education (QAA). This global accreditation provides trust and confidence for students and international education establishments.

1395 **Hon. E J Reyes:** Mr Speaker, if I refer to the last couple of years, whenever the Minister or his predecessor have answered questions in respect of the PGCE, they have always informed this House of how hopeful they were and were leading us to believe it was only a question of time, that by obtaining a PGCE in Gibraltar this was somehow going to be fully acceptable within the UK qualification system. From the Minister's answer today, that does not seem to be the case. It now seems that the individual has to go through some sort of application process. So either the situation has changed since it was originally being promoted as a PGCE, or not. As it happens, a graduate who undertakes the Postgraduate Certificate in Education in Gibraltar does not now automatically qualify to be recognised as a QTS graduate to be able to teach in ordinary state schools in the UK, whereas those who choose to carry out their PGCE in the United Kingdom, instead of the University of Gibraltar, obtain the QTS. Unless things have changed since my day, 1400 you are even given a number on the register in the UK and you provide that to the local authorities, who require nothing further; maybe there is an internal exercise where they check the veracity of the number you have written down.

1405 It does not seem to be a reciprocal recognition, as we were being led to believe a couple of years ago. Can the Minister explain why what was hoped to be attained two years ago has not really materialised? 1410

Hon. Prof. J E Cortes: Mr Speaker, there are a couple of points here. I do not know whether the hon. Member is questioning the quality and the rigour of the course at the University of Gibraltar, because there is absolutely no question that that is up to standard. I think if that is the case and the hon. Member fully accepts the quality and the rigour and the quality of teachers that emerge from the course at the University of Gibraltar, then the hon. Member is worried about a procedural matter which would also apply to those teachers who qualify in universities in Hong Kong, Northern Ireland, Scotland, Australia, Canada, New Zealand, Switzerland and the USA, where they apply for direct online entry. 1415

1420 I am not aware of any local teachers who have not been successful, have they applied. I think that this is something that in no way calls into question the validity of the courses at the University of Gibraltar and in no way can be seen as a serious obstacle to those teachers from Gibraltar who would seek a job in the UK.

1425 **Hon. E J Reyes:** Mr Speaker, I am sorry the Minister got the impression that I was questioning at all the validity or the rigour of the contents of what is being delivered in the PGCE locally. Nothing like that ever crossed my mind and I do not think it crossed my lips. I think it may have been a misunderstanding.

1430 What I am questioning is that two years ago this House was being informed and we were equally with the Government side actually promoting to students the idea of undertaking a PGCE course registered at the University of Gibraltar so they did not have to leave their homeland. It saves money in grants and so on to Government and they were able to undertake a PGCE – and different Ministers have always assured this House that they would have no problems in getting ...

1435 it was just a question of time, we were going through paperwork and so on – that will carry an equal validity with the UK.

I am not interested because I do not represent anyone in Australia or Hong Kong today and have no intention of ever representing people in Australia or Hong Kong. Looking at Gibraltar's graduates, for those who have been encouraged to undertake a PGCE locally, it now seems that the validity of that accreditation with the UK has not transpired and they have to now go through some other process. Am I wrong in that there has been a shift in what was being sold to students two years ago?

Hon. Prof. J E Cortes: Mr Speaker, I do not think we need to encourage anyone to take their PGCE in Gibraltar; it is very well subscribed. The value of being able to undertake a degree course of this nature in your home town, particularly for those people who may be wanting to come into teaching later on in life ... As is the case at the moment with many of the PGCE students, all of whom I have met, they may have had other careers and feel that they have a vocation for teaching. Maybe they have always wanted to teach, and in the past, when they were at the school leaving age they were unable, for whatever reason, to leave Gibraltar. They are coming in and they are having this rigorous, high-quality course and they are qualifying. So I do not believe that the current situation is a problem.

Remember also that the logic continues because if they have chosen to study this course in Gibraltar rather than go to the UK, because for them going to the UK might be a problem, it is highly unlikely – not impossible – that they would now seek a job in the UK, and therefore their qualifications are perfectly okay for them to practise in Gibraltar. And if they do want to seek a job in the UK, then there is a simple process to be followed in order for them to be able to do that.

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

1460 **Hon. K Azopardi:** I am not sure the hon. Member is specifically addressing the point that my hon. colleague is setting out. Is it that the Government is going to envisage achieving that accreditation of the equivalence of the course? There may be people who, yes, of course, wanted to do it here on the basis that they were going to get an equivalent certificate that would then be transportable, as it were, and now they find it is not transportable in that sense. That is the question. Is it going to be the equivalent of what my hon. colleague has said? In other words, will it then lead people to have the option, should they wish to in future, like they used to when they did it in England?

1470 **Hon. Prof. J E Cortes:** Mr Speaker, yes, it is transportable. The only thing is there is a process to be followed for the UK to say, 'Yes, okay, we accept your qualification.' They are going to accept it, but there is a process to be followed. It is not as if there is an obstacle.

I am sorry, because the Hon. Mr Reyes seems to have been offended at the fact that his question could be taken as an implication that our course is not good enough, and I totally refute that. Our teachers are coming through, perhaps even with more rigorous requirements than there would be in the UK, but there is a process to be followed at this point in time. That is the fact, but I do not think it is an obstacle and I do not think it is a problem.

1480 **Hon. K Azopardi:** I understand that, and no one is saying that on this side. It was unnecessary to clear it because, with all due respect, my hon. colleague to my right had already said that no one was questioning the rigour or the excellence of the course. The question that we are putting, given that there is a process to be followed, is: is this something that the Government is trying to clear up so that there will not be a process in future, so that there is acceptance of the quality of the course?

1485 **Hon. G H Licudi:** Mr Speaker, can I assist the House, given that there was a reference by the
Hon. Mr Reyes to assurances given in this House and elsewhere by former Ministers for
Education? That was clearly a direct reference to me, and perhaps I can explain my understanding.
Certainly I am not speaking for the Government, the Minister speaks for the Government, but
1490 given that there was a reference to me and to assurances given by me, let me tell the hon. Member
what my understanding was about the position.

There is a Gibraltar qualification which allows – and this was something that was introduced,
as I recall, when I was in office – by regulations a Gibraltar QTS status, and there is a requirement
to register. If anybody wants to practise in the UK as a teacher, they have to register and obtain
QTS status in the UK, and you have to show, in order to obtain QTS status in the UK, that you have
1495 an accreditation from an accredited university or teaching institution that allows you to obtain
that registration as QTS status in the UK. The fact that there is a process simply means that there
is an application to be made. Nobody in the UK, without there being an application, will know the
people who have done the course in Gibraltar and whether they want to practise in the UK and
obtain status in the UK, and therefore there has to be an application. When there is an application,
1500 there is a need to look at what qualification you have.

Gibraltar's qualification today now stands in exactly the same position as a qualification from
Scotland. A person who qualifies in Scotland as a teacher and wants to teach in England has to
apply for a number. The hon. Member referred to a QTS number. You have to apply and say, 'I
have qualified at Edinburgh University, please give me my QTS number,' and then you can teach
1505 in England. In the same way, somebody who does the same in Gibraltar goes to England and says,
'I have qualified in Gibraltar, this is my status, this is the university, please give me my QTS
number.'

It is exactly the same position my learned Friend experienced when he studied law in the UK
and was called to the Bar in the UK. That did not automatically allow him to practise law in
1510 Gibraltar. He needed to apply in Gibraltar to be called to the Bar on the back of a qualification
which he had obtained in the UK. So there was still a process to be followed. After having qualified
in the UK as a barrister and been called to the Bar in the UK, my learned Friend and myself, and
other members of the legal profession here, still had to come to Gibraltar and make an application,
and there followed that application and we were all called to the Bar and we can practise. That is
1515 exactly the same process that applies in relation to teachers.

Hon. Prof. J E Cortes: Mr Speaker, may I just thank my hon. Friend for assisting and essentially
making the point that there is no obstacle.

1520 **Hon. E J Reyes:** Mr Speaker, I am grateful to the hon. Member for his contribution. It has helped
to clarify it a little bit. He has given examples of other professions, like law and so on. As far as
teaching is concerned, a student who undergoes a PGCE in the UK and is granted a QTS number
in the UK automatically has that accepted within Gibraltar. He has explained to us the process that
you now have to apply for that in the UK and so on, so it is not completely reciprocal, but all right,
1525 there is a system.

Can I ask the Minister, is he aware of any PGCE holders graduating from the University of
Gibraltar who have encountered any problems in the UK? Or is he aware of those who have not
encountered any problems in the UK and therefore been able to obtain QTS? Does he happen to
have at hand any statistics that it is been an easy process or that it is been questioned? It is just
1530 to put the mind at ease for those who would consider undertaking PGCE courses at the University
of Gibraltar.

Hon. Prof. J E Cortes: Mr Speaker, I am not aware of any teacher who has applied to teach in
the UK and gone through the process and found that they have not been able to register. Should
1535 I be made aware, then I would immediately take that up with the Department for Education in the
UK.

Hon. E J Reyes: And likewise, Mr Speaker – I am grateful for that – is he aware of anyone who has applied and has had no problems and got the QTS registration?

1540

Hon. Prof. J E Cortes: No, Mr Speaker.

Mr Speaker: Next question.

1545

Q144/2023

**Non-completion of further or higher education courses –
Details**

Clerk: Question 144/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details in respect of the number of students who have returned to Gibraltar without fully completing their further or higher education studies since 1st September 2020, indicating the reasons why, together with details of the date and corresponding academic year in which the student left the course they were enrolled on?

1550

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

1555

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, a schedule with the information is making its way to the hon. Member as I speak.

Answer to Q144/2023

Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
2	FAILED	2019/2020	Failed academic year
3	WITHDRAWN	2019/2020	Withdrew - Did not like the course selected
4	DEFERRED	2019/2020	Deferred Year but resumed Jan 22
5	WITHDRAWN	2019/2020	Opted to take a gap year
6	WITHDRAWN	2019/2020	Withdrew from Course to pursue further A Level studies
7	Withdrawn - paid back in full	2019/2020	Withdrew - Undisclosed personal reasons
8	DEFERRED	2019/2020	Suspended studies and subsequently did not meet eligibility criteria due to residency
9	FAILED	2019/2020	Failed academic year
10	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
11	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
12	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
13	FAILED	2019/2020	Failed academic year - self-funded repeat successfully
14	WITHDRAWN	2019/2020	Did not proceed with University course enrolment
15	FAILED	2019/2020	Failed academic year and repeat year
16	WITHDRAWN	2019/2020	Did not proceed with University course enrolment
17	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
18	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
19	FAILED	2019/2020	Failed academic year - self-funded repeat successfully
20	DEFERRED	2019/2020	Deferred studies 19/20 resumed 20/21
21	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
22	DEFERRED	2019/2020	Withdrew - Related family issues
23	WITHDRAWN	2019/2020	Failed academic year
24	WITHDRAWN	2019/2020	Withdrew from studies 19/20 but resumed 20/21
25	WITHDRAWN	2019/2020	Deferred studies 19/20 - Did student resume?????
26	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
27	WITHDRAWN	2019/2020	Withdrew - Related family issues
28	FAILED	2019/2020	Failed academic year
29	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
30	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
31	Withdrawn - paid back in full	2019/2020	Withdrew - Undisclosed personal reasons
32	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
33	FAILED	2019/2020	Failed academic year
34	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
35	DEFERRED	2019/2020	Interrupted progression - Self-funded failed modules from previous year
36	Withdrawn - paying back	2019/2020	Withdrew - Undisclosed personal reasons
37	WITHDRAWN	2019/2020	Withdrew from studies 19/20 but resumed 20/21

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GIBRALTAR PARLIAMENT, MONDAY, 13th FEBRUARY 2023

Continued Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2020/2021	Self funded year 1
2	WITHDRAWN	2020/2021	Did not proceed with University course enrolment
3	WITHDRAWN	2020/2021	Continued with change of course
4	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons
5	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
6	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
7	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Returned at later date
8	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
9	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
10	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
11	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
12	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
13	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
14	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
15	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
16	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Returned at later date
17	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
18	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
19	WITHDRAWN	2020/2021	Withdrew - Did not like the course selected
20	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
21	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
22	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
23	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
24	DEFERRED	2020/2021	Intercalated Studies. Resumed at later date
25	DEFERRED	2020/2021	Personal Medical reasons. Returned at later date
26	DEFERRED	2020/2021	Self funded placement year. Resumed 21/22
27	DEFERRED	2020/2021	Opted to take a gap year
28	DEFERRED	2020/2021	Opted to take a gap year
29	DEFERRED	2020/2021	Self funded intercalated year. Resumed 21/22
30	DEFERRED	2020/2021	Opted to take a gap year
31	DEFERRED	2020/2021	Self funded intercalated year. Resumed 21/22
32	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22
33	DEFERRED	2020/2021	Personal Medical reasons. Returned at later date and completed Successfully
34	DEFERRED	2020/2021	Personal Medical reasons - funded repeat year - Passed successfully
35	DEFERRED	2020/2021	Undisclosed personal reasons. Resumed 21/22
36	DEFERRED	2020/2021	Personal Medical reasons
37	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22
38	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
39	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
40	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
41	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22 and completed Successfully
42	DEFERRED	2020/2021	Opted to leave course
43	FAILED	2020/2021	Failed academic year
44	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
45	FAILED	2020/2021	Failed academic year
46	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
47	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
48	FAILED	2020/2021	Failed academic year
49	FAILED	2020/2021	Failed academic year

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Continued Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
50	FAILED	2020/2021	Failed academic year
51	FAILED	2020/2021	Failed academic year
52	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
53	FAILED	2020/2021	Failed academic year
54	FAILED	2020/2021	Failed academic year
55	FAILED	2020/2021	Failed academic year
56	FAILED	2020/2021	Failed academic year
57	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
58	FAILED	2020/2021	Failed academic year
59	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
60	FAILED	2020/2021	Failed academic year
61	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
62	FAILED	2020/2021	Failed academic year
63	FAILED	2020/2021	Failed academic year
Number	Status	Terminating Year	Reason for non-completion
1	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
2	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
3	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
4	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
5	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
6	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
7	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
8	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
9	DEFERRED	2021/22	Opted to take gap year - accomodation reasons
10	DEFERRED	2021/22	Personal Medical reasons
11	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
12	DEFERRED	2021/22	Gap year - wasn't sure about course
13	DEFERRED	2021/22	Placement year. Returned at later date
14	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
15	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
16	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
17	DEFERRED	2021/22	Undisclosed Personal reasons
18	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
19	DEFERRED	2021/22	Year abroad. Returned at later date
20	DEFERRED	2021/22	Personal Medical reasons
21	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
22	DEFERRED	2021/22	Personal Medical reasons - funded repeat year
23	DEFERRED	2021/22	Undisclosed Personal reasons
24	DEFERRED	2021/22	Undisclosed Personal reasons
25	DEFERRED	2021/22	Undisclosed Personal reasons
26	DEFERRED	2021/22	Undisclosed Personal reasons
27	FAILED	2021/22	Personal Medical reasons
28	FAILED	2021/22	Personal Medical reasons
29	FAILED	2021/22	Failed academic year - self-funding repeat year
30	FAILED	2021/22	Failed academic year - self-funding repeat year
31	FAILED	2021/22	Failed academic year
32	FAILED	2021/22	Failed academic year - self-funding repeat year
33	FAILED	2021/22	Failed academic year
34	FAILED	2021/22	Failed academic year

Cont...

Continued Answer to Question 144

35	FAILED	2021/22	Failed academic year
36	FAILED	2021/22	Failed academic year - self-funding repeat year
37	FAILED	2021/22	Failed academic year
38	FAILED	2021/22	Failed academic year
39	FAILED	2021/22	Failed academic year - self-funding repeat year
40	FAILED	2021/22	Failed academic year
41	FAILED	2021/22	Failed academic year - self-funding repeat year
42	FAILED	2021/22	Failed academic year
43	WITHDRAWN	2021/22	Undisclosed Personal reasons
44	WITHDRAWN	2021/22	Undisclosed Personal reasons
45	WITHDRAWN	2021/22	Did not proceed with University course enrolment
46	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
47	WITHDRAWN	2021/22	Did not proceed with University course enrolment
48	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
49	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
50	WITHDRAWN	2021/22	Undisclosed Personal reasons
51	WITHDRAWN	2021/22	Undisclosed Personal reasons
52	WITHDRAWN	2021/22	Change of course
53	WITHDRAWN	2021/22	Change of course
54	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
55	WITHDRAWN	2021/22	Undisclosed Personal reasons
56	WITHDRAWN	2021/22	Undisclosed Personal reasons
57	WITHDRAWN	2021/22	Undisclosed Personal reasons
58	WITHDRAWN	2021/22	Undisclosed Personal reasons
59	WITHDRAWN	2021/22	Personal Medical reasons
60	WITHDRAWN	2021/22	Personal Medical reasons
61	WITHDRAWN	2021/22	Personal Medical reasons
62	WITHDRAWN	2021/22	Undisclosed Personal reasons
63	WITHDRAWN	2021/22	Undisclosed Personal reasons
64	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
65	WITHDRAWN	2021/22	Did not proceed with University course enrolment
66	WITHDRAWN	2021/22	Undisclosed Personal reasons
67	WITHDRAWN	2021/22	Personal Medical reasons
68	WITHDRAWN	2021/22	Personal Medical reasons
69	WITHDRAWN	2021/22	Did not proceed with University course enrolment
70	WITHDRAWN	2021/22	Undisclosed Personal reasons
71	WITHDRAWN	2021/22	Change of course
72	WITHDRAWN	2021/22	Personal Medical reasons
73	WITHDRAWN	2021/22	Undisclosed Personal reasons
74	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
75	WITHDRAWN	2021/22	Personal Medical reasons
76	WITHDRAWN	2021/22	Undisclosed Personal reasons
77	WITHDRAWN	2021/22	Eligibility
78	SELF FUNDED	2021/22	Self funded Placement year
79	SELF FUNDED	2021/22	Deffered - self funded year
80	SELF FUNDED	2021/22	Self funded year abroad

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Continued Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2022/23	Not ready to pursue course
2	WITHDRAWN	2022/23	Undisclosed Personal reasons
3	WITHDRAWN	2022/23	Personal Medical reasons
4	WITHDRAWN	2022/23	Did not proceed with University course enrolment
5	WITHDRAWN	2022/23	Did not proceed with University course enrolment
6	WITHDRAWN	2022/23	Did not proceed with University course enrolment
7	WITHDRAWN	2022/23	Personal Medical reasons
8	WITHDRAWN	2022/23	Undisclosed Personal reasons
9	WITHDRAWN	2022/23	Undisclosed Personal reasons
10	WITHDRAWN	2022/23	Was unsure about course
11	WITHDRAWN	2022/23	Undisclosed Personal reasons
12	WITHDRAWN	2022/23	Undisclosed Personal reasons
13	SELF FUNDED	2022/23	Self funding placement year
14	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
15	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
16	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
17	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
18	SELF FUNDED	2022/23	Change of course - self-funding
19	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
20	SELF FUNDED	2022/23	Self funding placement year
21	SELF FUNDED	2022/23	Change of course - self-funding
22	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
23	SELF FUNDED	2022/23	Self funding placement year
24	DEFERRED	2022/23	Undisclosed Personal reasons
25	DEFERRED	2022/23	Self funding placement year
26	DEFERRED	2022/23	Failed academic year - self-funding repeat year
27	DEFERRED	2022/23	Opted to take gap year
28	DEFERRED	2022/23	Opted to take gap year

1560 **Hon. E J Reyes:** Mr Speaker, sir, it is a long list with five or six pages of small print, which may take me a while. Would you like to proceed with other questions? If I have anything that arises, I can inform you.

Mr Speaker: I agree.

Q145/2023
Vessels discharging black or grey smoke –
Warnings and fines issued

1565 **Clerk:** Question 145/2023. The Hon. E J Reyes.

Hon. E J Phillips: Mr Speaker, how many vessels have been warned or otherwise fined for discharge of black or grey smoke over the last 12 months?

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

1570 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, before I reply, I have just received information from my hon. Friend Mr Licudi that he is aware of one teacher who qualified at the University of Gibraltar and is now successfully employed in the UK without any hiccups.

1575 The Environmental Agency has not yet issued a fine or a formal warning to a vessel. The Agency investigated eight complaints of dark or black smoke from vessels in 2022. No complaints of dark or black smoke have been received, so far, in 2023.

1580 **Hon. E J Phillips:** Mr Speaker, in relation to those eight complaints in 2022, can the Minister give more information about the duration? I suppose a warning or an investigation would have commenced in relation to a time period when these vessels were emitting black or grey smoke. Does he have any further information on the answer?

1585 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. There are several criteria that have to be met, including the darkness of the smoke, according to the Ringelmann chart, also the period of time. There are several defences regarding the reasons why the black smoke is emitted – if it is something that is reacting to an emergency, for example.

1590 I can go through, very briefly, the eight instances that have been referred to. There was one in February last year which did not meet the criteria, two in July last year that did not meet the criteria, and one in August that did not meet the criteria. There was one in August where the vessel was boarded and the master of the vessel was able to provide evidence that the emission was due to an unforeseen failure in connection with the boiler, and following this, as well as guidance from the GMA, it was determined that there were exceptional circumstances and the prosecution should not be pursued. There was then one further instance in August and one in
1595 November that did not meet the criteria, and there was one other where the smoke was intermittent and did not fit the time criteria either. Those are the details that I have on those eight instances.

1600 **Hon. E J Phillips:** Does the Minister have any view as to whether the criteria that are imposed by law are too flexible insofar as the damage that black smoke and grey smoke does to our environment? It is clear that of the eight incidences he has referred to – very helpfully, thank you for that – there has been not a single prosecution, and whilst I understand that the criteria were not met, there were possible defences available to the master of that particular vessel. Does the Minister have a view as to the flexibility, or otherwise inflexibility, of some of the criteria?
1605

1610 **Hon. Prof. J E Cortes:** Mr Speaker, it is very hard to really be less flexible, and certainly I would not be more flexible. As I said, the defences are that the emission of the dark smoke took place in circumstances affecting the safety or life of the vessel or a member of the crew or a passenger. Clearly that has to remain as a defence. The other defence is some unavoidable failure of apparatus. Clearly the consequences on the air quality in the immediate vicinity are not going to be acceptable, but the defence nevertheless is probably justifiable.

1615 Different jurisdictions – and I did quite a bit of research on this when we were drafting the Bill that we passed through the House not that long ago – have different criteria. This was done in close consultation with the Port Authority and the GMA, and now that we have just over a year of experience, I think it is something that we can always look at again and study to see whether any changes are necessary.

1620 I do think, Mr Speaker, if I may, that it does act as a deterrent. Certainly every instance is investigated, and more often than not the master of the vessel is actually tackled and explanations are requested, so it is nowhere near turning a blind eye. There is active investigation in every case.

1625 **Hon. E J Phillips:** I suppose the answer really is active investigation into these matters, because there could be an instance where machinery fails in the situation. That is the defence that is available to the master and the crew of this particular vessel. However, on close inspection by the investigators, if the machinery is not maintained to a certain standard that is acceptable, that defence may not be available to that master or that crew.

1630 I think the other countries that the Hon. Minister has alluded to have strict liability offences in relation to black smoke, for instance, and therefore our position is slightly more flexible than that because defences are certainly available. Is it right, then, given the experience that we have had post the implementation of this legislation, that this matter is kept under review, particularly also to the extent to which we can fully manage an investigation in relation to these matters?

1635 **Hon. Prof. J E Cortes:** Yes, I think it is a matter that we have to keep under constant review, and I think the shipping industry itself is constantly reviewing its own processes and is actually leading the way in a lot of this. So, yes, it is a matter that I am sure will be kept under review and in discussion between the Department of the Environment, the Port Authority and the GMA.

Mr Speaker: Next question.

Q146/2023
Energy saving targets –
Update re position

Clerk: Question 146/2023. The Hon. E J Phillips.

1640 **Hon. E J Phillips:** Can the Government state where Gibraltar is in relation to meeting energy saving targets?

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

1645 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, it is not clear from the hon. Member's question exactly which targets he is referring to, and therefore I cannot answer the question specifically.

1650 **Hon. E J Phillips:** I suppose the question was referring to the previous applicable directives that the Minister has talked about in this House previously in relation to Gibraltar's targets for energy saving across ... What I can do is, of course, put another question to him, but this arises in the context of those previously applicable directives that the Minister has referred to in this House.

1655 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I think it would be helpful if I had a more specific question, because the targets mainly are related to increasing the amount of renewables and not specifically targeted at energy saving. I would be happy to perhaps have another question, or if he wants to write to me asking for specific details, I would be very happy to supply him with all the information that I have.

1660 **Mr Speaker:** Next question.

Q147/2023
Registered dogs –
Number in Gibraltar at 31st December 2022

Clerk: Question 147/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many registered dogs were there in Gibraltar at 31st December 2022?

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

1665

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there were 4,494 dogs registered at 31st December 2022.

Mr Speaker: Next question.

Q148/2023

**Pupils with special needs in government schools –
Total numbers**

1670 **Clerk:** Question 148/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the total number of pupils with special needs in government schools in 2019-20, 2020-21 and 2021-22?

1675 **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 total numbers of pupils with special education needs in government schools are as follows: 2019-20, 1,612; 2020-21, 1,637; 2021-22, 1,880.

1680 If I may point out that these are the numbers of individuals. We had correspondence last time round because the adding up of the special needs did not add up to the number of individuals. I have specifically asked again, even today, and I am told these are the numbers of children with needs. Some of these may have more than one need, and therefore, if you tot up every single need from a table, you are going to end up with more than these numbers.

1685

Hon. K Azopardi: Well, I am grateful because that was going to be my question. He knows we have had exchanges about this, and my hon. colleague to my right, Mr Reyes, has asked him questions. He will remember across the floor of the House I said to him that the total ... There was a column in the statistics that the Government used to publish, which had a total number, which in around 2018-19 said something like 1,500. At the time, we said it might not be the total because of the explanation he has just given, that some people might have autism but may also have speech and language issues, and so 1,500 might not reflect the total. But what he is now saying is that these figures of between 1,600 and 1,880 do reflect the number of individual pupils, even though some of them may have more than one. That is how I understand his answer.

1690

1695 It seems like a very large number. When I had suggested that last time, when we were talking about the number of 1,500, it had been suggested to me that that would reflect not the real number, but rather it might be that there were pupils with more than one special need, and therefore it had bumped up the figure. Having now verified that in fact that is a real number, does he agree with me that it seems like quite a high number? How does it compare to numbers in other countries?

1700

Hon. Prof. J E Cortes: Mr Speaker, I do not know what proportion, but obviously it is not comparing like with like. It would be possible to seek figures in other jurisdictions, but their assessments may be completely different to ours, so I do not think comparing it with other countries is necessarily going to be helpful. I think what we have to do is look at how the numbers have increased in Gibraltar through the years. But yes, had we totted up individual needs or types of needs rather than individuals, the numbers would be even higher than this. That was the subject

1705

of the correspondence, and I know there have been conversations with the Clerk today, which is why I have provided this answer.

1710 Certainly the numbers have increased. We have had this conversation before. Speculating as to the reasons is sometimes interesting, sometimes helpful, sometimes not helpful, but I can confirm that these numbers are high.

1715 **Hon. K Azopardi:** Mr Speaker, I am being told that in England the correlation of special needs is around 16.5% of the pupils – but it is something that perhaps we can look at – and that it has been decreasing. Again, I am sure there are unique factors here. They seem to be increasing. I think it is something that bears reflection, and does the Hon. Minister agree with me that having now at least flushed out whether this was the real total or not, perhaps he can discuss that within the Department and understand the numbers a bit better in terms of the trends and
1720 proportionalities?

Hon. Prof. J E Cortes: Mr Speaker, I discuss this with the Department very frequently and we do not arrive at any absolute conclusion, but we do not doubt that these special needs exist. Certainly if the figure of 16.5% – I was not familiar with this, I will certainly look it up – is correct,
1725 I would suspect our percentage is higher than that, considerably higher, perhaps 20% to 30%. We would have to calculate exactly how many children there are in education. It is around ... I think it would come up to that. Again, we are speculating.

I do discuss this regularly with the Department and we are trying to do some work to find out what the professionals believe are the main reasons for this increase. Having said that, I do
1730 remember that it is not of the last few years. I do remember, when I was Minister for Health, having similar discussions from the health side as to the number of special needs children increasing at the time, and that is now 11 years ago, so it is not a new phenomenon.

Hon. K Azopardi: And given the explanation he has just given about the discussions that are ongoing within the Department and people considering what are the causes or reasons for it, can he illuminate us as to what sort of tentative conclusions there have been?
1735

Hon. Prof. J E Cortes: Mr Speaker, I do not think that would be helpful. I am not a professional in this. I have my own views, but I do not think that would be helpful. What I do think is important
1740 is to establish and confirm that special needs are taken very seriously and every support possible is given to the children in question.

Hon. K Azopardi: Can I ask whether the discussions, if they had been ongoing for some time, had been factored in the planning of the capacity of St Martin's School?
1745

Hon. Prof. J E Cortes: Mr Speaker, I go back to the fact that here the figures I have given are looking at special educational needs across the whole of the education system. The numbers of St Martin's have increased but took a jump, as I have explained. I do not have the figures in front
1750 of me, but I have explained before the average number for the previous 10 or so years – I am working from memory – had been six or seven a year and then they took a jump to about 19, and it stayed at 19 for the past few years. Therefore, the numbers for St Martin's School were calculated based on the average intake to St Martin's School because most of these children will not be attending St Martin's School, they will be fully mainstream but their special needs are attended to by additional support, perhaps from LSAs or in the learning support facilities, so it is
1755 not the same process that has gone into determining St Martin's School. It is a different process.

Q144/2023

**Non-completion of further or higher education courses –
Supplementary questions**

Mr Speaker: Before we proceed to the next question, I believe the Hon. Edwin Reyes has a couple of supplementaries in relation to Question 144.

1760 **Hon. E J Reyes:** Thank you, Mr Speaker. I thank the Minister for the schedule and I just want to raise a couple of little issues with him.

In the status column, there are some indicated, unfortunately – luckily, they are low in numbers – where it says that the status of the student is ‘failed’. But as we go down, we see in some cases ‘Failed academic year, self-funded repeat successfully’. That is understandable. You fail the year, you come to terms with the university and then you self-fund the year. But in some cases ... For example, student 2 failed in the academic year 2019-20, and it does not have the additional remark of ‘self-funded repeat’. Unless a student self-funds and is able to complete and qualify in the course, is it still the case that the Department of Education would ask for a full refund of all moneys granted in the scholarship? Can we start off with that?

1770 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, when a student unfortunately fails, obviously if there are medical reasons then it is a different dynamic, but when they fail they have the option of paying back the years that they have studied and that they have failed, or to self-fund the repeat year, and then if they are successful we carry on funding them for the remaining one or two years. But obviously for that year, rather than having to pay us, they self-fund it and then they almost make up for having failed, and then we would pick up the next year. That is the process.

1780 **Hon. E J Reyes:** Thank you, Mr Speaker. That makes a lot of sense and clarifies it. If we may use as an example ... If we look towards the very end, for the academic year 2022-23 there is a list of students as self-funded. It means that they are students but during this academic year they have a self-funding repeat year. I am grateful for the Minister nodding yes.

1785 However, where a student has withdrawn himself or herself, if we look at, for example, number 7 and number 31 it says ‘paid back in full’, so they have settled completely there and then, whereas those who have withdrawn, like number 1 and so on, for personal reasons, we do not need to know those but there is no indication of whether any payment has been made back contrary to the other one of ‘paid back in full’. Or perhaps it is a question of being handled by another Department, whereby they have entered into an arrears repayment agreement with another Government Department. I do not know whether the Minister has any information to shed some light on that.

1790 **Hon. Prof. J E Cortes:** Mr Speaker, when they withdraw, it is the equivalent of failing because they have failed to complete, and therefore there is the expectation that unless they fund the year again, as in the case of failing, they would have to refund. The Department engages in the first instance and then the Central Arrears Unit might get involved. In most of these cases there will be a repayment plan. No two cases are the same, but the principle is that yes, they will have to pay back if they have withdrawn mid-course or mid-year.

Hon. E J Reyes: I understand.

1800 Mr Speaker, on the penultimate page, where we have number 77, a student seems to withdraw during the academic year 2021-22 and in the remarks column it says ‘eligibility’. I do not know what exactly has happened there. Is it a question that there was an error perhaps, or it came to light that the student was not eligible? There was someone else in eligibility, but at least that one there. Of course, I only asked for the date on which the withdrawal took place, and that happened

1805 during 2021-22. I do not know whether that was the first, second or third year of that individual and what happened to any payments that were made in the previous years in respect of eligibility.

1810 **Hon. Prof. J E Cortes:** Mr Speaker, I would have to check. There is a vast amount of information here. I know that the hon. Member does not expect me to have intimate details of every single one of them. 'Eligibility' could be that after they were deemed to be eligible it was found that there was a problem with eligibility and perhaps the offer was withdrawn. So the withdrawal may have come from the Department or by mutual agreement when it was pointed out that that student was not eligible. I am just speculating, but I undertake to find out and let him know.

1815 **Mr Speaker:** Next question.

Chief Minister (Hon. F R Picardo): Mr Speaker, as we are moving on to the Hon. Minister for Digital Services, I wonder whether this might be a convenient moment to stop for 15 minutes and then continue.

1820 **Mr Speaker:** The House will now recess for 15 minutes.

The House recessed at 5.37 p.m. and resumed at 5.57 p.m.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q149/2023

School internet issues – Reasons for continuing problems

Clerk: We continue with answers to questions. Question 149/2023. The Hon. E J Reyes.

1825 **Hon. E J Reyes:** Further to the answer provided to Question 40/2023, can Government provide explanations as to why schools are still experiencing intranet problems despite the Minister's answer with assurances that these issues had now been resolved?

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

1830 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, further to the answer to Q40/2023, I have been actively involved, together with the Minister for Education, as well as IT&LD, in all the latest developments in connection with the school internet issues.

1835 IT&LD identified that the root cause at the time of this issue was a malfunctioning distribution switch which was reconfigured to restore connectivity. However, they continued to receive reports from the schools of a degradation of Wi-Fi services between the hours of 8.30 and 9.30. Upon further investigation, they identified that the Wi-Fi services across all schools were being overwhelmed by approximately 2,000 unauthorised devices connecting simultaneously to the system. This amounted to a total of approximately 3,500 devices connecting to the system, resulting in a denial of service.

1840 IT&LD has since carried out extensive configuration changes to the way the system operates, to ensure that only authorised devices can connect. This will make the service stable and secure. IT&LD envisages that the works will be completed by the end of next week. They have and continue to work closely with the Department of Education and its Ministry, who are fully supporting IT&LD in this matter.

1845 On Monday, 6th February a meeting was held where all issues were discussed and an update was provided. IT&LD is co-ordinating with all the schools on the necessary works and all stakeholders are constantly being kept abreast on the progress made.

Hon. E J Reyes: I am grateful, Mr Speaker. It is an interesting occurrence, to say the least. Like the Minister said, the feedback we were getting coincided with his timing: from 8.30 to 9.30 seems to have been the worst time of all.

The Minister has said that there seem to have been unauthorised connections. Any idea as to where these unauthorised connections were taking place? The first thing that comes to mind is maybe you have the normal intranet and the facilities provided to the teachers to carry out registration using the intranet, the access to certain learning resources, schemes of work and so on. Could it be that individual teachers, or maybe pupils, were logging on to the system? Has he been able to identify where the unauthorised access was coming from?

Hon. A J Isola: Mr Speaker, the information we have is that the unauthorised access was from students who obtain passwords and then just begin to use the Wi-Fi – there are very many students, particularly in the two larger schools – and that has been causing the problems. There is a separate system for teachers, with their own passwords.

Basically what is happening now is that all of the students' official work tools are being registered with their unique number and they will be given access, irrespective of the password. So there is not a password issue now. It is only the machines that are legitimately being used in schools that will have access to the internet and the Wi-Fi at the school, which avoids the problem. There will then be a separate feed for guest Wi-Fi, and if that goes fast or slow because it is oversubscribed, fine, but nothing will interfere with the teaching and the teaching tools at the schools. That is what we are working on at the moment.

Hon. E J Reyes: I thank the Minister for his answer and I wish him and the IT department the best of luck in sorting this out. I know, and I think he will agree with me, it is not necessarily an abuse by students, because there now seems to be a system – so my grandchildren tell me – that even homework and so on is communicated via social media services, which is extremely useful. The student is reminded of what homework they have pending and those communications come through. So it seems to be very much an essential item of day-to-day life for students. And yes, just looking at the numbers on roll, between teaching staff and pupils, if we take the two secondary schools alone we are talking of well over 2,500, close to 3,000.

The Minister has kindly identified and admitted that other schools are also having the problem, so I wish him the same luck in resolving the issues, and let's hope that this subject does not need to be asked about again in questions if all proceeds well.

Mr Speaker: What is the question?

1885 **Hon. E J Reyes:** *[Inaudible]*

Hon. A J Isola: Yes, Mr Speaker, I agree and I know the Minister for Education agrees because he has been breathing down my neck these past weeks to ensure that schools have what is no longer a luxury. This is now a critical part of learning, and of course that is why we have given it the urgency it requires and why we have worked and continue to work closely with ITLD to make sure that we can get this right, not just in the two secondary schools, as hon. Member has said, but across the entire network of schools.

Mr Speaker: Next question.

Q150/2023

**Cross-frontier movement of healthcare workers –
Contingency measures for non-negotiated outcome**

1895 **Clerk:** Question 150/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the contingency measures for a non-negotiated outcome in respect to the movement of healthcare workers across the land frontier?

1900 **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 working closely with the Brexit Contingency Committee to ensure that we can continue to provide a health service to the people of Gibraltar with minimum disruption. They are currently co-ordinating an updated in-depth analysis of potential impact issues and identified mitigation actions and contingency measures in each and every area of healthcare, as they are all impacted in different ways. Much of this work was done in the Brexit Contingency Committee and also refreshed during the pandemic. It is not prudent to say much more in public at this stage.

1910 **Mr Speaker:** Next question.

Q151/2023

**Prescribed medicines –
Update on review**

Clerk: Question 151/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government update this House on its review of all medicines prescribed at the PCC and St Bernard's Hospital?

1915 **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 now completed its first full version of the formulary of medicines and dressings approved for use within GHA facilities and/or which can be prescribed under the GPMS scheme. The process of developing this has included substantial periods of consultation with clinical staff. This formulary has been placed on the GHA public website. The formulary is embedded in the electronic prescribing system used within the GHA.

1920 The GHA has advised that this process, however, remains ongoing, as new medicines are placed on the market and the science and understanding of the value of existing medicines changes. The Drugs and Therapeutics Committee, made up of senior clinicians and pharmacists, is tasked with delivering this work. All of the work to review medication is in line with NICE guidelines.

1925 **Hon. E J Phillips:** Just one question arising from that. Is the Minister satisfied with the level of consultation, given that the number of appeals that have been transferred to the committee in respect of prescriptions and the number of appeals allowed stands at 50%?

1930 **Hon. A J Isola:** Mr Speaker, the number of appeals is negligible, so 50% of a negligible number is even less. I would not agree with the statements that the hon. Members made to the media in press releases over the past month. What the hon. Member needs to consider is that the only

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people making these decisions are clinicians. There is nobody with a calculator working out the cost of medication; this is entirely in the hands of clinicians.

1940 If the hon. Member has seen the statement that the GHA issued in respect of the lidocaine patches, they will see that the use of those patches today is very limited and it not used for what it used to be used for in the past, and so one of the ways of updating whether those patches work or not is a case-by-case analysis by the team, looking on an application from the GP as to whether that particular medication is suitable today for that patient.

1945 So the issue of what the hon. Member has inferred in his public statements, that there is a huge disconnect in understanding between GPs, the Chief Pharmacist and pharmacists I do not believe is accurate at all, because if a GP is concerned about a patient not being able to be prescribed the medication they believe is necessary, because it is not on the formulary, they go to the clinicians at the appeal tribunal and discuss it there, and if the case is made they will reverse it; if not, they will not.

1950 In the same way as the hon. Members say 50% have been reversed and 50% have not, that means that the system is working. I have no issue whether the percentage is 70, 80 or 90. Either way, the system is working because GPs are referring medication to the board for review and they are then making a clinical decision as to whether it should go one way or another. So I believe the system is working. This review is long overdue and is keeping us up to date with the UK formulary, which we use as a benchmark in deciding what we should or should not be having in our own
1955 formulary.

Hon. E J Phillips: Mr Speaker, the Hon. Minister refers to public statements that we have made that effectively arose in the context of information being provided to members of the public during a session at City Hall, within which Prof. Geoghegan, indeed also the Chief Pharmacist,
1960 handed out this data relating to the percentages of those appeals brought to the committee that were allowed in the context of appeals by clinicians.

I do not agree, Mr Speaker, that he believes there is not a disconnect. That was the feeling in the room with the packed City Hall that certainly set out their views on the disconnect. And indeed it is not only the people who were in that hall, but also a doctor himself who came to give his
1965 views to the GHA and expressed his concerns about the disconnect. So it is not me regurgitating this; this is effectively my report of my engagement at that particular session with my hon. Friend Mr Clinton, who was also there.

What I would say to him is I do not think it is negligible and I do not think it is just restricted to lidocaine. I understand his answer in relation to lidocaine, but there are many other medicines, of
1970 course, that people do require. And whilst he is absolutely right about the clinical efficacy of certain drugs – and that is for the Chief Pharmacist, not for anyone in this House to decide – there are some genuine concerns, certainly there were in that packed hall that I attended, about the prescription policy and how drugs on this list are prescribed. Therefore, I would encourage him again to give that reassurance to the public in relation to those medications and that people
1975 receive them as and when they need them.

Hon. A J Isola: Mr Speaker, the GHA has around 1,300 people working within it. The hon. Member seems to place a lot of emphasis on one doctor who was in the public hall, but not on the words of the Director General, who dealt precisely with this point and explained precisely that
1980 the issues were clinically based. I do not understand how he can jump from one person and a feeling of a disconnect to say there is a fundamental breakdown in policy, which is what his press release said. That is very different to what the hon. Member has just said now, but even that, in my view, is wrong because the decisions are based on what clinicians are deciding. Full stop. If a clinician believes the treatment should be A or B, it is their choice and their decision. It is not for
1985 us, obviously, and I am sure the hon. Member will accept that, to make a contrary decision or take a contrary view. In that hall, there were people who had not been rejected any medicines opining on whether they should or should not, and this is precisely the problem. We need to deal with the

1990 facts. The facts are if your GP believes that you should be getting a medication that is not on the formulary, he can appeal, go to the clinical board and they will review it, and if the clinicians agree they will give, no issue. So I just do not understand what the problem is.

1995 **Hon. E J Phillips:** Just one question, with your leave, Mr Speaker. I think it was evident from ... Obviously the Hon. Minister was not there – I am sure he had other things to do in his Ministry – but I was there and I did listen to the disconnect. It centres around patient communication with
2000 doctors and indeed the GHA. In my respectful view, it is bringing patients along with you, which is what the GHA needs to do when it changes policy that affects people who have been prescribed drugs over a period of time. The policy has changed. There has been a review of medications. There has been an identification of abuse through the system. We all acknowledge that in this House. Everyone acknowledges that there has been an abuse of the system, and that is being
2005 tackled. But when medicines are changed that affect the lives of people who are prescribed those medicines, you need to bring along those patients with you so that you can say to them there are alternatives and we will treat you. That is not what has been happening. That is the level of disconnect and that is the level of disharmony between patients and doctors.

2010 Just in relation to the point that he raises in relation to one doctor, this doctor was vociferous in his views as to the change in policy. Whilst I do understand that it is only one doctor, that was one doctor within the GHA putting Prof. Geoghegan right in respect of that, quite frankly. Therefore, Mr Speaker, and I would ask him again to clarify what communication measures, or at least what patient collaborative measures are in place to ensure that people understand how this policy works.

2015 **Hon. A J Isola:** Mr Speaker, I do not think he put Prof. Geoghegan right. I think, from what I understand and what I have seen and watched, the reverse is the case because I understand that doctor made reference to if the patient insists then it is just left, if the patient insists they will give the patient the medication they want – and that is precisely what Prof. Geoghegan responded on, saying that is absolutely not the case and he should not be doing that. I do not quite understand how that interchange has been interpreted in the way that you have described.

2020 Patient communication ... The GHA today has public meetings. It has never happened before, with a fully-fledged hall, with Prof. Geoghegan addressing them regularly, with data online and with specifics given to the people. But let's be clear, if the clinician decides to change the medication of a patient, then that is the clinician's decision. If the GHA decides what the formulary should or should not be, that is their decision. There is no political involvement or interference in that process *at all*, and so it is the GHA doing what they are meant to be doing. They are the experts and they are telling us what they should and should not be doing, and they are doing it, and for as long as that continues to be the case, I will obviously continue to support them in the
2025 work that they do.

Mr Speaker: The Hon. Roy Clinton.

2030 **Hon. R M Clinton:** Thank you, Mr Speaker. I just heard what the Minister said, and would I like to make two points. There have been GHA public meetings in the past. I used to attend them, in fact, when the Hon. Prof. Cortes was Minister for Health, so it is not a new thing. I hear that it was a procedure that has been started in the past.

2035 I would encourage the Minister to go back to Prof. Geoghegan and ask him what he asked the doctor concerned, because he asked the doctor to confirm to the general public that they were not under pressure from management not to prescribe certain medicines and the answer was actually yes, we are. That is why there was this exchange with the doctor. So I encourage the Minister, if he would, to go back to the Professor and clarify that point, because the issue was about management. In fact, I remember very well the Professor taking umbrage at the fact that ...

2040 'Oh, now it is a management issue.' So I think there may be even miscommunications within the communications between Prof. Geoghegan and the Minister. I would encourage him to ask him.

2045 **Hon. A J Isola:** Mr Speaker, no, the decision taken, as I said before, is not by management, it is by the clinicians within management, so to suggest, as the hon. Member has just done, that the administrative team are involved is just not true. The position is that the clinicians within management, the Chief Pharmacist in his role, have reviewed the formulary and that has led to changes, but it is them deciding, no one else. That is the point. So I do not understand what miscommunication the hon. Member is talking about. It is perfectly clear, always has been and continues to be.

2050 **Mr Speaker:** The Hon. the Leader of the Opposition.

2055 **Hon. K Azopardi:** Can I just ask: in terms of the appeals mechanism, obviously there is some committee on which the Chief Pharmacist sits together with, presumably, some other clinician and they review the formulary, set the changes, and then doctors in the front line can appeal. Can patients also appeal directly?

2060 **Hon. A J Isola:** Mr Speaker, I am not sure if they have. The board will look at any appeal that is made to it, but if a GP is not going to be supporting an appeal, I do not think it would have much prospect of success because the only basis of an appeal is if the clinician recommends it. And so for an individual to say, 'I like this medicine more than that one because I am addicted to this one or addicted to that one,' – or not, whatever the case may be – it has to be supported by the GP, obviously. Otherwise, I guess, just thinking logically, it would make it very difficult for the clinicians on the appeal board to change their earlier decision.

2065 **Hon. K Azopardi:** I understand that obviously it is more likely to be successful if a GP has endorsed the appeal, but is he saying that it is possible for patients to appeal directly to the committee, or is he saying that it is not possible? I am just trying to clarify the process because I am sure he will have seen, like I have seen, patients writing letters. I do not know if they are invoking rights of appeal or not, or whether they do have the right of appeal or not. I am asking a very precise question. Formalistically, is it possible for patients to appeal to the committee, or does it have to go through a GP?

2075 **Hon. A J Isola:** Mr Speaker, I am not certain if they can formally, but I have no doubt that if an individual writes an appeal to the board, they would consider it. I do not think there is anything that prohibits them from doing that, but I am not certain, so I will have to come back to the hon. Member.

2080 I am aware of one letter that I have seen from a private person writing, complaining about it. That particular case has been referred three times and refused three times by the same clinical board. So, yes, I am sure it has been considered on a number of occasions already.

Hon. K Azopardi: And for me to understand the process again, does the appeal go to the same people who set the changes, or does it go to a separate body of people?

2085 **Hon. A J Isola:** Mr Speaker, I understand that the team varies depending on the nature of the request, so there may be different specialities from which people will be brought in to consider different requests. Again, I am happy to get more of that detail as to exactly who and how and send that to him before the next sitting.

2090 **Hon. K Azopardi:** Mr Speaker, obviously there is public concern expressed by some people and it would be important for this process to be known. Is there a process in writing that people could

see? Is there such a thing, or is this a devised policy but there is no written process for appeals that could be made public so that people are more aware of the mechanics of the process?

2095 **Hon. A J Isola:** Mr Speaker, my understanding is that on the website there is guidance on the process to be followed for those who wish to ... and how it works. I think it is all explained on the GHA website.

Mr Speaker: Next question.

Q152-53/2023
Opioid medicines –
Repeat prescriptions; imports

2100 **Clerk:** Question 152/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of persons currently on repeat opioid prescriptions?

2105 **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 153/2023.

2110 **Clerk:** Question 153/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of opioid painkillers imported into Gibraltar for each year over the last five years?

2115 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, there are currently 281 patients on repeat opioid prescriptions. I will now hand over a schedule to the hon. Member with the information requested.

Answer to Question 153

Below is the data requested (2018 to 2022) of the number of opioid painkillers imported into Gibraltar, as reported to the International Narcotics Control Board (INCB).

Drug	2018	2019	2020	2021	2022 first quarter
					only
Diamorphine	15.2g	16.1g	20.8g	6.2g	8.2g
Morphine	38.8g	113.1g	53.2g	62.4g	Being Collated
Oxycodone	394.0g	561.8g	53.2g	62.4g	180.8g
Remifentanyl	0.0g	0.0g	3.6g	5.0g	Being Collated
Fentanyl	49.2g	102.4g	25.4g	81.1g	Being Collated
Pethidine	0.0g	0.0g	10.0g	0.0g	Being Collated
Methadone	0.0g	5.0g	5.0g	15.0g	5.0g
Buprenorphine	14.8g	7.6g	14.8g	10.5g	Being collated

The importation of schedule 2 drugs is reported in grams. This is because each of type of medication can be supported/administered in multiple formats.

2120 **Hon. E J Phillips:** Mr Speaker, I will digest the answer to this question, but just insofar as these particular drugs are concerned – forgive my pronunciation – oxycodone and fentanyl are obviously the two larger amounts, certainly over the last five years, and morphine, of course, understandably. In relation to the other two large ones, of course there has been very significant criticism, particularly in the United States, in relation to those particular drugs, which I think are described as ‘oxy’. Fentanyl, I think, is the other one. Insofar as the amounts are concerned, are these just for prescription within the confines of the hospital building – for example, in the wards and in surgery?

2130 **Hon. A J Isola:** Mr Speaker, the question relates to ‘imported into Gibraltar’. I am not certain if this is global imports or this is just GHA imports. The question is ‘opioid painkillers imported into Gibraltar for each year over the last five years’. I would guess it was the GHA, but I cannot say it is definitely.

2135 **Hon. E J Phillips:** I will ask further questions in relation to this, but this is helpful data anyway. Insofar as the items that are being collated, is it possible that the Minister could write to me with the answer to those particular questions and possibly when he expects to receive them as well?

Hon. A J Isola: Yes, Mr Speaker, I am expecting them in the course of the next month, in the next five weeks, so I will happily write.

2140 **Mr Speaker:** Next question.

**Q154/2023
Diabetes –
Incidence rate**

Clerk: Question 154/2023. The Hon. E J Phillips.

2145 **Hon. E J Phillips:** Mr Speaker, can the Government state the incidence rate of diabetes in the community sorted by type 1 and type 2, ordered by sex and age groups over the past 10 years?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will now hand over a schedule to the hon. Member with the information requested.

Answer to Question 154/2023

Type 1 Males:

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	1	1	1	2	2	1	0	1
10-19	1	0	5	5	2	1	1	0	2	0
20-29	0	0	5	1	2	0	2	0	1	0
30-39	0	1	4	3	1	4	2	0	3	0
40-49	1	0	6	1	0	2	0	1	1	0
50-59	0	0	1	1	0	0	0	0	1	1
60-69	0	0	0	0	0	0	0	0	0	1
70-79	0	0	0	0	0	0	0	0	1	0
80+	0	0	0	0	0	0	0	0	0	0

Type 2 Males:

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	0	0	0	0	0	0	0	0
10-19	0	0	0	0	0	0	2	0	2	0
20-29	0	0	0	1	0	0	1	1	1	1
30-39	1	0	5	8	2	2	4	3	7	5
40-49	2	5	30	13	13	13	13	12	5	11
50-59	13	18	53	48	36	23	24	20	27	30
60-69	15	21	85	60	37	28	29	27	40	26
70-79	2	1	49	40	19	15	10	14	23	17
80+	0	0	7	10	7	4	4	3	12	8

Type 1 Females:

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	1	0	0	2	1	1	1	0	0	0
10-19	0	0	0	1	0	1	0	1	2	2
20-29	0	0	3	1	0	1	2	1	0	2
30-39	1	0	3	0	0	0	1	2	2	2
40-49	1	0	2	1	0	0	1	0	0	1
50-59	1	0	1	2	1	1	0	1	0	0
60-69	0	0	0	1	0	0	0	0	0	0
70-79	0	0	0	0	0	0	0	1	0	0
80+	0	0	0	0	0	0	0	0	0	0

Type 2 Females:

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	0	0	0	0	0	0	0	0
10-19	0	0	0	1	0	0	0	0	0	0
20-29	1	0	2	1	1	2	2	0	1	0
30-39	0	0	8	2	1	0	2	2	3	7
40-49	4	6	20	13	7	10	12	5	7	10
50-59	7	11	47	28	26	17	14	14	21	23
60-69	5	6	56	43	23	20	19	18	28	31
70-79	3	4	36	34	23	11	11	14	19	24
80+	1	1	25	19	15	16	11	4	7	7

*Please note that the electronic primary care system was introduced in 2015 and therefore a large portion of patients who had been diagnosed previously were coded for the first time in 2015/2016. For this reason, there appears to be a spike in numbers between 2015 and 2016.

2150 **Hon. E J Phillips:** Mr Speaker, we will digest those and come back with supplementaries if we need to.

Mr Speaker: Next question.

Q155/2023
Death by heart attack –
Incidence of death over last five years

Clerk: Question 155/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the incidence of death by heart attack over the last 10 years?

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

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the incidence of death by heart attack over the last 10 years is as follows: 2013, 13; 2014, 13; 2015, 19; 2016, 14; 2017, 25; 2018, 25; 2019, 24; 2020, 40; 2021, 30; and 2022, 26.

Hon. E J Phillips: Mr Speaker, can the Minister perhaps – just identifying that very large number within the latter end of the statistics run that he was doing, of 40 – clarify why it appears to be a blip in the statistics, or was that just ...?

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Hon. A J Isola: Mr Speaker, yes, there seems to be a spike in 2020 and then it drops down again in 2021 to closer to normal levels, as it is indeed in 2022. I do not have an explanation as to what that blip comes from. COVID and everything else, potentially. That is the logical one.

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Hon. E J Phillips: Just to speak to the point that he makes in relation to the normal years, there has been, I would probably hazard a guess to say, a steady increase of those dying as a result of cardiac arrest. Is he confident in the level of resource that we are putting into the GHA in terms of assisting cardiac patients with rehabilitation and certainly those who have conditions? Are we satisfied with the work that we are doing in relation to that?

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Hon. A J Isola: Mr Speaker, I think part of the problem with lawyers jumping to conclusions, like we often do, is that within the totality of our population ... In other words, are the vast majority living much longer than they have done before? Are more people dying from heart attacks as a percentage of the size of the population? These are all the other factors that one could look at.

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But in terms of what we are doing, the hon. Member will know, because we have made the announcement to this effect, we are setting up our own cath lab within St Bernard's, which will enable us to deal with cardiac patients here, rather than send them away. As the hon. Member will know, the provision of response times is critical to these patients, and consequently, to be able to do it in Gibraltar rather than send them, as we currently do, to Quieron Palmones. Sending them further away, like Xanit, is just too far, because time is of the essence, so a massive step forward is to be able to do this in Gibraltar in our own hospital.

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The second step is more education and more information in terms of first aid response, and hooked with that are defibrillators. We are in the process of replacing every single defibrillator around Gibraltar with the support of a charity, which will mean we will have a significant number of defibrillators around our community available to the public, again because of the length of time and how acting quickly can actually save lives.

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So the GHA is doing a lot in terms of dealing with how we can support people with cardiac issues, and I think by the time the cath labs are open we will be in a very much better place than we ever have been before.

Q154/2023

**Diabetes incidence rate –
Supplementary questions**

2195 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I do not have a question on this. I wanted to go back to the incidence rate of diabetes, if that was fine, which was the previous question.

2200 **Mr Speaker:** Does the Hon. Minister wish to take that question. It is a supplementary. Yes?

Hon. K Azopardi: I am grateful, Mr Speaker. I think we had indicated that we wanted to look at the schedule, which was quite detailed, first, and –

2205 **Mr Speaker:** I accept that, but it was the Hon. Elliott Phillips who said that he might be in a position to ask a question, not you. That is why I asked.

Hon. K Azopardi: I thought he was speaking collectively for us, given the aside that I was having with him on it.

2210 Mr Speaker, looking at the type 2 diabetes figures, obviously all the years are different, but the rates of incidence, I would say, if you pick on any particular year, whether it is males or females, you are looking at 100-plus cases of males and 100-plus of females, maybe a couple of hundred in total. Of course, each year will be different, but over a spread of ... if that is a regular statistic ...
2215 The Minister has given us a 10-year view of things and, given life expectancy, that looks like there might be a figure of type 2 diabetes of a population of anything above 3,000 or 4,000 at any time, does the Hon. Minister have an in-house statistic, a verifiable one for the population, of people with type 2 diabetes? And would that be an accurate assessment?

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
2220 No, Mr Speaker, I do not have any information other than what has been asked of me, and I am not going to make any conclusion as to the numbers, as to whether they are high or higher. I think that there is, again, a far more detailed discussion to be had, which I would be happy to have with the hon. Member, but not jumping to interpretations as to what these numbers mean in a community of our size.

2225 **Hon. K Azopardi:** Mr Speaker, I was not inviting him to make a conclusion as to what it means. I was simply asking him whether he has a verifiable statistic internally on it. He has indicated he does not today. Would he be willing to write to me with that information, if indeed the GHA has a view as to the kind of type 2 population there is in Gibraltar? I am told with our own intelligence
2230 that it might be around that figure, but obviously that is not a verifiable official figure, and I would be interested to have an official figure if one is available.

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

2235 **Mr Speaker:** The Hon. Elliott Phillips.

2240 **Hon. E J Phillips:** Mr Speaker, just picking up on what the Hon. the Leader of the Opposition was talking about so far as the figures are concerned, clearly if we look at 2013, if my maths is not wrong that is about 33 people across the age range, and in 2022 it is 98. I think that is right, isn't it, in terms of the numbers? I am sure the abacus next to me is able to work that out insofar as numbers are concerned. In terms of type 2 males the numbers from 2013, for instance ... So if we look broadly at 10 years plus, we are looking at a significant leap in numbers per year.

2245 Whilst none of us in this House are medical experts, it is clear that it is a recognised fact that unhealthy diets, lack of exercise, not moving our community around as it should, is one of the key areas which leads to diabetes. I wondered whether, given the previous answer to the questions about heart attacks particularly, he is concerned about the public health message that we should be pushing out in order to assist members of our community in getting to move more, more exercise, and eating more healthily, because these are obviously concerning statistics that there is an upward trend significantly since 2013, from the figures that we have, in those being
2250 diagnosed with type 2 diabetes.

Hon. A J Isola: Mr Speaker, of course our people should lead healthier lives, because that will lead to less reliance on our Health Service and enable them to enjoy a longer and fitter life.

2255 The hon. Member has done what lawyers should never do, which is he has not read the small print, because if he reads the paragraph at the very end of all of the statistics, it will tell him that 'the electronic primary care system was introduced in 2015 and therefore a large portion of patients who had been diagnosed previously were coded for the first time in 2015/2016. For this reason, there appears to be a spike in numbers between 2015 and 2016', where in fact there is not one. So if you look at 2013, you are actually not looking at a comparable number, hence the
2260 footnote at the end, which says you cannot look at 2013, you cannot look at 2014, you can begin to look at it in 2016, which is when we begin to have some reliable data. And if you compare 2016 and 2017 to 2022, you will see that in fact there is not the spike that he refers to.

2265 **Hon. E J Phillips:** Just one further question about the small print. I would have thought, Mr Speaker, if you look at the figures for 2015 there appears to be a catch-up of diagnosis. Therefore, arguably, if they were tested in 2014 or 2013, then it may well have seen the natural curve that I am talking about and that is what ... It would appear from what you see from these numbers ... I just do not understand why there is such a significant spike in 2015.

2270 **Hon. A J Isola:** Mr Speaker, the hon. Member tries to dig himself out of the hole he has put himself into.

My view is no, not at all. As the footnote says, 2015-16 is the first year, and so there is not the spike that he is trying to draw attention to. If you look at 2017, it is 26 and today it is 23. So it really is there, or thereabouts. It is quite static.

2275 Could it be better? Of course it could, and we will continue to work to make it as low as we possibly can.

Mr Speaker: Next question.

Q156/2023
Cancer –
Stage 4 diagnoses

2280 **Clerk:** Question 156/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the reason why up to 48% of all cancers diagnosed are at an advanced stage 4 of the disease?

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

2285 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the figure of 48% presented by Dr Ballesteros at the GHA public meeting made
reference to those patients referred to the cancer unit and are those who require systemic cancer
treatment, such as chemotherapy or immunotherapy. It is more likely for these patients to receive
systemic treatment in advanced stage 4 than in early stages 1, 2 and 3. Therefore, this group of
2290 patients does not necessarily represent a delay in diagnosis. In the year 2022, 105 patients were
referred to the cancer unit, which represents a slightly lower number than the previous year of
114. The percentage of advanced stage cases in 2021 was 37%. The hon. Member's question
relating to 48% of all cancers therefore may have been a misunderstanding of Dr Ballesteros's
presentation. Whilst 48% relates to those patients being referred to the cancer unit, the correct
2295 percentage relating to the hon. member's question regarding all cancers diagnosed is, in fact, 28%.

Suspected cancers are discussed by a GHA multi-disciplinary team, who then decide on an
appropriate course of treatment. Not all patients are referred to the oncology department for
treatment at the time of initial diagnosis, as they may be referred for other forms of treatment
first, i.e. surgery or radiotherapy.

2300 **Hon. E J Phillips:** Mr Speaker, I am grateful for the clarification. Certainly, I understood the
answer to his presentation, and I think the general public did as well, and I think that is how it was
printed in the press, which caused me some concern because, of course, in the United Kingdom I
think 45% of all cancers diagnosed fit within stage 3 and stage 4. That is why I was pressing the
2305 question, just to ascertain what those figures were.

As I understand the answer to this question, 28% of all cancer diagnoses in Gibraltar relate to
advanced stage 4. Does the Minister, in his answer, have a breakdown backwards in terms of
stage 3, stage 2 and stage 1 cancers? It would be helpful just to see how we are diagnosing how
they fall within those particular groups.

2310 **Hon. A J Isola:** No, I do not have that number. I am happy to get it for him.

I understand exactly what he says when his impression was 48, but of course, as I have
explained in the answer, if you understand the point of entry to all cancers and then some being
referred on to this unit, by the time they get to this unit they are going to be the higher stages of
2315 cancer treated for that specific treatment by the oncology unit. So the 28% is the percentage of
total cancers with grade 4.

I will certainly get the numbers that the hon. Member is seeking. I would say that in the United
Kingdom the numbers are very much higher in terms of at what stage they are being discovered,
and obviously the wait for care is very much longer. The hon. Member may have read a report in
2320 *The Times* newspaper on 10th February, last Friday, where it says the wait for cancer care in the
UK at the moment is the longest on record. Thankfully, we do not have that problem and we treat
our patients efficiently and effectively.

2325 **Hon. E J Phillips:** Mr Speaker, that information I have also read and I accept that there are some
very significant difficulties with the NHS in the United Kingdom, and thankfully we do not have
some of the problems that he has referred to. Ours are very different, of course, and have been
ventilated in this House and argued before by various Members at various points in time.

I just have one question. A common theme when I speak to constituents about cancer
particularly is that there appears to be this view amongst certain members of our community that
2330 our cancer rates seem to be higher. What I am encouraging the Minister to do, and he might be
able to give me an answer to this, is publish statistics around early detection of cancer, because I
think it will allay any fears or misconceptions out there within our community, based on facts and
data, to try to dissuade people from saying that we might have higher incidence of cancer
particularly. So I would ask the Minister whether he would be able to publish material on a more

2335 regular basis on the Government website so that people can actually see the data. I know that the Hon. Chief Minister has previously, on our invitation, in respect of sick leave, for example, sought to publish those statistics, and it would be helpful if he might be able to do the same.

2340 **Hon. A J Isola:** Yes, Mr Speaker, I would be happy to look at that and engage with the GHA to see if we have that sort of data readily available, where it can be updated on a frequent basis. I have no issue with that.

Mr Speaker: Next question.

Q157-58/2023
New cancer unit –
Date when up and running; cost

2345 **Clerk:** Question 157/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when it expects the new cancer unit to be up and running?

2350 **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 158/2023.

2355 **Clerk:** Question 158/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the cost of the proposed new cancer unit, including new staff provision, on the fifth floor of St Bernard's Hospital?

2360 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, the new location for the new cancer unit has been identified at St Bernard's Hospital and an outline plan has been developed for the unit and the associated aseptic dispensing facility, which is a feature of any cancer unit. The identified space will become available as soon as the current TSSU/CSSD moves to its new location in the hospital in April this year. In preparation for the development, the GHA is preparing detailed plans for the unit. Once plans are approved and the preliminary costings and findings are confirmed, the unit will take approximately 12 months to complete.

2370 The cost estimate for this building work is currently being finalised and will also be supported by donations from the public. Whilst talking about oncology and donations, I must specifically and publicly thank Margret Ayling, a firm supporter of our cancer services who has worked and continues to work with us to improve these new services. My sincere thanks to her.

Hon. E J Phillips: I am grateful for the answer from the Minister. I must say – perhaps it was an impression – that my hon. Friend Mr Clinton and I left the public engagement with the view that this was a matter of months and not a year, but be that as it may, Mr Speaker, it is heartening to hear that we will have a new unit that deals specifically with this area.

Just one question arising from that, and that relates to the new staff provision. Does the Minister have a bit more information as to what level of provision will be required in terms of the human resource on the unit?

2380 **Hon. A J Isola:** No, Mr Speaker, I do not have that information with me. I think in dealing with
cancer, obviously there are different areas being worked on all the time. Recently opened, again
with the support of Margret Ayling, is one of the units for those patients seeking or requiring
chemotherapy. It is an improved and much more comfortable location for our patients. This is just
2385 the next step in that delivery. If the hon. Member is asking how many new people will be required
to work in the unit, I will find that information and get it sent to him.

Mr Speaker: Next question.

Q159-62/2023

Sandpits mental health facility –

Contract terms of care provider; payment re meals; budget holder; annual running costs

Clerk: Question 159/2023. The Hon. E J Phillips.

2390 **Hon. E J Phillips:** Mr Speaker, can the Government state the contract terms in respect of the
entity engaged to make provision for care at the Sandpits mental health facility?

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 160 to 162.

2395 **Clerk:** Question 160/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm who pays for the provision of meals
at the Sandpits mental health facility?

2400 **Clerk:** Question 161/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state under whose budget the Sandpits mental health
facility comes?

2405 **Clerk:** Question 162/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the annual running cost of the Sandpits mental
health facility?

2410 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, as has previously been discussed in this House, Sandpits House is
owned by Meddoc Ltd and they provide the number of carers according to the individual assessed
2415 needs of patients.

In line with the basic principles of mental health rehabilitation service, users at Sandpits have
full control of their moneys unless they are assessed not to have the capacity to manage their own
finances, in which case arrangements are put in place for their representative to oversee their
finances. Service users attend the Social Security Department to collect their disability allowance,
2420 accompanied by a social worker, carer or psychiatric nurse, and both identify and agree the budget
for the provision of meals.

The GHA reimburses Meddoc for the care and associated services provided to the service users at the Sandpits facility. This is provided from the GHA budget.

2425 The staffing costs for Sandpits supported living facility is approximately between £240,000 and £300,000 per annum, depending on the needs and number of patients.

Hon. E J Phillips: Mr Speaker, how many patients are ordinarily resident in any given month, if the Minister has any information about that?

2430 **Hon. A J Isola:** Mr Speaker, the unit has a bedsit and three bedrooms with shared bathroom, kitchen and living room, so I guess four.

Hon. E J Phillips: Mr Speaker, insofar as the £240,000 to £300,000, does that relate to the premises themselves and staffing?

2435 **Hon. A J Isola:** Mr Speaker, that is the cost of the provision of the services, so I assume it does.

Mr Speaker: The Hon. Roy Clinton.

2440 **Hon. R M Clinton:** Thank you, Mr Speaker.

The hon. Member will remember he gave my hon. Friend Mr Phillips a schedule of mental health expenses – I cannot remember if was at the last session or the session before – which was an analysis of mental health costs that were not staff related, but I could not see these particular costs being itemised in there, and it is not immediately obvious to me, looking at the Gibraltar Health Authority budget estimates, where that £240,000 to £340,000 per annum would sit. It is not separately identified as this Sandpits facility. Does the Minister have an idea of where it would sit? Is it, in his view, perhaps ...? I am not going to ask him to speculate. Does he know where it would sit? Is it within salaries, or is it in some sort of contracted services? I cannot see anything in terms of contracted services where it would obviously fit. There is something called ‘other maintenance agreements’, but that would not really describe this. Does the Minister know where within the GHA budget, ideally which line item, it would come under? Obviously, if it is described as contracting for services, it might be that it is deemed to be some sort of personnel cost rather than the hiring of a facility, if the Minister understands me. If he could point me in the right direction, I would be grateful.

2450
2455 **Hon. A J Isola:** Mr Speaker, it certainly would not be labour because they are not employees. It is Meddoc providing their contracted service to us, which varies depending on the number of patients we have in the facility at any given time. I will find out where it is documented and inform the hon. Member, so that he can have a look at it, rather than me guesstimating as to where those services are detailed.

2460 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Can I just ask, if this facility is providing a service for four people and it costs £240,000 to £300,000, it is £60,000 to £80,000 per person – couldn’t this service be provided more cheaply within the existing mental health structure, given the average per-bed cost in a mental health facility? I think the daily cost is ... I do not know, anything like £150 probably, but it just seems to be ... Has that issue been looked at?

2470 **Hon. A J Isola:** Mr Speaker, I think we need to understand what it is that we are talking about, because this care is about providing those people with a halfway house between being at, for example, Ocean Views and being at home. It is about trying to get people back into the community, and that is a lot of what the work that goes into the Sandpits property is. In fact, I was

2475 with the staff at Ocean Views last week and they were lauding the work that is done at this particular property and another one and saying that it would be ideal if the mental health services in Gibraltar could have more like this because it works so well.

But of course it comes at a cost. Some of the carers are one to one, so if you imagine ... 24/7 one-to-one caring is expensive. But then we need to make the decision as to – what the hon. Members criticised us for in past times – is it cost or is it care. We are approaching this on the 2480 basis of providing the best possible care that we can afford to provide those patients, and the halfway house I think works very well. The GHA are very happy with it. Ocean Views, in particular the staff there and the professional and qualified staff there, are very happy with how it works and they want to do more of this, which is to reintegrate users back into the community, and this is a big part of that. Teaching people budgetary disciplines, how to make sure they know what to 2485 spend, how much they can spend and how to spend it is a really big and important part of all of the work that goes into mental health patients reintegrating back into our community. Stigma ... All of these issues are what the halfway house seeks to improve and to help the users with.

On that basis, I think it would be a retrograde step to go back into looking at increasing the size of Ocean Views and putting more people into those facilities. We want to see more and more of 2490 this outreach into the community. Having people living at home and helping them to live a normal life as far as is possible has to be the objective of any mental health plan.

Hon. K Azopardi: I accept that, of course. I accept that there is a need for these facilities to integrate mental health patients back into the community. I was really asking more precisely 2495 about whether, having looked at these figures – and it correlates to four people – the GHA had looked at the Meddoc costs and decided that these were costs that were being outlaid and the same thing could not be achievable at a more reduced cost. Really, that was what I was asking.

Hon. A J Isola: Mr Speaker, the GHA will always look at how they can provide the best service 2500 at the least cost, obviously. Whether we can do this service cheaper or not is something that I am sure has already been considered and was when they initially did this on a probationary basis. It has worked and they are happy with the results of it.

We look every year to see what on the budget that we have in the GHA can do better or attract 2505 better value for money, and not just in this but in every other service where we contract services that is the first question they ask themselves at this time of the year, every year.

Mr Speaker: Next question.

Q163-64/2023
Power outages –
Number and causes

Clerk: Question 163/2023. The Hon. E J Phillips.

2510 **Hon. E J Phillips:** Can the Government state why Gibraltar continues to be plagued by power cuts?

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

2515 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 164.

Clerk: Question 164/2023. The Hon. Ms M D Hassan Nahon.

2520 **Hon. Ms M D Hassan Nahon:** How many power outages were there in 2022, and can Government list the reasons for each of those?

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

2525 **Hon. A J Isola:** Mr Speaker, I now hand over a schedule with the information requested.
Gibraltar has not been plagued by power cuts. A plague is a widespread affliction and we do not have that in respect of power cuts. Gibraltar suffers power outages, as do similar small territories that operate without the support of national grid power systems. These power grids have tens or hundreds of power stations generating power at any point in time and a problem with a particular generating unit is proportionally very insignificant and easily absorbed by the system without consumers noticing any glitches whatsoever.

2530 In Gibraltar's case, any single generating unit accounts for a big percentage of the total power demand and therefore any problems with a unit can affect a significant number of consumers. The GEA does operate with a margin of spinning reserve, but in order to cover for all eventualities it would mean running with a very large element of spinning reserve, which is very expensive and not good engineering practice. Although when events as described occur, inevitably some consumers are affected, these outages tend to be relatively short and are associated with the time it takes to start spare capacity, of which the GEA has plenty.

2535 Notwithstanding the above, what must be taken into account is that power stations are complex installations and the North Mole power station is no exception. Projects of this nature are not off the shelf, and it takes time to both integrate into existing distribution networks and fine tune, a process which the GEA is presently going through and is a process which occurs every 30 to 40 years at least for us here in Gibraltar. I think our new power station is Gibraltar's biggest capital investment project to date and is a key component of our critical national infrastructure. It ensures that we can maintain our energy independence.

2540 However, it is also true that not all power outages are as a result of problems at the power station. Many are as a result of faults or damage to our high- and low-voltage power distribution systems. Although the record of the location of underground cables is extremely accurate and this is provided to all applications for excavations, damage does occur and this can and has resulted in interruptions of less or greater severity, depending on the nature of the fault and the equipment affected.

2545 Our two most recent power outages have not been related to the power station at all. They have been related to interruptions to our fuel supply, and our supplier has publicly stated what the problems were. Their installation is also of a complex nature and they themselves are fine-tuning their processes and continue to work closely with the GEA to ensure the maximum levels of reliability, which also provides for a cleaner environment, as annual CO₂ emission figures have dropped from 147,309 tonnes in 2015 to 119,247 in 2021 and will continue to reduce as our processes become more efficient.

Answer to Q164/2023

YEAR 2022	Date and time	Duration	Feeders affected	Reasons for Power Cut
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

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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.
3	11.03.2022 00:48	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.	N MPS IFLS testing caused a trip of Set 1 causing feeders to open.
4	08.07.2022 07:04	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.
5	20.07.2022 10:45	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.
6	02.08.2022 16:23	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 NM PS CR. S55, S63 and S65 restored manually.
7	12.08.2022 11:30	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.
8	28.10.2022 06:59	14 - 19 mins	Marina, Ocean Village, Waterport Terraces, Kings Bastion, Cornwall's Lane, Governor's Parade, Alameda, Rosia Bay.	Gasnor sensor fault caused gas shutdown resulting in sudden drop in gas-line pressure. Set 3 (Gas engine) initiated emergency shutdown due to fuel starvation. Set 6 (DF) QCO to diesel.
9	28.11.2022 16:10	5 - 27 mins	Marina, Water Gardens, Ocean Village, Bedlam Court, Waterport Terraces, William Jackson, Waterport Place, Kings Bastion, Cornwall's Lane, Gove4rnor's Parade, Alameda, Rosia Bay, Little Bay, Buena Vista.	Gasnor programming issue caused gas shutdown resulting in sudden drop in gas-line pressure. Set 1 and 3 (Gas engines) initiated emergency shutdown due to fuel starvation. Set 6 (DF) QCO to diesel.

2560 **Hon. E J Phillips:** Mr Speaker, I characterised this question as a plague because in September 2019 when the power station was commissioned, with none other than the Chief Minister himself flicking the switch, declaring power to No. 6 in a huge step forward – as described by the hon. Gentleman – in energy security and the security of supply in our community ... How does the Minister reconcile that very flamboyant announcement in 2019 with what we have experienced in recent years and the impact it has had on business? At the end of the day, Members opposite are responsible for encouraging inward investment and encouraging big business to come to our shores. How realistically can we show the world that we are a modern, efficient, secure environment when we cannot even manage our power supply? I would ask him to answer that question.

2570 **Hon. A J Isola:** Mr Speaker, with enormous ease I can answer that question because when you contract with firms of the quality of Bouygues and MAN Engines, who are probably the largest producer of this style and size of power station, and you compare that to what the hon. Members proposed in previous years, it is beyond comparison and a power station that every Gibraltarian should be proud of, because to categorise ...

2575 It seems as if the hon. Members are waiting for the power cut to happen so they can tweet some ridiculous, sarcastic, stupid comment along their social media networks with pride. I say that because there have been a number of instances of it, which I have seen and commented on in the past, which I think is just wishing to put ourselves down.

2580 If we have made a mistake in respect of the power station, tell us. But what is the mistake? Contracting MAN Engines? Who would they have contracted? Is it contracting Bouygues? Who would they have contracted? You cannot expect Government Ministers to be responsible for a fault in a gas line from a Gasnor/Shell supply into the power station which results in a 15-minute power cut, or any of the other power cuts that are caused, for example, by private contractors digging a hole in the road and causing a power cut, or criticising and knocking the very hardworking team we have at the GEA who, from the minute there is an issue, spend the next hour trying to work safely to restore power at the first available possibility. I think they need to be commended for the work that they do because you certainly cannot blame them.

2585 So if you cannot blame the workforce and you cannot blame the specialists who advise Government which is the best power station to buy or which is the best contractor to buy it, then what is it that you can complain about? (**A Member:** The Government.) Well, the Government, yes, of course. If you want to play politics with the power station, by all means do so, but have the honesty to say so. If you get up and say, like you have just said, that there is an issue with the power station because we have got something wrong, no problem, let's have that discussion. But the hon. Members opposite know that is not true, they know it is not the case, but it does not matter because it is politics. Fine. If that is the case, that should be the prefix to the question. Who would they have contracted to design that smelly – (**Hon. Chief Minister:** Grimy, smelly.) grimy, smelly, diesel, GSD power station? Who would they have contracted? And did they receive a guarantee from that contractor when they were negotiating with them that they would have no power cuts? Well, of course not, because nobody in the world would agree to that condition. It would be absolutely ridiculous, although it did not stop them from agreeing with them the 5% increase in electricity costs every year for the next 20 years. So they were more concerned about electricity increases than providing power.

2600 We have gone to the best in the business to ensure that our power station can meet our demands. We are going to have a glitch when somebody digs a road, yes; we are going to have a glitch when the LNG supply has a problem through one of the feeds where safety is paramount, yes; and for that I am absolutely delighted to say that I am the chairman of the company that does that and it does it incredibly well. And are we going to continue to have issues like this whilst the teething problems go? Probably, yes. I hope not, but if we do, I will be the first to defend them for the work that they do to put things right. (*Banging on desks*)

2610 **Hon. E J Phillips:** Mr Speaker, just one more supplementary. We know when we have got the Government on the ropes, and we have got them on the ropes in relation to energy security and energy supply for our community.

2615 To much fanfare in 2019 we were guaranteed supply of energy, guaranteed security. What we are trying to do is encourage confidence in our jurisdiction so business floods to our community to spend their money in our community and hire more people. That is the whole point. But the question I put to the Hon. Minister is about energy security, about energy supply and the guarantees that the Chief Minister gave, himself, in September 2019. Ultimately what they cannot do is guarantee that supply, and that policy has failed.

2620 **Mr Speaker:** What is the question?

Hon. E J Phillips: That is right, isn't it?

Mr Speaker: Okay.

2625 **Chief Minister (Hon. F R Picardo):** Mr Speaker, nothing makes me happier than to have the opportunity to deal with this issue with hon. Members in this House, especially in the way that the hon. Gentleman has framed the question.

2630 The hon. Gentleman has said that we are unable to provide energy security. The Hon. Minister has already told him that we operate as an energy island. I do not know whether the hon. Gentleman has been reading or watching what is happening around Europe, especially after Russia's illegal invasion of Ukraine. The United Kingdom has been within hours of losing power completely to the whole of the national grid. I do not know whether the hon. Gentleman understands the severity of that. In other words, the United Kingdom was not likely to suffer a power cut, the United Kingdom has stood on the verge of not being able to produce energy for its people. The reason for that is that the United Kingdom has been importing gas and exporting gas to the European grid without the ability to take gas or electricity back as a guarantee. The United Kingdom has serious issues in respect of energy security. They have been all over the newspapers that I recommend the hon. Gentleman read. Spain has had a hugely difficult issue with its relationship with Algeria and its supply of gas, as a result of changing its position on the Western Sahara and the right of self-determination of the people of Western Sahara, to such an extent that it has had to renegotiate its contracts in respect of the supply of gas, which provides the lion's share of Spain's energy security. Germany has found itself, with the blowing up of the Nord Stream 2 pipeline, potentially without sufficient gas to power the industrial heart of Europe and heat its people's homes. France has been receiving the gas that has been coming from the United Kingdom under established agreements and, because it has nuclear power and has had to reset when it decommissions its nuclear power stations as a result, is having to reset how it provides its energy. Indeed, the United Kingdom and Germany have had to go back on promises in respect of mining coal to produce energy as a result of the issues that have arisen in the past 14 months. That affects the energy security of some of the largest economies in the world. In Gibraltar we have had no such issues.

2640 When you talk about energy security, you are not talking about the fact that part of our grid was settled by the MoD. We do not have any plans for it, but it is all now interconnected and a contractor can go through a cable when they do not know that there is likely to be a cable there. No contractor, unless they were being remarkably negligent, would permit their workers to dig in a place where they are going to go through a cable, unless they do not know it is there. That is not about energy security, but that leads to a power cut.

2650 The security of the gas facility – that is to say all of the systems in the gas facility to ensure that there is no blowback of gas, no escape of gas – are about securing energy security, but they can lead to short power cuts. The supply of the gas for Gibraltar, which we have contracted through Shell, one of the biggest companies in the world, comes to us from any of the points from which

Shell can obtain gas, so we have no issues with the supply of the fuel that we need to generate electricity, which we might have had. And now – the hon. Gentleman might want to reflect – we have two sources of energy to produce electricity, gas or diesel, because we made the choice to have some of those dual-fired engines.

2665 So have we secured Gibraltar's energy security, although we might have power cuts? He has linked the two, we have not. I think in this year in particular we have demonstrated that the choices we made were the right choices to secure Gibraltar's energy security. To test that, I put it to him that he should compare the choices we made with the choices they made or were about to make. They were about to go with just one fuel, diesel. The price of diesel, as hon. Members
2670 know, has rocketed in the past year and our cost of fuel has rocketed in respect of that part of our supply which is diesel, although luckily part of our supply is gas, where the price has been lower. Which was the right choice: to go to gas and diesel or to stay with diesel? I put it to him that if he were to look at this objectively and make a choice not based on what is in his party's interest, he would say of course it was right to diversify the fuel that you rely on to gas and diesel and not just
2675 diesel. So we made the right choice for energy security. Was it right for us to contract with one of the largest companies in the world that can secure gas from many sources? I put it to him that if he were to objectively analyse that, he would say that we were right to do so. Again, the right choice for energy security. Was it right that we should agree a price with Shell for gas? Of course it was right, because it protected us against some of the increases that we have seen. Was it right
2680 that we should put the power station and the gas regasification facility in an area by the sea, rather than in an area at the entrance to the Nature Reserve, in a green corridor, and pipe the fuel from the sea to there? I put it to him that objectively – he also holds the brief for the environment – he would say it was right and more secure to have a shorter line and to choose the area that we chose and not blight the Upper Rock Nature Reserve.

2685 In each of the choices that fell to be made we made the right choice, not because we are the cleverest in the room but because we listened to the advice and we did not just allow ourselves to be led by the politics. For that reason, I believe we have discharged our obligation to deliver energy security to Gibraltar, even though we might sometimes have power cuts because of the systems we have set up to protect the power station from a catastrophic failure and because of
2690 the fact that contractors may go through cables, something that we are hoping to prevent in the future.

But the hon. Gentleman must remember where we come from. We inherited a power station so old that it literally blew up on Easter Sunday 2013. We were left without power for days, and potentially for weeks. We recovered that position. Gibraltar now has a reliable, diversified source
2695 of power, and that is complying with our obligation to deliver energy security. The hon. Gentleman must listen to himself. Don't stop believing. It is a journey and we are taking Gibraltar there.
(Banging on desks)

Mr Speaker: The Hon. Marlene Hassan Nahon.

2700
Hon. Ms M D Hassan Nahon: Mr Speaker, the Hon. Minister for Health and Energy answered the question by my hon. Friend here saying that we should not be politicising this and that the Opposition likes to tweet when something goes wrong, but from my research the tweets have been coming from the Government and the Chief Minister himself in 2014 saying that new plans
2705 must reflect lessons of such incidents so we never repeat. This is nine years ago. In 2016, another tweet guaranteeing our electricity supply, and then in the 2019 manifesto saying that now we have the security. The issue with Ukraine and Russia has only been in the last 10 months, but these issues ... and from this sheet we are having an average of 0.75 outages a month, which is almost one a week.

2710 So my question would be really it is about the people of Gibraltar, the businesses of Gibraltar, and how would the Government seek to regain their faith for our electricity supply when we have

had so many failures and so many unequivocal promises over the last seven to 10 years that this will not be happening again, by Government themselves?

2715 **Hon. Chief Minister:** Mr Speaker, the Hon. Lady has not understood what I have said about energy security, and of course she has not, as she says from a sedentary position, because she has once again mixed the power cut with the security. It is very simple.

The hon. Lady is suggesting that because we have a power cut because somebody goes through a cable, or because we have a power cut because there is a problem in the regasification facility, 2720 which is a problem that the system is designed to identify to prevent a catastrophic fault, we are not providing energy security. Yes, we are providing energy security, because now that we have got to the Ukrainian problem we do not have a problem with supply of fuel. That is a question of energy security. That is what energy security is about. Will we have power cuts? We will have power cuts. Will they be less often? Of course, once we have broken in the power facility it will be 2725 less often because by then these sensors will have been got exactly right, so you should have none of the issues that arise between the supplier of the fuel and the power station. As the engines become run in, as you say in respect of an engine, you will have fewer issues in respect of that.

The hon. Lady has heard me say before in this House one of the things that we are looking at is a grid that will run in two directions, the upgrading of the grid. We have talked about why you 2730 cannot upgrade the grid in one year or in one term, because that means digging up every road in Gibraltar. You have not got enough guys to dig and you would have no flow of traffic. It is something that has to be staged, so that the process that we inherited, which was a grid that had not been touched in 16 years – and I know they do not like to go back, but they have to understand that we have to go back to analyse the problem – is one that cannot be repaired in one year and 2735 it cannot be repaired in 10 years. It is a process that has to be undertaken. When we have that better grid, we will have fewer issues even with contractors going through cables because the new grid will be properly mapped.

Those are the things that are giving rise to power cuts, not energy security. Gibraltar is now one of the most secure jurisdictions in the world in respect of the supply of the fuel necessary for 2740 the generation of electricity as a result of the choices that we made; indeed, as a result of the choices that the people of Gibraltar made, because in 2015 this was one of the key electoral issues. Their power station or our power station. Go back to the one that was going to be at the entrance to the Nature Reserve or stick with ours and the gas station that we were going to develop, dual fuel, down by North Mole. The contracts had not been signed. The people knew that they were 2745 voting for one or the other. I am not going to claim the credit for this. The people of Gibraltar chose, in 2015, to go with this power station and they were right because in 2015, as we all remember, the dalliances on the other side of this House were with a company called SPARC, a Russian company. So much for energy security, Mr Speaker.

2750 **Mr Speaker:** The Hon. Roy Clinton.

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

Turning to Gasnor, can the Minister confirm that Shell disposed of Gasnor? Did Shell discuss 2755 the disposal with the Government at the time, in terms of the continuation of provision of service by Gasnor, and what were the discussions at the time? It is a simple question.

Hon. Chief Minister: Mr Speaker, the Government is not answerable in this House for the decisions of Shell. I can tell the hon. Gentleman that we were notified of the change of shareholder 2760 in Gasnor.

Mr Speaker: Next question.

Q165/2023

**Mask wearing at the Hospital –
Reason for reintroduction and where purchased**

Clerk: Question 165/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Why has the GHA reintroduced masks on entering the hospital facilities, and where have these masks been purchased?
2765

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, mask wearing was reintroduced for all areas at the GHA due to the increases in multiple respiratory infections, including COVID-19, seasonal influenza and RSV. This adds an extra preventative and precautionary layer of protection during the surge of infections.

As per my answer to Question 583/2022 to my hon. Friend Mr Phillips, the GHA have advised that the masks being used are from the existing stock purchased in July 2020 pertaining to the consignments which were not compliant with FFP3 standards for clinical use.
2770

Hon. Ms M D Hassan Nahon: Mr Speaker, a couple of follow-ups. I noticed that the masks had been introduced myself when I went into the Hospital, but I would like to ask the Minister why they have been moved, because I have since been to the Hospital and they are no longer at the entrance, so has this policy changed? Or they were not last time I went, which was about a week or 10 days ago.
2775

Hon. A J Isola: Mr Speaker, I have been to the Hospital today, this morning, and as you walk in, on the right hand side there is a big box full of masks for public use, so they continue to be there.
2780

Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Hon. Minister if there is more equipment from the faulty COVID consignment that is waiting to be used?

Hon. A J Isola: Not that I am aware, Mr Speaker. What we are doing is using the masks that cannot be used clinically for use by the public. I am not aware of any other equipment that is not being used.
2785

Mr Speaker: Next question.

Q166-67/2023

**GHA Director General role –
Proposed interim arrangements; selection process**

Clerk: Question 166/2023. The Hon. Ms M D Hassan Nahon.
2790

Hon. Ms M D Hassan Nahon: Given the recent announcement that Prof. Geoghegan will be stepping back from his role as Director General, can Government confirm how the management team will be organising itself in the interim to provide leadership to the GHA?
2795

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 167/2023.

Clerk: Question 167/2023. The Hon. Ms M D Hassan Nahon.

2800

Hon. Ms M D Hassan Nahon: Given that Prof. Geoghegan has indicated that he will be involved in selection process of his successor, can Government confirm what the selection process will entail and who else will be involved in the process?

2805

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

2810

Hon. A J Isola: Mr Speaker, the Director General works closely with his senior executive team, whereby each executive director has a portfolio of responsibilities. These responsibilities will not change and the Director General will continue to communicate with his team to continue to monitor, advise and support them at all times. Sandie Gracia, Director of Nursing Services, who is a very experienced member of the executive team, will take on the day-to-day co-ordinating role.

2815

The GHA has contracted a UK recruitment specialist, GatenbySanderson, who are experienced in public healthcare recruitment, to ensure that they have access to an appropriate pool of highly qualified candidates. The Chair of the GHA Board and the Director General will drive the selection process. The composition of the panel has yet to be decided. The vacancy will be advertised this month both locally and overseas and the GHA expects to conclude the recruitment process by mid-April 2023.

2820

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. Is he saying that the recruitment process will finish, or that we will have an announcement by mid-May?

2825

Hon. A J Isola: Mr Speaker, I said the GHA expects to conclude the recruitment process by mid-April 2023.

2830

Hon. Ms M D Hassan Nahon: So does this mean that we will have an announcement by that time, or will they finish their process but we will not ...? Is everything going to be completed and by mid-April we should be having a new Director General?

Hon. A J Isola: That is the intention and that is what we would like to see happen.

2835

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just ask one final supplementary. The question that gets asked a lot by people who speak to me is the concern of bias in this process. Can the Minister give us any assurances that the composition of the board or the general process will be very well guarded from any potential bias?

2840

Hon. A J Isola: Mr Speaker, I am not sure what the hon. Lady is referring to. I do not know how there can be bias in respect of a process that has not even started.

2845

As I have already said in my answer, the Chair of the GHA Board, Prof. Ian Cumming, will be in charge of the process, the Director General will be supporting and assisting him, and the rest of the selection panel has yet to be picked. If the hon. Lady is asking whether I will be on it, the answer is no, I will not be. It will be a board that will have one objective and that is to find the best possible person to drive the GHA forward after April 2023.

2850

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, just one last question. Does the Minister mean that Prof. Geoghegan will stay in post until mid-April? There will not be a gap where he is not actually working for the system and we still do not have a new director general? Just to check.

2850 **Hon. A J Isola:** Mr Speaker, so long as his health permits, Prof. Geoghegan will be working closely with us to April 2023 and, if possible, thereafter in potentially a different role. He is developing a strategy which I have been promising hon. Members for some time and which he will deliver, and I would very much hope that, if his process with dealing with the cancer that he has enables him to, I will be keeping very close contact with him and he will continue to work with all of his colleagues at the GHA.

2855 We have not yet agreed with him a termination date in respect of his employment, and the longer we can keep that going, frankly, the better for the GHA and for all of us. So I am working closely with him in the hope that we will continue to work together to deliver the changes and the programme that he has set out for us.

2860 **Hon. Ms M D Hassan Nahon:** Thank you for that answer.

Just because the hon. Member spoke about a possible different role for the current Director General, maybe I have missed it, but can he give us any more details, if he has not already, on what potential role the current Director General would have in the future, health permitting, of course?

2865 **Hon. A J Isola:** Mr Speaker, the Director General has built up a huge amount of knowledge and expertise in respect of how we run the Hospital. He is very acquainted with what we do well and what we do not so well, and he has developed and devised a plan in respect of most of these areas as to how we can improve that. So if we are able to retain him in whatever capacity ... I am not saying there is even an agreement to this extent. It is something that I have talked to him about, but I have not agreed anything with him, so I feel it is a bit premature having this discussion across the floor of this House, but for as long as we can have access to his incredible knowledge in respect of St Bernard's and the care services we provide, I would like to keep that.

2870 I am not able to say anything more at this stage. I wish him very well in his treatment and I hope that we will continue to be able to work with him for some time yet.

2875

Mr Speaker: The Hon. the Chief Minister.

2880 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I join the Hon. Minister in wishing Patrick Geoghegan well? I know that he is going to go through a difficult process, like all those who go through prostate cancer diagnosis and treatment, and I know the whole House will want to wish him well, and indeed all of Gibraltar.

Mr Speaker, I propose that the House should now adjourn until tomorrow at 3 p.m.

2885 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday, 14th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Tuesday, 14th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 14th February at 3 p.m.

The House adjourned at 7.27 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 7.00 p.m.

Gibraltar, Tuesday, 14th February 2023

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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*]

Supplementary questions – Reminder of ruling by Speaker Canepa

Mr Speaker: Before we start with the question and answer session and the questions directed at the Hon. the Chief Minister, I think I would like to read out the extract from a ruling made by Speaker Canepa in September 2016, which I referred to in last month's session. It was mainly to do with preambles, but there is some more information connected with that and I would like to read it out so everybody can take it on board:

... should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper. As I have previously said, I expect supplementary questions to be, in the main, short, sharp and to the point. Needless to say, however, I will always exercise discretion.

After yesterday's marathon, particularly in the supplementary question parameters, I think we need to focus on keeping the supplementary questions at a reasonable level.

Thank you.

10

Hon. K Azopardi: Mr Speaker, can I just rise? Of course, I hear what Mr Speaker says on that, and of course we respect your ruling.

On the short, sharp, to the point issue, it would be helpful sometimes if ... The answers sometimes are extremely long and perhaps not short, sharp and to the point. This is not because I am encouraging them not to give us information, but a lot of the answer is sometimes not information, it is a lot of ... (**A Member:** Gas.) yes, gas around the edges.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is here to give information. Sometimes that information is about gas, as it was yesterday in relation to the LNG facility. But your ruling, rightly, and the rules relate to questions, they do not actually relate to answers. The Government will always seek to provide the information requested, if it is possible to provide it, in the most succinct and politically necessary manner that the Government considers appropriate, and always subject to your ruling, of course.

20

If we answer shortly, hon. Members opposite complain that we do not provide information. If we answer at length, hon. Members opposite complain that we have answered at length. So we shall continue to do our best not to entertain hon. Members' preferences, but to inform the public of the information we believe should be put in the public domain in this Parliament in providing accountability in answer to such questions as hon. Members may put.

25

Hon. K Azopardi: Speak, if I may –

30

Mr Speaker: I think we are now developing into a debate. I will give you just one opportunity to make a short statement quickly.

35 **Hon. K Azopardi:** If I may, the only point that I wanted to make to Mr Speaker is that I am not discouraging anyone from answering in the way that they want. All I am saying, Mr Speaker, is that you have made a ruling, but of course have said at the same time that it would impact on the number of supplementaries because there were marathon sessions yesterday. But a lot of the length of the session has nothing to do with the questions; the answers make it very long. We
40 cannot be penalised as the Opposition from asking questions because the answers just make us go into a longer session. We do not have a problem sitting here as long as necessary, and I just wanted to make that point, Mr Speaker, respecting, of course, your authority on the issue. I am not seeking to overturn anything. All I am saying is that looking at it overall, it would be seen that it is not the questions that are prolonging the session, it is the answers – and I do not have an
45 issue with that, by the way.

Hon. Chief Minister: Mr Speaker, if I might respond to that. The answers sometimes are shorter than the questions, and I think that if the hon. Member wants to sit there and pretend otherwise and say from a sedentary position that it is not true, I invite him simply to bring out a ruler and
50 measure the lines of *Hansard*, which show that in some instances the questions are much longer than the answers, whether he likes it or not.

Mr Speaker: We are now going to proceed to the question and answer session. (*Interjection*) We are now going to restart the question and answer session, and we start with the questions to
55 the Hon. the Chief Minister.

Questions for Oral Answer

CHIEF MINISTER

Q198/2023

Financial statements 2016-17 and 2017-18 –
Principal Auditor's changes

Clerk: Question 198/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise, further to Q387/2022, if the Principal Auditor has now completed his work for the financial years 2016-17 and 2017-18 as stated by the end of
60 December 2022, and what was the nature and quantum of the changes he requested for each of those financial years?

Clerk: Answer, the Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Principal Auditor has advised me that the changes to the 2016-17 and 2017-18 public accounts of Gibraltar are almost complete. The amendments to the financial statements at this stage relate to inaccuracies in the information presented.

70 **Hon. R M Clinton:** I am grateful to the Chief Minister for his answer.

Can the Chief Minister elaborate as to the nature of the inaccuracies? And I do not believe I have heard anything about the quantum of these inaccuracies.

75 **Hon. Chief Minister:** Mr Speaker, I am told there are a very small number of amendments for the financial statements ended 31st March 2018. He is finalising his report on two sets of the accounts and awaiting responses from a number of heads of department, within a set deadline, to include their explanations and comments on the most significant audit matters.

I do not think I have anything else which is anywhere near being able to give him an answer in respect of amounts. I have not been provided with that information by the Principal Auditor.

80

Hon. R M Clinton: Mr Speaker, from what the Chief Minister has said, I get the impression that there is still work ongoing. Would I be correct in that assumption? Would I also be correct that the Principal Auditor, in fact, has not finished his work as he had suggested he would have been able to do by December 2022?

85

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is asking me to surmise based on his interpretation of the answers that I have given. This is not my work, this is somebody else's work. I surmise a little like him, but I do not want to comment because it is not for me to comment. I am presenting the information that has been provided to me in answer to a question the hon. Gentleman has put. I could simply have said no because the Principal Auditor's work is completed when he sends me the accounts for me to table, but I have tried to provide some background – because I have not yet got the accounts – as to why I have not yet got them.

90

Hon. R M Clinton: Mr Speaker, my last supplementary on this: has the Principal Auditor given any indication of when he might be in a position to deliver the accounts to you?

95

Hon. Chief Minister: No, Mr Speaker.

Mr Speaker: Next question.

Q199/2023

Business Improvement District – Amount spent

100 **Clerk:** Question 199/2023. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how much money it has spent in supporting the Business Improvement District (BID) project from initial conception to the date of the moratorium?

105

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, legal fees of £37,507.28 have been paid from the initial conception. The BID was paid the annual Government contribution of £250,000 for 2022. We are not yet aware of the exact amount spent as at the date of the moratorium. We have been informed by the directors of the BID, however, that any remaining funding will be refunded to HMGoG once the accounts have been prepared.

110

We expect to meet with the directors of the BID in coming weeks. I would be very happy to provide a fuller breakdown of the part of the £250,000 that may have been spent when we have the information from the BID.

115

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. In terms of the £37,000 legal fees, does that include the cost of ... I believe it was somewhere in the region of £14,000 for the actual ballot?

120 **Hon. Chief Minister:** Yes, Mr Speaker.

Mr Speaker: Next question.

Q200/2023
Eastern Beach –
Location of CCTV cameras

Clerk: Question 200/2023. The Hon. D A Feetham.

125 **Hon. D A Feetham:** Mr Speaker, what CCTV cameras, and where, are in place in the Eastern Beach area to assist in the prevention of criminal activity in that area, even if they have not been installed for that specific purpose?

Clerk: Answer, the Hon. the Chief Minister.

130

Chief Minister (Hon. F R Picardo): Mr Speaker, there is no CCTV in place in the Eastern Beach area. There is one livestream camera installed on the northern lifeguard post at Eastern Beach, which is operated as part of the beaches.gi website. This is not CCTV as such, since the video signal is broadcast live on a public website, as opposed to a closed – that is to say non-public – surveillance circuit. CCTV, of course, means closed circuit television.

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Operationally, the Royal Gibraltar Police makes use of cameras maintained by third parties, and I am advised by the RGP that disclosure of their location is not in the public interest.

140 **Hon. D A Feetham:** Mr Speaker, does the Government accept that there are no GDPR issues in CCTV cameras to be put in place in Eastern Beach for the specific purposes of law enforcement?

Hon. Chief Minister: Mr Speaker, there are other questions on the Order Paper that relate to that issue. GDPR would not apply to CCTV for law enforcement.

Q201/2023
Eastern Beach –
Whether CCTV cameras continuously functioning

Clerk: Question 201/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government confirm that any CCTV cameras in place in the Eastern Beach area which would assist law enforcement agencies to assist in the prevention of criminal activity in that area have been continuously functioning?

I think he has answered that.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as set out in answer to the previous question, there is no CCTV in the area of Eastern Beach.

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Hon. D A Feetham: Given that he answered, in relation to his previous supplementary, that nothing prevents the setting up of CCTV cameras for law enforcement purposes, is there any reason why CCTV cameras have not been set up in the Eastern Beach area for law enforcement purposes?

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Hon. Chief Minister: Mr Speaker, I gave him an answer that suggests that there is coverage of that area by other cameras, but I would refer him to his next question because the supplementary is asking, in effect, what his next written question is asking.

Q202/2023

Eastern Beach –

Whether number of CCTV cameras sufficient

Clerk: Question 202/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, is the Government satisfied that there are sufficient CCTV cameras in place in the Eastern Beach area to prevent criminal activity in that area?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. No law enforcement agency has requested that the Government should fund any CCTV for the area of Eastern Beach.

Hon. D A Feetham: Does the Government believe, given the recent incident at Eastern Beach involving the Spanish customs vessel and the throwing of stones at that vessel, that there would be benefit in having CCTV cameras in that area in order to prevent criminal activity in that area?

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Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to an answer I gave a few moments ago about the fact that the law enforcement agencies, who are the ones responsible for law enforcement, have not suggested that we should be having CCTV in that area. In fact, I believe that there is another question on the Order Paper that deals with ... or may have dealt with already ... that there is coverage maintained by other parties. In fact, it is the first question, I think, I answered from him, Question 200, where I will repeat to him that operationally the Royal Gibraltar Police makes use of cameras maintained by third parties, and I am advised by the RGP that disclosure of their location is not in the public interest but it is in relation to Eastern Beach. So there is a lot of video of the incident in question, Mr Speaker. He might like to reflect on what I have said already.

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Hon. D A Feetham: And is the Government satisfied that if the allegations that have been made on social media and elsewhere that there is smuggling activity on a continuous basis via Eastern Beach, that activity would be caught by those cameras, which he says he cannot disclose, in or about the Eastern Beach area?

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Hon. Chief Minister: Mr Speaker, although that deals with questions that are to come on the Order Paper, I can tell the hon. Gentleman, as I have just told him, that the RGP relies on such cameras when they bring prosecutions in respect of such activity, if and when it happens. So I believe that if what he is doing is seeking simply to pursue a strand of questioning based on what

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has appeared on social media, he needs to listen to the answers that I give him, so that the hon. Gentleman can, having heard what I have said, clear up to those that may be putting it to him that in fact there is a lot of coverage – video coverage, if we can call it that – of the area, and that the Royal Gibraltar Police and HM Customs do not believe that additional CCTV in the area would be necessary in order to curtail any illicit activity or indeed to be used for evidential purposes in respect of the prosecution of such illicit activity.

Hon. D A Feetham: With your indulgence, if I may ask a final question in relation to this, has he personally had discussions with the RGP and HM Customs about the quality and indeed whether the CCTV coverage in place is adequate in relation to all those areas that he has just outlined in his last answer to my question?

Hon. Chief Minister: Mr Speaker, I have had a number of discussions with a number of different agencies. I am not going to disclose which they are, because by doing so I might disclose where those cameras are placed and the nature of those cameras. But I will tell him this. The cameras are such that I would be able to tell the brand of the button that his shirt enjoys, given where they are placed and given the power of magnification that they enjoy.

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Mr Speaker: Hon. the Leader of the Opposition.

Hon. K Azopardi: In the example he has just given, would they be able to tell the brand of the button on the shirt of the person during the day, but also during the night? Are they as effective during the night?

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Hon. Chief Minister: Yes, sir.

Mr Speaker: Next question.

Q203/2023

British Gibraltar Territorial Waters – Early warning systems to detect incursions

Clerk: Question 203/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, what early warning systems are there in place to detect incursions into British Gibraltar Territorial Waters?

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, tracking and responding to incursions falls under the remit and responsibility of the Ministry of Defence, as per the 2006 Constitution which the Hon. Leader of the Opposition reminds us he is the architect of, although I know the hon. Member asking the question was also a member of the team negotiating that Constitution, alongside the Hon. the Deputy Chief Minister and the Father of the House.

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The Royal Gibraltar Police obtains information from the Gibraltar Defence Police, who monitor and co-ordinate the response to incursions into BGTW with the Royal Navy. Additionally, the Gibraltar Port Authority has three radars and four PTZ camera stations deployed around Gibraltar, together with AIS receivers and other sensors. These systems are optimised for tracking and monitoring commercial shipping movements and operations, and their siting is tailored for this purpose.

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245 **Hon. D A Feetham:** Is the Government satisfied that those systems that are in place are adequate for the purposes of detecting incursions into British Gibraltar Territorial Waters? And in particular, if I may, so that I can cut my supplementaries in relation to this, are there any examples, that he is aware of, of incursions not having been detected by those systems, or are all of them detected?

250 **Hon. Chief Minister:** Mr Speaker, there is a question on the Order Paper where the hon. Gentleman asks me for the detail of incursions for a period of time. I will be able to give him chapter and verse on every incursion in Gibraltar. We are satisfied that we can spot them all, we are satisfied we see them coming and we are satisfied that we do not need anything else in order to be able to do that. But stopping them, when you are dealing with something happening at sea, in particular on a night which is stormy, where it is advisable not to be at sea, is something
255 completely different, although if we are able to develop Spider Man's web, we might be able to stop them just where BGTW starts. Until then, it is more complicated.

Hon. D A Feetham: One question. I could have asked it in some of the others as well, but I think it is probably convenient to ask it here. When the systems detect an incursion into British Gibraltar Territorial Waters, can he give us a flavour of ...? Is there an attempt on the Gibraltar side immediately to make contact? Is that possible at all? I am not technically ... Obviously it is not part of my expertise. Would it be possible for the Gibraltar authorities, in those kinds of situations, to make contact at an early juncture in relation to those vessels that are incurring into British Gibraltar Territorial Waters? And does that happen habitually?
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Hon. Chief Minister: Mr Speaker, this is a matter that has been debated in this House before and is public. When there is an incursion detected into British Gibraltar Territorial Waters, the Royal Navy engage the vessel, if it is a vessel of another state. They read a warning based on the behaviour of that vessel, warning A. Depending on the subsequent behaviour of that vessel, they may read warning B, and the warnings may increase depending on the activity of that vessel in BGTW.
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Gibraltar law enforcement agencies will not read sovereignty warnings in respect of state vessels of other nations because we are not empowered to do so, but Gibraltar law enforcement agencies will communicate with their law enforcement colleagues, if it is one of those law enforcement colleagues' vessels that are in BGTW, to try to ascertain why they are here and to try to ascertain why they have not been in touch before. All of this is publicly available information; we have debated it already in this House.
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Mr Speaker: Next question.

Q204/2023

Pursuit of suspects in waters around Gibraltar – Co-operation between Spanish and British Gibraltar law enforcement

280 **Clerk:** Question 204/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what systems are in place to assist co-operation between Spanish and British Gibraltar law enforcement officers when engaged in the pursuit of suspects in the waters around Gibraltar, including British Gibraltar Territorial Waters, international waters and Spanish waters?
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Clerk: Answer, the Hon. the Chief Minister.

290 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Gentleman is already aware, there are routine communications between Spanish authorities and the Royal Gibraltar Police in the policing of illegal activity. In fact, I am advised that the RGP has an excellent working relationship with its Spanish counterparts, which is demonstrated on a daily basis in their fight to combat drug smuggling across the Straits. We continue to seek further enhanced co-operation.

Q205/2023

**Co-operation between law enforcement agencies –
Conventions and international standards**

Clerk: Question 205/2023. The Hon. D A Feetham.

295 **Hon. D A Feetham:** What conventions or international standards underpinning co-operation between law enforcement agencies do British Gibraltar law enforcement agencies adhere to when pursuing suspects between territorial waters of different countries and between international waters and those territorial waters, or assisting the law enforcement agencies of other countries in the same situation?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Royal Gibraltar Police marine assets continue to abide by standing instructions not to leave British Gibraltar Territorial Waters unless specifically authorised to – for example, in the event of the need to save lives as required under the Safety of Lives At Sea Convention (SOLAS). This is a provision in line with the United Nations Convention on the Law of the Sea.

305 The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, known as the Hague Convention on Hot Pursuit, has not been extended to Gibraltar.

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Hon. D A Feetham: Just arising out of that answer, assume that Gibraltar law enforcement agencies are pursuing a suspect in British Gibraltar Territorial Waters – as soon as that suspect goes into international waters, what would happen in that kind of situation?

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Hon. Chief Minister: The chase can continue.

Hon. D A Feetham: Did he say the chase would continue?

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Hon. Chief Minister: I said the chase *can* continue.

Hon. D A Feetham: I thought he said in answer to the previous question that Gibraltar law enforcement agencies have standing instructions not to leave British Gibraltar Territorial Waters. So the exception is there for hot pursuit, essentially. Sorry. Can he perhaps clarify the confusion on this side?

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Hon. Chief Minister: Mr Speaker, hot pursuit only applies when you are going into the territorial sea of another state, not into an international sea.

330 **Hon. D A Feetham:** So is he saying that there are standing instructions not to pursue into Spanish territorial waters, for example, but they can pursue if the suspects go into international waters?

Hon. Chief Minister: Mr Speaker, different rules would apply to each of those circumstances.

335 **Hon. D A Feetham:** That may be so. I am just interested to test the information in accordance with the answer he has given me, because I am not clear in my own mind.

In answer to the previous question he said there are standing instructions for the RGP or law enforcement agencies not to pursue into ... I thought it was international waters. It appears that it is into Spanish waters. That must be correct, given that he answered in relation to one of my
340 supplementaries that if the suspect goes into international waters, the law enforcement agencies can pursue into international waters. Is that correct? Is my understanding now correct?

Hon. Chief Minister: No, Mr Speaker, I am afraid he is mixing apples with pears, but I am not here to give him legal advice on public international law, all of which is public and the case law of
345 which he can research. Although it would make for a very interesting debate, this is Question Time.

There are standing instructions that our Royal Gibraltar Police vessels and our Customs vessels should not leave BGTW because their role is to patrol BGTW. There are some instances when they may do so, in keeping with their instructions and in keeping with international law: first of all, for
350 example, if they are liaising with their Spanish colleagues and they agree that they should go into Spanish waters; second, if they believe it is necessary for them to go into international waters, whether or not they have cleared that with Spanish colleagues who have no role there, although they may be co-operating; and thirdly, if there are issues relating to safety of life at sea or there are other good reasons why they should go out, but they should clear that with their command.
355 But all of those things are matters of public international law for which I am not answerable in this House. The hon. Gentleman can look up one of the fantastic texts on this subject and soon learn more than I know about the whole subject.

Hon. D A Feetham: With respect, it is not entirely about international law. I was asking about the standing instructions. He mentioned standing instructions to the RGP, and the standing
360 instruction to the RGP was that they should not leave British Gibraltar Territorial Waters. What he is now saying, as I understand it – please correct me if I am wrong; that is my question – is that there are standing instructions not to leave British Gibraltar Territorial Waters, certainly not to go into Spanish Gibraltar territorial waters but not to leave British Gibraltar Territorial Waters except
365 in a situation where there is a hot pursuit into international waters or where there may be some rescue situation involved in international waters. They can go into Spanish Gibraltar territorial waters if they receive permission from Spanish counterparts and they are perhaps liaising in some form of co-ordinated approach with law enforcement agencies into Spanish Gibraltar territorial waters. Have I got it right?

370 That is not entirely about public international law. It is also about the instructions that they receive from Gibraltar because those instructions may well constrain the position from what the pure international law position may be.

Hon. Chief Minister: Mr Speaker, I do not think it is helpful for the length of the proceedings
375 for the hon. Gentleman to seek to summarise what I have said and ask me to confirm that that is the position I have set out. *Hansard* will show the position I have set out and it remains as set out.

Additionally, I will put it to him again that this is actually just the application of public international law with the interplay of the powers of this House as a legislature known in international law as a colonial legislature and the reach of our jurisdiction and when we can go
380 beyond it and the circumstances which allow our Gibraltar Police to exercise what would otherwise be known as extraterritorial jurisdiction, which is permitted in some instances but not in most. That also is a matter of public international law which the hon. Gentleman can research.

Mr Speaker: Next question.

Q206/2023
BGTW –
Incursions by Spanish law enforcement agencies

385 **Clerk:** Question 206/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions have there been in the last five years into BGTW by Spanish law enforcement agencies which have involved (1) innocent passage, and (2) pursuit of suspects involved in criminal activity?

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Clerk: Answer, the Hon. the Chief Minister.

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested. However, it is questionable whether passage can ever be innocent in the context of a sovereignty claim over the waters which is prejudicial to the peace, good order or security of the coastal state.

Answer to Q205/2023

Innocent Passage Record						
Year						
Month	2018	2019	2020	2021	2022	2023
January	77	80	70	98	42	62
February	97	65	101	129	54	
March	88	105	76	81	70	
April	119	117	100	122	116	
May	130	152	98	147	136	
June	170	101	119	153	129	
July	150	115	126	127	121	
August	142	87	88	140	97	
September	136	102	90	146	189	
October	124	117	114	95	250	
November	87	72	84	69	93	
December	75	42	90	52	28	

Mr Speaker: I do not mind waiting a few moments for you to digest the information.

400 **Hon. K Azopardi:** Sorry, Mr Speaker, I am not sure that that is the answer to the question. That is only the answer to half the question, surely.

405 **Hon. Chief Minister:** Mr Speaker, this is the schedule I have been given, because I believe that this is the only way that we record incursions as incursions. We do not consider them innocent passage, for the reason I have suggested. The question is about innocent passage, but we do not consider these to be innocent passage, (*Interjection*) and we are not able to give a breakdown as to pursuit of suspects involved in criminal activity.

410 **Hon. D A Feetham:** But the problem with this schedule, Mr Speaker, is that it is headed 'Innocent Passage Record' at the very top.

Hon. Chief Minister: Because the question is about innocent passage.

Hon. D A Feetham: No, the question is about innocent passage and pursuit of suspects, so where is the breakdown? This is the –

415 **Hon. Chief Minister:** Mr Speaker, let me see if I can explain it to hon. Members in a way that is more helpful.

We do not believe – and that is what I told him in the answer I was giving him – that there is such a thing as innocent passage through our waters by any state vessel of Spain, so we do not record anything as innocent passage, for a simple reason: there is a maxim of public international law that if a state has a claim on the other state, everything they do around the coastal state is interpreted as being not innocent. Separately, we are unable to give a figure in respect of which incursions relate to any chase that may have been ongoing, because that is not how the figure is maintained by us. And so the only number I can give him is the record of incursions for each year, which is what I am giving him, and that is what the table provides.

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Hon. D A Feetham: Okay. Just for the purposes of *Hansard*, does he therefore accept that the answer to Question 206 has to be amended so that the table does not reflect innocent passage record, but says ‘Incursion Record’?

430 **Hon. Chief Minister:** For the purposes of *Hansard*, Mr Speaker, I have said what I have said, and I have actually said it in the course of the introduction for the handing over of the table.

Hon. K Azopardi: Mr Speaker, the Hon. Chief Minister earlier said that there was excellent co-operation between the Police and the Spanish police. When they are following a vessel into Gibraltar waters, pursuing someone who they consider has committed a crime, do they notify the Gibraltar Police? And is that number of vessels included in this table, or is that a separate table?

Hon. Chief Minister: Mr Speaker, the answer is sometimes, and I believe that such eventualities would not be recorded on this table.

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Hon. K Azopardi: So if we were to ask for the number of times that that has happened, we would be given a different statistic by year. Is that correct?

Hon. Chief Minister: That is the next question on the Order Paper, Mr Speaker, I believe, or the one after that.

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Hon. K Azopardi: Mr Speaker, I am not going to cut across my learned Friend’s questions because it is his question, but it also uses the word, in the question, ‘incursion’, and what I am trying to establish is in compiling the statistics and giving the explanation that he has given, is he using that explanation under the umbrella word ‘incursion’ to distinguish from a situation where the Spanish authorities have communicated to our authorities that they are following a vessel in hot pursuit; and, if so, whether there is some kind of distinguishing information, table or number as a result of that, which would therefore not come in the answer to the next question.

455 **Hon. Chief Minister:** Mr Speaker, in the circumstances that the hon. Gentleman describes, we should not be dealing with an incursion.

Hon. K Azopardi: Precisely. If he does not consider that an incursion, we are not going to get the information in the next question, so I am asking if we were to table a question asking how many times they have had information that they are pursuing a vessel in the same years that my hon. colleague has asked, over the last four years, we would presumably get a different answer. Is that correct?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is, in effect, asking me a supplementary to Questions 207 and 208 when we are dealing with Question 206. I think that we need to not pre-empt questions on the Order Paper. It is one of the basic rules.

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470 **Hon. K Azopardi:** I give him a final opportunity because I do not think I am trying to do that at all. I am trying to understand the answer he has given. The answer he has given is, 'I cannot distinguish between innocent passage and pursuit of suspects,' for the explanation that he has given. He also talked about the co-operation of the Police. When I have probed him on that he says, 'Sometimes we get told,' and I want to know whether those stats are here or not. He said some of them might be, some of them will not be, and what I am trying to –

475 **Hon. Chief Minister:** They are not incursions and therefore they are not there is what I said.

Hon. K Azopardi: And therefore, if they are not incursions and they are not there, were we to put a question ... I am trying to understand –

480 **Hon. Chief Minister:** It is one of the next two questions to come.

Hon. K Azopardi: With respect to the Hon. Chief Minister, who is answering from a sedentary position, he said the answer to my question is that they are not incursions and therefore would not be in this table, which refers to incursions. But the following questions also refer to incursions, so they would not be there either, so I am trying to clarify whether if we ask a question that does not mention the word 'incursions' we will get the right statistic for the number of times that the Spanish police or authorities have notified our authorities that they are pursuing a vessel.

485 **Hon. Chief Minister:** And that question, therefore, can only be a supplementary to Questions 207 and 208, and we should not be jumping the Order Paper, Mr Speaker.

490 **Hon. D A Feetham:** The answers are the answers. However inadequate we feel the answers are, they are the answers and we just plough on.

Mr Speaker, just in relation to this table – which, with respect to the hon. Gentleman, should read 'Record of Incursions' – if we look at September and October 2022, we see that in September there were 189 incursions and in October 250 incursions. That is significantly higher than either in previous months in 2002 or indeed in previous months in any of the previous years, and certainly considerably higher than in September or October of previous years. Does he know or has he inquired as to why there is a spike in the number? Does he have a theory as to why there is a spike in the number of incursions in those two months in 2022?

500 **Hon. Chief Minister:** Mr Speaker, sometimes I feel as if hon. Members want to pretend that we are operating in a different world to the reality in which we operate. How do I know why Spanish state vessels came into our waters, contrary to our laws and contrary to international law, 250 times in October instead of 124 times in October 2018? I do not know why they came in 42 times in January 2022 instead of 98 times in January 2021. Neither do I know why they came in 28 times in December 2022 instead of 90 times in December 2020, because they should never be coming in, in a way that is an incursion. I do not believe it is acceptable that Spanish state vessels should come in once into British Gibraltar Territorial Waters, into what is undoubtedly British Gibraltar Territorial Waters and what the United Nations Convention on the Law of the Sea leaves no doubt is British Gibraltar Territorial Waters in respect of a convention where they filed a reservation which has absolutely no legal force based on a dry coast argument, which is medieval. I do not know, but it is nonsense that they should try to pretend that they can stop the application of the United Nations Convention on the Law of the Sea and therefore the very existence of BGTW by coming in 250 times or 2,500 times. I am not going to ask them why they are coming in more. I am going to always tell them that they should not come in, but that they will be very welcome if they co-operate with our law enforcement, communicate with them why they need to come through, and we will work with them to ensure that bad guys do not get the advantage of law enforcement agencies not working hand in hand together.

Mr Speaker: Next question.

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Hon. D A Feetham: No, Mr Speaker, I have a supplementary in relation to this. (*Interjection*) No, I am ... Mr Speaker, may I ...? I have not asked a supplementary.

Mr Speaker: I accept that the hon. Member can pose another supplementary.

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Hon. D A Feetham: [*Inaudible*] incursions to a figure of 250? So that I can give an idea to listeners, it was 95 in the same month in 2021, 114 in 2020, 117 in 2019, 124 in 2018 in the same month, so it is more than double. Does that have anything to do with the Spanish government turning the screws at this moment in time?

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Hon. Chief Minister: Mr Speaker, if they are turning the screw, they are turning it on the wrong guy and on the wrong government because the screws do not hurt and they do not make us blink.

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If the hon. Gentleman wants to give them the opportunity to have that issue highlighted in this House, which is a way that *would* put pressure on people in Gibraltar, because nobody was talking about the figure of 250 incursions until he started talking about it, he had better think carefully about how he deploys his politics for the benefit of the people of Gibraltar, because if he cares to look at the number of incursions and he were to do the addition across the board, he would find that 2022 is not the year when there have been most incursions. It might be a month in October where there is, but in 2018 there were 1,395 incursions. So I wonder whether Mr Feetham might want to think more carefully about what is in the interests of the people of Gibraltar rather than what is, in his view, the way of asking the most provocative question in the most provocative way.

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In 2021, there were 1,359 incursions, more than in 2022, so it does not seem to me that it is a turning of the screw, but what it does seem to me to be is entirely unacceptable. Whether it is innocent passage because we will not recognise it, whether it is pursuit of suspects without the agreement of Gibraltar authorities, whether it is to come in to see the *OS35* – the hon. Gentleman seems to have forgotten that that happened – or whether it is to come in to see what was happening with the *Grace 1*, all of those things, whatever the justification, if it is not cleared with the relevant Gibraltar authorities or with the Royal Navy, it is just as bad, and I for one will not fall into the trap of justifying, for Spain or anybody else, in the way that the hon. Gentleman has offered me the opportunity to do, any of those incursions or to become an apologist for Spain on why she might be pursuing that. I am not Spain's psychologist, Mr Speaker, but I suggest that some people should visit theirs.

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Mr Speaker: Next question.

Q207/2023

BGTW incursions by Spanish law enforcement agencies – Number involving requests for assistance

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Clerk: Question 207/2023. The Hon. D A Feetham.

Hon. D A Feetham: Thankfully, I have never visited a psychologist myself, but there is always a first time.

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How many incursions, in the last five years, into British Gibraltar Territorial Waters by Spanish law enforcement agencies have involved a request for assistance from law enforcement agencies or authorities in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

565 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this information is not currently available. To compile it would require a manual exercise going back, day by day, for five years.

570 **Hon. D A Feetham:** Mr Speaker, I do not understand the rationale behind the answer to the question. He has provided us with all these figures that show incursions into British Gibraltar Territorial Waters, the numbers in detail – although he has not provided the breakdown, but I accept that the numbers are there – and all we are asking is out of these numbers, or, if it is not in this table, what other numbers are there where there has been a call to British Gibraltar Territorial Waters, to put it in a way that everybody understands it ... where there has been a seeking of assistance. I just do not understand it.

575 Let me see whether at least he can be helpful in relation to this. If, for example, I were – *(Interjection by Hon. Chief Minister)* Please do not get upset about the questions.

Hon. Chief Minister: I am not upset.

580 **Hon. D A Feetham:** You are getting upset. *(Interjection by Hon. Chief Minister)* You are getting upset and I am trying to keep calm. You are getting upset and you are then going to get me upset as well. *(Interjection by Hon. Chief Minister)* Okay. All right. *(Interjection by Hon. Chief Minister)* All right. Okay. *(Interjection by Hon. Chief Minister)* All right, the absence of intellect that I put into the question.

585 **Mr Speaker:** It is now getting personal and that is not acceptable.

Hon. Chief Minister: *[Inaudible]* I apologise.

590 **Mr Speaker:** No ...

Hon. D A Feetham: If it was about me, I apologise anyway. I am in an apologetic mood, Mr Speaker.

595 How long would he need for this information to be compiled? If, for example, I was magnanimous and I offered to ask this question in the future, how long would it take the public servants to compile this information in order that he can provide an answer to this House?

600 **Hon. Chief Minister:** Mr Speaker, let me be very clear about the answer I have given. I have not relied, as the Hon. the Leader of the Opposition suggested earlier, on the use of the word ‘incursion’ to not provide an answer to this question, because in fact the question would be improperly phrased, because when a Spanish law enforcement agency makes a request to a Gibraltar law enforcement agency to come into BGTW, then that is not an incursion. It is not an incursion. But despite the fact that this question and the next question refer to incursions and in the next question it *would* be an incursion, I have not relied on that in order to not give an answer to this question.

605 What I want the hon. Gentleman to realise is that in Question 207 he is asking about situations which are operationally as they should be. In other words, a Spanish law enforcement official chasing somebody gets in touch with Gibraltar law enforcement officials and says, ‘I am coming, help me.’ That is not recorded anywhere. It is not recorded anywhere as an incursion or as a non-incursion or as a co-operation. Therefore, it is not an instance which is recorded in the table that I have given him before. It is not one of the 1,395 for the earlier years. It is not there, because that is not an incursion.

615 To go back would require us to check every single record for every single night of operation of HM Customs and of the RGP, to check whether they had a communication from Spanish law enforcement, and therefore it is impossible to do, not just in the time available but impossible to do because we would not be able to check our records going back that time in a way that is a good

use of government resources, and therefore it cannot be done. But it is not an incursion, it is not an improper entry into British Gibraltar Territorial Waters, it is a proper act of co-operation between law enforcement agencies, which would not be recorded as something contrary to either public international law or to our view of how Spanish law enforcement should co-operate with us, or indeed Moroccan law enforcement should co-operate with us.

Hon. D A Feetham: Does he not think that, as the leader of the Government, it would be beneficial to the Government to have the statistics available of incursions into British Gibraltar Territorial Waters in pursuit of suspects where there has been no call to the Gibraltar authorities, which he has already answered – he says he has already answered – in the table, and the statistics for the same period showing where there has been a call for assistance, so that he can then demonstrate the difference between the two scenarios? Does he think there would be a benefit to the Government to have those statistics available? He laughs in an exasperated way, but it is a sensible question.

Hon. Chief Minister: Mr Speaker, first of all, the first type of example that he refers to is in the next question on the Order Paper, which he is now leading me to. The second answer to his question is that I would ask him to once again think a little more carefully. If we were to have such a statistic and we were to publish it, it would tend to demonstrate that Spanish law enforcement officials are acting in a manner that is in keeping with our view of the application of public international law in respect of British Gibraltar Territorial Waters. What does he think – and I ask him rhetorically – would be the effect of that on the behaviour of Spanish law enforcement and their co-operation with Gibraltar law enforcement, or indeed the instructions that they might receive from higher up the chain politically, given the effect that that statistic might have on a Spanish theory of how they should behave in respect of accessing BGTW? And therefore, what would the effect be on law enforcement officials? I think if he reflects on that, he will understand that it is potentially hugely counterproductive to bandy such a figure about in public, and it could create much greater opportunity for those who are criminals seeking to squirm between these issues of jurisdiction and could create much greater danger to our highly prized law enforcement officers.

Hon. D A Feetham: And what would he have to say if I said to him that perhaps the reason for his reticence in providing me with these statistics is that they would show that only in a minority of circumstances do Spanish law enforcement officers actually do things properly when they come into British Gibraltar Territorial Waters in pursuit of suspects?

Hon. Chief Minister: I would say, Mr Speaker, that he has once again failed to understand the dynamic that we are dealing with. I have absolutely no doubt that, unfortunately, it is in an absolute minority of cases that Spanish law enforcement officials communicate with their Gibraltar law enforcement officials timeously and that that is a pity because it is politically driven, it is not law enforcement driven, and it would not be happening on my watch more than it was happening on their watch or on Sir Joe's watch or on Sir Joshua's watch. This is, unfortunately, the part of the world in which we operate. We have not been able to see a change to that in any of the periods of political leadership of Gibraltar, not because of the political leadership of Gibraltar, but political leadership elsewhere. So it is not an issue not to publish those statistics. It is regrettable that it is a minority of instances, and I hope that one day common sense will prevail and that will change.

Mr Speaker: Next question.

Q208/2023

**BGTW incursions by Spanish law enforcement agencies –
Number not involving requests for assistance**

665 **Clerk:** Question 208/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions in the last five years into British Gibraltar Territorial Waters by Spanish law enforcement agencies have not involved a request for assistance from law enforcement agencies or authorities in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in relation to the previous answer, this information is not currently available. To compile it would require a manual exercise going back, day to day, for five years.

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Hon. D A Feetham: A supplementary in relation to this: if I asked him at the next session to provide the information for just one year, would that be available? Would he have that information available either publicly or privately?

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Hon. Chief Minister: Mr Speaker, not in a way that is reliable, and therefore I would not want to give it across the floor of the House, but I am happy to consider giving it to him directly.

Hon. K Azopardi: Mr Speaker, for me to understand this answer, he says it is not available for the reasons he has explained in relation to the previous answer, but in relation to Question 206 he has given us this table. Is he saying that someone is recording incursions but the incursions table that we have received under Question 206 is not an all-inclusive log of incursions and that there are other incursions? How are they logged? If you are logging the incursions under Question 206, who is making the decision on not logging other incursions, and why?

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Hon. Chief Minister: No, Mr Speaker, I am saying quite the opposite; in fact, the complete opposite. The answer to Question 206 is all incursions. We will not justify the incursion by saying, 'Ah, but in this case the OS35', or 'Ah, but in this case they were doing this, that or the other.' They are all incursions, as far as we are concerned.

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Hon. K Azopardi: So I understand it now, the table at Question 206 is all incursions, but the only distinction he has made, at least in answer to me, is that if they are pursuing a suspect it is not considered an incursion?

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Hon. Chief Minister: No, Mr Speaker, if they are pursuing a suspect *and* they communicate with us *and* we are working with them in co-operation, then it is not considered an incursion. Or indeed – because we are going down the rabbit hole of chasing suspects – if they communicate with us that they are coming and we are co-operating with them, then it is not an incursion. Whether they are coming to chase a suspect, to come round the Rock to go to the other side of the coast, or whether they are coming to see the OS35 with us or whether they are coming to help us with the OS35, it is not an incursion. But when they come without talking to us and not in co-operation with us, it is an incursion, whatever they may be coming to do. I would have thought it was clear, Mr Speaker.

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Mr Speaker: Next question.

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Q209/2023

**Spanish territorial waters –
Incursions by Gibraltar law enforcement agencies**

Clerk: Question 209/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions in the last five years into Spanish territorial waters have there been by law enforcement agencies in Gibraltar either (a) because of
715 innocent passage or (b) in pursuit of suspects?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this information is highly sensitive. I am asked
720 not to disclose this information as it is data about operational aspects of the work of our law enforcement agencies. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

Q210/2023

**Incursions into Spanish territorial waters by Gibraltar law enforcement agencies –
Number involving requests for assistance**

Clerk: Question 210/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, of those incursions in the last five years into Spanish territorial
725 waters by Gibraltar law enforcement agencies in pursuit of suspects, how many involved a request for assistance from Spanish authorities/law enforcement agencies?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, for the same reasons as referred to in the
730 previous answer, this information is highly sensitive. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

Hon. D A Feetham: Mr Speaker, Question 210 is, in fact, the reverse of the questions that I
735 have been asking about the Spanish coming into Gibraltar territorial waters and seeking assistance. In relation to Spanish vessels coming into Gibraltar, he said it was too difficult to obtain that information for the last five years. That is the answer that he gave. Is this information available to the Hon. the Chief Minister? In other words, in the reverse is it available for the last
740 five years, or is this also too difficult to obtain? As I understand the answer, it is that it is available but he will have a private conversation with me. Just so that I understand it.

Hon. Chief Minister: Mr Speaker, I do object to being asked to stand up to agree or not agree
745 with the hon. Member's summary of the answers that I have given him, which in this instance is not incorrect, but I do not think it helps us at all that hon. Members should get up, replay the answer I have just given and ask me to give a yes or no answer. It is almost as if we were in comprehension back in school.

Hon. D A Feetham: Mr Speaker, does he not agree that it is odd? The reason why I have asked
750 this is that it is just odd, to me. There may be a reason. Maybe he can elaborate on the reason.

755 He tells me that he cannot give me the figures for Spanish vessels coming into Gibraltar seeking assistance from authorities in Gibraltar for the last five years, because, as I understood the answer, there is too much data, it is just not available. But now he tells me, in relation to the reverse, that the data is available and he is willing to provide it to me, or at least have a discussion with me privately. Doesn't he see that there is a ... not an inconsistency but a curious difference in the answers he has provided?

Hon. Chief Minister: No, Mr Speaker, I do not see that there is an inconsistency or an imbalance. One is man bites dog and the other one is dog bites man.

Q211/2023
Incident at Eastern Beach –
Whether Spanish officers called for assistance

760 **Clerk:** Question 211/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to the recent incident at Eastern Beach, did Spanish officers at any time call for assistance from British Gibraltar counterparts or authorities? I assume he has this information.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

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Hon. D A Feetham: I thought it was my lucky day, but obviously it is not. Does he at least have that information, even if he is unwilling to provide me with the answer at this stage?

775 **Hon. Chief Minister:** Mr Speaker, I am not unwilling to provide him with the answer. It is just that that is a live investigation. This is a parliament and a parliament should not be commenting on what is a live investigation. I have information which has been provided to me, but it has been provided to me on the basis of confidentiality, and parliaments do not debate live criminal investigations.

780 **Hon. D A Feetham:** Is he saying that there is a criminal investigation? It is a criminal investigation in relation to which suspects, suspects in this jurisdiction or suspects in Spain? And does it include the Spanish officers as being suspects?

785 **Hon. Chief Minister:** Mr Speaker, it would be highly unusual for a minister to answer a question in a parliament about an ongoing investigation seeking to identify or not identify who is or is not a suspect. I know that the hon. Gentleman is trying to play to the gallery and I recognise why he is doing it, but I am not going to fall into the trap of permitting *this* Parliament to become a place where live criminal investigations are debated. I believe, indeed, it is probably outside of the Rules, although I cannot put my hand on the rule at the moment whilst I am on my feet.

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Hon. K Azopardi: Can I just ask? The Hon. Chief Minister is reluctant to comment on the ongoing investigation, yet the question –

795 **Mr Speaker:** I am not sure whether that is right. He is not reluctant; he has explained the reasons why, and I think the hon. Member should take that on board. I do not agree that the characterisation that he is reluctant is appropriate.

Hon. K Azopardi: I thought that I was expressing the kind of tone that he was using without using the word 'reluctant', but I am not going to put words in his mouth, Mr Speaker.

800 He has said he does not want to comment on that, but on the other hand the question is quite specific about whether there was a call for assistance, and I thought he had commented already, to GBC in the media interviews, on information which is not precisely this answer, but questions that related to whether or not they wanted medical assistance when they were here. It is just a related question. That is as much part of the investigation, surely, as the question that my hon. colleague is asking, but he has not been reluctant to answer those questions.

Hon. Chief Minister: I am not reluctant, Mr Speaker. I would be delighted to have a debate about this issue and share my views, which are no doubt in keeping with his and those of all members of our community. But one thing is what I may be able to say in a media interview – indeed, what we can say about each other in a media interview. It is quite another thing what we are able to and what is appropriate for us to say in this place.

810 When I am talking about whether or not we have tendered medical assistance to individuals who are in Gibraltar, whether they are law enforcement agents or not law enforcement agents, that is not a matter which is subject of a criminal investigation. Did we tender medical assistance? Yes, we did. That is not a criminal investigation. Where did the vessel come from etc. – and there are other questions, which we will come to now – those are part of a criminal investigation. As far as I am concerned, we do not debate live criminal investigations in this House, Mr Speaker.

Hon. K Azopardi: There is a distinction, surely, between ... What I thought was the ambit of the question is if, for example, they were in hot pursuit, did you call for assistance? That is a distinction between the quite separate investigation into whatever happened on Eastern Beach that day. Does the Chief Minister see it all as part and parcel of the same thing and is not making a distinction as to whether or not they made a call first to say, 'We are on our way into Gibraltar waters'?

825 **Hon. Chief Minister:** I am sorry, Mr Speaker, I think I have been abundantly clear about this issue. There are aspects which I am advised are part of a criminal investigation. As a result, I cannot answer questions about that in this House, in order to comply with the conventions and Rules of this House.

830 **Hon. D A Feetham:** The reason why I asked whether the Spanish officers were suspects is precisely arising out of the question that the Leader of the Opposition has asked. If the Spanish officers are not suspects in any kind of investigation, there cannot be any possible reason why the question 'Did they ask for assistance prior to coming into British Gibraltar Territorial Waters?' cannot be answered. The refusal can only be seen in the context of an investigation in relation to the Spanish officers. I have to say I would doubt that there would be an investigation into the Spanish officers in the circumstances of this case, so we are entitled to ask the question. Does the Hon. the Chief Minister not see that distinction?

840 **Hon. Chief Minister:** Mr Speaker, I do not think that repeating myself is going to assist the understanding of the hon. Gentleman of the views that the Government is having to take because of the information put to us, but there is another question on the Order Paper which we will come to, about a diplomatic protest. Diplomatic protests would not be made in cases where Spanish law enforcement officials communicate to Gibraltar law enforcement officials that they are coming into Gibraltar and that they are seeking their co-operation. So there is no question of me not

answering or trying to avoid answering for that reason, because, in fact, all of that is already public and there is another question on the Order Paper, which I will answer.

850 **Hon. D A Feetham:** I do not understand his reluctance because following that answer and in the light of the answers that he has already provided to us during the course of this afternoon, if they had requested assistance prior to coming into British Gibraltar Territorial Waters, on the basis of the answers that the Hon. the Chief Minister has provided they would not be classed as incursions, ergo they would not have been doing anything wrong, so I do not understand on what basis ... Does he not agree with me that there is no logical reason why he should not be answering the question that I have posed?
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Hon. Chief Minister: Mr Speaker, I really do not think that my repeating once again the things that I have said is going to persuade the hon. Gentleman that he should not be, for the sake of being able to say that he pursued me on it ... that he should take another course.
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I am very clear what my views are about this incident. There has been a diplomatic protest already. Indeed, as I will say in answer to another question, a *note verbale* was handed in by the British Ambassador in Madrid. There is, therefore, no question of any of the things that the hon. Gentleman has suggested as my motivation for not answering the question in another way. I have been advised that there is an investigation. Therefore, the information that I have is not information that I can impart because it has been imparted to me in the context of that investigation.
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What I can say in the media to help defend Gibraltar's reputation is different to what I might be able to say in this Parliament, because this Parliament has rules, Mr Speaker.

870 **Mr Speaker:** Next question.

Q212/2023

Incident at Eastern Beach – Direction from which Spanish customs vessel entered BGTW

Clerk: Question 212/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, from what direction did the Spanish customs vessel involved in the recent incident at Eastern Beach enter British Gibraltar Territorial Waters?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in relation to the previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.
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Q213/2023

Beach livestream cameras – Night time availability

Clerk: Question 213/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government still intend not to make the beach livestream cameras available for online viewing between 11 p.m. and 6 a.m.; and, if so, why?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman should recall, the Government is acting on legal advice regarding this issue and is therefore unable to extend the live broadcasting of the beach cameras to include the hours he is referring to, due to data protection issues.

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Hon. K Azopardi: Mr Speaker, we struggle on this side to understand those issues, given the report that there has been on the GRA views on the subject, and indeed the fact that at night time it would be less easy to identify someone than it would be during the day. Therefore, we do not understand the position or the advice that the Government is receiving in light of what the GRA has said.

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Hon. Chief Minister: Mr Speaker, what the GRA has said is that as long as individuals are not identifiable, the processing of the footage will not be caught under the data protection legislation. That is what our lawyers sought from them at the time when we were being told by the GRA that we had to remove the cameras – not that we could play them at night if we wanted to or during the day, actually that we had to remove the cameras. In fact, the hon. Gentleman might recall that at one stage we had to take them down and people were complaining, because once the cameras were up, people wanted to be able to check how the Levante was in *el mal del Levante*.

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We have had to change the angle of the cameras, we have had to change the granular ability of the cameras to zoom in. At night. There are other issues, because the beaches are used at night sometimes by young people for eventualities that do not involve tobacco smuggling, where somebody being identified may not be the issue, but they might also be identified, and for that reason we went through a really difficult process internally where we wanted them on all the time throughout the year, 24 hours a day, and we were being told that that could not be the case because of the GDPR issues and because of the feedback that our officials were getting from the GRA. It is absolutely true that our decisions were not based on a ruling of the GRA because, based on the advice we were getting from our officials because of the things that the GRA was saying to them, we had to change the way that the cameras operated. But that is the reason for this.

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None of that relates to illegal activity on any of the beaches because, as I have said in answer to earlier questions, there are better cameras that provide law enforcement functions in respect of the beaches, but we do not want to disclose where they are because otherwise people might know that they can go to one place to commit offences but not another, or what angle to commit the offence and not others.

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The livestream cameras would not enable law enforcement to have better policing of the beaches. We have already offered the law enforcement agencies the possibility of CCTV cameras where they consider them appropriate through Gibraltar. We have rolled out a programme in that respect. They do not think that they need them at Eastern Beach etc. because there is a *really* powerful camera that shows them everything that is happening, and so they do not need this. This is the camera to show us whether there is Levante or not, not to show us whether Johnny and Jane have finally decided that they are going to get it together or whether or not we can all look at whether there is illegal activity on the beach – because this is not CCTV, this is live stream. This is for everyone in Gibraltar. And it is not as if CCTV is necessary for Eastern Beach, because given the affordable housing programme that we have provided for, Eastern Beach is now one of the beaches and one of the areas of Gibraltar which has the most eyes on it. There are about 500 families there already and there will be another 400 families there in coming months, or at least 200 families in coming months and an extra 300 families in other months.

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935 The hon. Gentleman is obviously trying to create this idea that we are trying to stop the cameras from being on at night so that tobacco smuggling activity can go on, when in fact there are really powerful cameras that catch all that area – and the good ones, the ones which show you the brand of the button of the guy who decides he is going to turn up to smuggle the box of Winston.

940 **Hon. K Azopardi:** Is he saying, then, that the decision to remove the cameras at night time is a government decision or a GRA advice decision?

Hon. Chief Minister: A decision made by the Government on the advice of government lawyers after they considered with the GRA the advice of the GRA.

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Hon. K Azopardi: But not that the GRA had advised that they should be removed at night time, but not during the daytime, not specifically?

Hon. Chief Minister: No, because as the Government understood it, the GRA were threatening to rule that we had to remove them completely during the day and during the night.

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Hon. K Azopardi: Was there a specific GRA ruling in relation to the matter? When he says they were threatening to rule, did they actually rule?

955 **Hon. Chief Minister:** Mr Speaker, by working with the GRA and trying to understand their parameters and change the operation of the parameters, we avoided the ruling which everybody would have wanted us to avoid, which was that we had to remove the cameras. So by changing the method of operation of the camera, the ability to zoom, the angle of the camera etc., we were able to avoid a ruling from the GRA to remove the cameras. And so we have the cameras now in
960 a way that the GRA accepts, because the purpose of the camera – and this is key – which is for people to see the weather conditions at Gibraltar’s beaches in order to be able to attend at the beaches during the day, is what the camera has to provide on the livestream. If you do not, and you let it run through the night or you let it focus on a particular individual whose physique might be more attractive to one person or another – and from the control that you have on your
965 computer you can zoom in – you do not comply with the rulings and therefore you are at threat of having to remove them completely, not just at night but also during the day.

Hon. K Azopardi: Does the Government not see that by not having the camera on at night, it looks like simply the Government is trying to avoid the embarrassment that you are going to see fast launch activity more during the night time than during the day?

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Hon. Chief Minister: Mr Speaker, it is possible that somebody might reach that perverse conclusion, it is possible that somebody might be led to that perverse conclusion, but I wonder who it is that would think that that is logical given that there are 350 families overlooking the beach at the moment and there are going to be 750 families overlooking the beach as from July.

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It would be a fool’s errand to think that the decision in respect of these cameras has been made because of activity that is, in any event, greatly reduced, as we will come to when we look at this in the context of other questions. But of course somebody could reach that perverse and incorrect conclusion if they wanted to and if they did not want to hear what I have said about the reasoning in respect of these cameras, and if they believed that everyone in their home is Gibraltar’s law enforcement agent looking through one of the cameras to see if they detect some illicit activity on the beach, when in fact we have two law enforcement agencies who are constantly patrolling our beaches, as I will come to in the context of another question, and we have very powerful, proper law-enforcement-and-beyond cameras, which do the job already of
980 showing those who need the data and the information – that is to say the security services, the
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defence services and the law enforcement agencies – all our beaches in all their glory, day or night. Johnny and Jane should beware.

Mr Speaker: Next question.

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Hon. D A Feetham: But isn't it the case that if the regulator now, as a consequence of the adaptation, has no problems with this livestream being available during the day, it is less likely ...? They have already said that they have no problem at night, yes, but because of the adjustments that have been made you cannot make out people's faces, it is less likely you are going to be able to make out people's faces at night time, so I just do not understand what the problem from the Government's point of view is, switching it off at night when the GRA say there is no problem at night and when people are less likely to be identifiable at night time than during the day.

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Hon. Chief Minister: Mr Speaker, the GRA has said a number of things, not just that. The GRA has said that the processing of footage must have a lawful purpose, a clear and justified purpose, with footage limited so that only the necessary personal data is processed for that purpose.

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These are not CCTV cameras, these are livestream cameras. The purpose is not to make every Gibraltarian a detective of what is happening on the beaches at night. The CCTV cameras in other places do not provide for that. The purpose is not to permit one partner to see whether in fact their partner is having an adulterous relationship with another, where they may not have to identify their face but they might identify their car. The purpose is not to enable us to see the full moon reflected on the glorious Mediterranean. The purpose is to see the weather, to see whether you want to go to the beach during the summer. If you go outside that purpose, you have to explain why you are doing it. On what basis would the cameras run at night? This is the issue we were faced with when we were going to run the cameras through the day and the night, innocently, not thinking of Johnny and Jane and the other things that can go on. And so the purpose is to see the weather during the day.

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Mr Speaker, if hon. Members think it is a huge issue I do not mind asking the Hon. Minister to go back again and try to change the purpose, so that if anybody wants to go skinny dipping at night, they can see whether there are olas or there are not olas on Western Beach, Eastern Beach or anywhere else. I do not really give a monkey's, and neither do I think that having the livestream camera is going to enhance or curtail any activity that there may be on the beaches which may be illicit. But the hon. Gentleman has just made me realise that there is one potential advantage of all of this, that maybe somebody from Madrid could tune in to the livestream camera and be reassured that there is no constant illicit activity going on from our beaches. Maybe that would be a huge advantage.

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Mr Speaker: Next question.

Q214/2023

Beaches –

Whether patrolled at night

Clerk: Question 214/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, do the Royal Gibraltar Police patrol our beaches overnight to prevent unlawful activity, and/or do other agencies such as HM Customs or Borders and Coastguard have such responsibilities?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Commissioner of Police and the Collector of Customs have informed me that the RGP and HM Customs patrol the whole of Gibraltar, including our beaches and coastline, to ensure Gibraltar's security and curtail illegal activity. They do so regularly and every night.

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Hon. K Azopardi: I am certainly glad to hear that, Mr Speaker, but the Chief Minister will have seen the comments of residents of Eastern Beach, like I have seen them, where, to paraphrase what they were saying, not many authorities were seen down there, and the beaches are used for unlawful activity. How can he reconcile that information that he has been provided with those comments? And has he asked the Commissioner of Police and HM Customs, to understand the regularity of those patrols and the nature of them given the comments that have been made by concerned residents?

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Hon. Chief Minister: Mr Speaker, there is another question on the Order Paper about whether I have given instructions about the regularity of patrols, or anyone. I do not give instructions about regularity of patrols. I do not believe it is the role of the Government to give instructions about regularity of patrols; I express concerns to the Commissioner and the Collector. I have expressed my concerns and I do not think it is appropriate for us to do more than that.

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Hon. K Azopardi: What I was asking was given the concerns that have been expressed by residents and the information that he has received, putting them alongside each other, can he not see that there is obviously some factual disconnection there, and that if the residents' concerns are correct, somehow those patrols are not working the way that they should be, and has that made him have a discussion with the RGP and Customs – knowing that he will not give those specific instructions for the reasons he has just explained, but has he expressed those concerns to the Police and Customs and has he been told that the patrols would be increased?

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Hon. Chief Minister: Mr Speaker, I do not accept the premise of the question and therefore I have not had that discussion in that context. The next question on the Order Paper is about instructions.

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Hon. K Azopardi: When he says he does not accept the premise of my question, is he saying he thinks the patrolling of our beaches is sufficient?

Hon. Chief Minister: Mr Speaker, I am saying that I do not know enough about what frequency of patrolling of our beaches to be sufficient or not be sufficient is appropriate because I am not an expert on security and how it is done, and indeed I leave that to the experts who know how it is done. The fact that we have had one incident in a very long period of time suggests to me that they are getting it right.

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Hon. K Azopardi: Mr Speaker, I was not asking about that one incident. What I was relaying to him is the wider concern that it is not just one incident, that there is unlawful activity from that beach and other beaches, and if that concern is also reaching him, as it is reaching me, and it is indeed in the public domain in the comments that people have been making, the residents, shouldn't he be having that discussion with the Police and HM Customs?

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Hon. Chief Minister: Mr Speaker, for the reasons he has just said, if something is reaching him and it is reaching me – and it is not our job to be on top of those things; and we do not have intelligence feelers out there, we have supporters and constituents – it will be reaching the Collector of Customs and the Commissioner of Police. One has to be very careful, other than to express concerns in light of particular instances. I have expressed concerns about the incident in

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question, but I am not going to express concerns based on ad hoc information put on social media or referred to me which I am unable to test in the way that law enforcement is able to test.

1085 I know that there have been administrations who have told the Police what to do and how to do it and how to manage their shifts and how to change their shifts. We are not that administration, Mr Speaker.

1090 **Hon. K Azopardi:** Mr Speaker, I am not asking him to just ... Of course he is not an expert, nor am I, but he is the Chief Minister and I assume he has discussions with Customs and the Police, because they have relayed this information to him. All I was saying is that during the course of that, presumably, if he had heard the same concerns that I have heard, he would have mentioned to the RGP and Customs, 'This is the information that is reaching us,' and Customs or the Police would say, 'I am sorry, Chief Minister, that is not true, because we patrol the beaches from 11 o'clock until 6 a.m. – we go every hour, we do it in a patrol car, we do it in this way, we do it in that way,' and he would either be assured or not assured. But it does not seem that he has been having those discussions of detail, and I would invite him to do so. Does he not agree that it would be relevant to do so?

1100 **Hon. Chief Minister:** No, sir.

Mr Speaker: We need to move on to the next question.

Q215/2023

Beaches and waters – Instructions given to RGP and HM Customs re patrols

Clerk: Question 215/2023. The Hon. the Leader of the Opposition.

1105 **Hon. K Azopardi:** Mr Speaker, have RGP officers or HM Customs officers been instructed not to patrol our beaches or waters at night or to lessen the frequency of patrols generally or within certain areas at certain hours; and, if so, why?

Clerk: Answer, the Hon. the Chief Minister.

1110 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the security of Gibraltar and its people must surely be one of the highest importance to any Government. In light of this, His Majesty's Government of Gibraltar does not issue any operational instructions to its law enforcement agencies. We have never done so and we never will do so. They determine independently how best to ensure the security of Gibraltar and its people, and that includes the patrolling of our beaches or waters and the frequency of such patrols and all aspects of such patrols, including but not limited to the areas and hours in which such patrols are or are not conducted.

1120 **Hon. K Azopardi:** Mr Speaker, the question asks whether RGP officers or HM Customs officers have been instructed not to patrol our beaches. It does not ask whether the Government has given those instructions. Is the Government aware whether RGP officers or HM Customs officers have been instructed not to patrol beaches or waters at night in particular areas or to lessen the frequency?

1125 **Hon. Chief Minister:** No, Mr Speaker, and in providing this answer, which we answer on behalf of the Government, we have obviously checked with the Commissioner of Police and the Collector of Customs. But it is frankly perverse to think that that would be the case, and to send a signal to

the world that the Opposition have to even ask the Government whether it or any of our law enforcement agencies with the power to give such a direction would give such a direction.

1130 **Mr Speaker:** Next question.

Q216/2023

Eastern Beach incident –

When Gibraltar authorities became aware of Spanish vessel in Gibraltar waters

Clerk: Question 216/2023. The Hon. the Leader of the Opposition.

1135 **Hon. K Azopardi:** Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a Spanish SVA vessel was within Gibraltar waters and so close to shore before the incident on or about 2nd February 2023?

Clerk: Answer, the Hon. the Chief Minister.

1140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

Mr Speaker: Next question.

Q217/2023

Eastern Beach incident –

When Gibraltar authorities became aware of Spanish RIB landing

1145 **Clerk:** Question 217/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a small RIB from a Spanish SVA vessel had landed at Eastern Beach on or about 2nd February 2023?

1150 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

1155 **Hon. K Azopardi:** Mr Speaker, I rise just to ask him this, because again, in his GBC media interview he seemed to be quite relaxed about discussing some of the aspects of the landing and timings of when the RGP had come. There is footage that suggests that the RGP had turned up at the scene somewhere between four and six or eight minutes after the landing, but I was trying to get a more precise timing if the information was had by the Government. Is he still sticking to that original answer, that he is unwilling to do that here but willing to do so outside?

1160

Hon. Chief Minister: Mr Speaker, I am not unwilling; I am advised that I am unable to provide that information in this House.

1165 **Hon. K Azopardi:** To be clear, he has advised that he cannot give information in this House but he is able to talk about it in media interviews outside this House. Is that correct?

Hon. Chief Minister: No, Mr Speaker, I am advised that the information I provide outside this House, which is not the level of precision that I can give here, can be in keeping with what is in the public domain and represented for Gibraltar, in Gibraltar and outside of Gibraltar. But I am asked, in particular, in this House about when, and I have the information and it is precise. I am unable to provide it in this House whilst there is a live investigation going on.

Mr Speaker: Next question.

Q218/2023
Eastern Beach incident –
Diplomatic action and steps taken

1175 **Clerk:** Question 218/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is Government aware what diplomatic action has been taken in respect of the landing at Eastern Beach of armed Spanish officers and the shooting of firearms at Eastern Beach, and what steps has it taken in relation to the incident?

1180 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, as has been reported publically, a *note verbale* was issued last week by the United Kingdom government as a formal diplomatic protest to Spain following the incident at Eastern Beach.

Hon. K Azopardi: Mr Speaker, is the Government aware of any response – official response, not just a press release and the comments in the press? Has there been an official Spanish response to the *note verbale*, and has the Government been informed of it?

1190 **Hon. Chief Minister:** Mr Speaker, the Government has been informed of all of the exchanges that have taken place between the United Kingdom and Spain in respect of this matter, but not of any formal response by Spain at this stage.

1195 **Hon. K Azopardi:** Mr Speaker, does the Government agree with me that the landing and the firing of arms by the Spanish officers on Gibraltar land was entirely unacceptable?

Hon. Chief Minister: Mr Speaker, I am very pleased that the Hon. the Leader of the Opposition agrees with me and with His Excellency the Governor, as we said on 3rd February that this incident was a violation of British sovereignty and it was a grave breach of our sovereignty and jurisdiction.

Hon. K Azopardi: Mr Speaker, does the Chief Minister agree with me that it was somewhat incongruous for a Foreign Office source to have been quoted in *The Times* as having apologised to the Spanish officers who had fired arms in Gibraltar, and that was somehow rather inconsistent with the filing of the *note verbale*? And has he asked the Foreign Office whether that represents the official position of the Foreign Office?

Hon. Chief Minister: Mr Speaker, that does not represent the official position of the Foreign Office. The official position of the Foreign Office is set out in the press release provided here and

1210 in the *note verbale* that has been given to Spain, and therefore I would caution that the hon. Gentleman should not believe things which are unattributed to individuals in newspapers.

Mr Speaker: Next question.

Q219/2023
Eastern Beach incident –
Whether any arrests by RGP

Clerk: Question 219/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, have the Royal Gibraltar Police undertaken any arrests in relation to the incident at Eastern Beach on or about Thursday, 2nd February 2023?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no arrests have yet been undertaken in respect of this matter.

Q220/2023
Eastern Beach incident –
Monitoring, security and enforcement systems

Clerk: Question 220/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, does the Government accept that the incident at Eastern Beach on or about 2nd February 2023 exposes flaws in our monitoring, security and enforcement systems; and, if so, how will these be improved?

Clerk: Answer, the Hon. the Chief Minister.

1230

Chief Minister (Hon. F R Picardo): Mr Speaker, the incident at Eastern Beach is hugely concerning. The Government's concerns in respect of this incident go well beyond concerns about monitoring, security and enforcement systems. We are, therefore, already considering how best to address the issues that permitted such an incident to take place.

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Hon. K Azopardi: Mr Speaker, we share the view that it is concerning, but my question also asked how will these be improved. Does the Government already have in mind the kind of measures that it will take, or is it early days? I accept that it has only happened relatively recently, but given the severity of the incident, has the Government been able to consider and take it to the stage where it now has a view of the kind of improvements it would want to make?

1240

Hon. Chief Minister: Mr Speaker, the Government has already implemented improvements and will be implementing even more improvements to address all of the issues that concern us, which go beyond the items set out in the hon. Gentleman's question, but of course I cannot go into them and I cannot explain them because then their use would be vitiated.

1245

Mr Speaker: Next question.

Q221/2023
Tobacco smuggling –
Number of prosecutions in last five years

Clerk: Question 221/2023. The Hon. the Leader of the Opposition.

1250 **Hon. K Azopardi:** How many prosecutions have there been for tobacco smuggling offences in the last five calendar years, namely 2018, 2019, 2020, 2021 and 2022?

Clerk: Answer, the Hon. the Chief Minister.

1255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, law enforcement agencies report a major fall in the instances of tobacco smuggling in recent years. This is likely attributable to the pandemic, which led many to wisely give up smoking, and the tobacco MoU under the withdrawal agreement, which set a maximum 32% differential on tobacco prices with Spain. This differential had been upwards of 50% to 60% before that. Indeed, Altadis, the leading tobacco manufacturer
1260 in Spain, has recognised publicly the significant and drastic drop of an estimated 76.7% decrease in the illicit and unlawful tobacco trade in Gibraltar since the MoU on tobacco was entered into in 2018.

In terms of prosecutions, in 2018 there were 25, in 2019 there were 6, in 2020 there were 19, in 2021 there were 5, and in 2022 there were 3.

1265 The number of cases dealt with by Customs is as follows. In 2018, there were 25 cases with 48 arrests. The total amount of tobacco seized was 1,499,710, and the total amount of rolling tobacco seized was 198,350 g. Additionally, there were 69 instances of found tobacco, which resulted in 3,329,880 cigarettes and 144,350 g of rolling tobacco being seized.

1270 In 2019, there were 17 cases, 30 arrests, and the total number of cigarettes seized was 1,303,680. Additionally, there were 38 incidents of found tobacco, which resulted in 1,848,460 cigarettes and 300 g of rolling tobacco being seized.

In 2020, there were 16 cases, 28 arrests, and the total number of cigarettes seized was 820,420. Additionally, there were 27 incidents of found tobacco, which resulted in 2,133,640 cigarettes being seized.

1275 In 2021, there were five cases, 12 arrests, and the total number of cigarettes seized was 329,800. Additionally, there were 28 incidents of found tobacco, which resulted in 1,601,800 cigarettes and 5,000 g of rolling tobacco being seized.

1280 In 2022, there were eight cases and 12 arrests. The total number of cigarettes seized was 515,880 and the total amount of rolling tobacco seized was 1,500 g. Additionally, there were 47 incidents of found tobacco, which resulted in 1,065,220 cigarettes and 46,600 g of rolling tobacco being seized.

1285 Mr Speaker, therefore the total amount of tobacco seized was 4,829,590 cigarettes and 342,700 g of rolling tobacco in 2018; 3,152,140 cigarettes and 300 g of rolling tobacco in 2019; 2,957,060 cigarettes in 2020; 1,931,600 cigarettes and 5,000 g of rolling tobacco in 2021; and 1,581,100 cigarettes and 48,100 g of rolling tobacco in 2022.

1290 **Hon. K Azopardi:** Mr Speaker, can I just understand these statistics a bit better? He has given me the number for prosecutions and also gone into some detail on the cases and so on. Do I understand, when he says ...? For example, for 2019, in the second part of his answer he says there are 17 cases and 30 arrests. And then, if you look at the number for prosecutions, in 2019 there were six prosecutions. Is it because there are more cases than there are prosecutions? Not every case leads to a prosecution – is that the correlation there?

Hon. Chief Minister: Yes, Mr Speaker.

1295 **Hon. K Azopardi:** If that is so, then when we turn to 2020 he says there are 16 cases and 20 arrests, but he has given me the number of 19 prosecutions. How can there be more prosecutions than there were cases in 2020?

Hon. Chief Minister: Some of them may date from an earlier year.

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Hon. K Azopardi: Is he saying that because he has the information in front of him, or is he speculating as to the answer?

Hon. Chief Minister: I think it is pretty obvious, Mr Speaker.

1305

Hon. K Azopardi: It is obvious that he is speculating, or is it obvious that he has the answer in front of him?

Hon. Chief Minister: No, Mr Speaker, it can only be because they come from earlier years, or indeed because they are more than one prosecution resulting from one case.

1310

Hon. K Azopardi: Does he think that the number of prosecutions for 2021 and 2022 is quite low?

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Hon. Chief Minister: Mr Speaker, it seems to be inversely in keeping with the activity and with the revenue. There is much less seizure because there is much less revenue and there is much less activity. So the correlation seems to be exactly correct. When we had the revenue that we had, there was much more activity. Now we have much less revenue, there is much less activity, there is much less illicit activity, there are many fewer prosecutions. It is a really neat curve, Mr Speaker.

1320

Hon. K Azopardi: Government's advice and belief is that there is now far less unlawful activity than there has been in the two or three years before the MoU. That is its position, yes?

Hon. Chief Minister: And even before, Mr Speaker, and that is borne out and justified by the low levels of revenue, which the hon. Member has seen in the Estimates Book, and with the COVID Fund if we were taking 2019 as the year. If he looks at the years afterwards, there is much less activity in respect of tobacco, licit and illicit. It is obvious, Mr Speaker.

1325

Q222/2023

RGP, HM Customs and Borders and Coastguard Agency – Adequacy of resources and support

Clerk: Question 222/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, is the Government satisfied that the RGP, HM Customs and/or Borders and Coastguard have sufficient personnel, equipment, resources and support to monitor and enforce Gibraltar law within Gibraltar waters and at our beaches and curb any smuggling and unlawful activity?

1335

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. When we were elected, the RGP had a small launch and RHIBS which were confiscated. We bought the *Sir Adrian Johns* and then even more additional, bespoke RHIBS for the RGP. We then also bought additional, bespoke new assets

1340 for HM Customs. Both the RGP and Customs chose the type of vessels they required. We also
funded jet skis for the RGP. Obtaining, manning and operating these vessels to give our law
enforcement agencies the resources necessary to monitor and enforce Gibraltar law within
Gibraltar waters and at our beaches and thereby curb any illicit activity increased departmental
costs, which we agreed to despite being heavily criticised by our political opponents for such
1345 increases in spending.

Customs now have six vessels, three in use and three for training, one of them acquired just
last year from Damen Shipyard.

Having undertaken a strategic demand assessment arising from the recent HMICFRS inspection
on our marine capability, the RGP sold the *Sir Adrian Johns* and committed to engage with the
1350 Government to ensure that the policing capability and capacity of the RGP continued to be well
resourced. The RGP currently has three operational vessels, one of which is undergoing a refit to
ensure that she can remain in service for another five years. One of the other vessels will then
undergo a similar refit. Additional vessels may be purchased in future. Additionally, we have
developed a new and bespoke facility for the RGP Marine Section and for Customs.

1355 The number of police officers has increased from 253 when we were elected in 2011 to 301
now, an almost 20%, or one fifth, increase in the RGP manning level. Their budget has gone from
£10,566,000 to £17,549,000. The number of customs officers has increased from 113 when we
were elected to 171 now, an increase of 51.3%. That is an increase by half again of customs
officers. Never have such increases in manpower in law enforcement been delivered by any
1360 administration. The Customs budget has gone from £4,724,000 to £11,002,000.

So, having increased customs officers by 58 and police officers by 48, and Customs' budget
going up by £6,278,000 – that is to say approximately 133% – and the Police budget by £6,983,000,
or approximately 66%, the Government is entirely satisfied with both the physical and human
resources available to our law enforcement agencies, which have increased substantially in every
1365 respect since we were elected into government in 2011.

Hon. K Azopardi: Are the Police and Customs telling the Government that they consider they
have sufficient resources, equipment and support?

1370 **Hon. Chief Minister:** Mr Speaker, I do not believe there has ever been a Commissioner of Police
or a Collector of Customs so treacherous as to say to the Government that they do not want any
more. Of course every head of department, whether he is Commissioner or Collector, whether he
is the head of ITLD or the head of the tax department, always wants more resources, but I know
that in the negotiations that we have for budgetary resources the Commissioner and the Collector
1375 are amongst those who leave most satisfied and assured that the Government will fund whatever
resources they need. And indeed, as the hon. Gentleman will know, there are lines in their budgets
which they are able to exceed in respect of investigatory overtime etc., where they are given a
£1,000 provision so that they can exceed those amounts. I have not given the forecast outturns,
which would include those amounts of additional resources, but I have given the amounts of the
1380 estimates, which only provide those £1,000 lines.

Genuinely, the relationship between the Government, the Police and Customs in all budgetary
matters is very strong. We work very closely with them. We ensure that they have what they need
and we will always seek to ensure that they have what they want and not just what they need.

1385 **Hon. K Azopardi:** And given that the answer to the question that I asked a few minutes ago as
to whether the Government is satisfied that the Eastern Beach incident exposed flaws in
monitoring etc. was yes and the Government agreed that that was so and that it was reviewing
certain issues and so on, would that review – without pressing into the operational issues, which
of course I do not want to do – lead possibly to further resources, equipment and support
1390 personnel to the RGP and Customs?

Hon. Chief Minister: Neither Customs nor the RGP who have been advising the Government have suggested that the lacuna is in any of those areas.

Q223/2023
Smuggling –
Whether sufficient is being done

Clerk: Question 223/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does the Government believe it is doing enough to curb illicit smuggling?

Clerk: Answer, the Hon. the Chief Minister.

1400

Chief Minister (Hon. F R Picardo): Mr Speaker, since we were elected into Government in 2011, we have increased the price of tobacco very substantially. Additionally, the Government entered into a Memorandum of Understanding with the Kingdom of Spain in 2018 which, amongst other things, limited the difference between the retail price of tobacco in Spain and Gibraltar as well as providing for exchange of information mechanisms concerning tobacco importation and sales. In fact, although the MoU on tobacco is no longer in effect, HM Government of Gibraltar remains fully compliant with it and has continued to honour and give effect to the 32% differential in retail price from Spain agreed in the MoU. Previously, the differential could be upwards of 50% to 60%.

1405

Additionally, in 2017 the Government introduced tobacco special zones which restricts the sale and possession of significant quantities of tobacco in these areas and further enhances the RGP's and HM Customs' ability to clamp down on any illicit activity that may occur. This has eliminated *matuteras* that blighted the frontier area and the anti-social behaviour related to tobacco that blighted some estates.

1410

Finally, the Government believes HM Customs and the RGP are actively enforcing anti-smuggling legislation in Gibraltar, with arrests and seizures being effected regularly. I have already provided considerable statistical data in this respect and I refer, once again, to the comments from Altadis referring to a 76% decrease in tobacco originating from Gibraltar.

1415

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for that answer. I was more interested, actually, on the side of things of the agencies, how he responded to the Leader of the Opposition. What would the Chief Minister say about the perception that many in local authorities or agencies and bodies such as those do not necessarily feel so supported to carry out their duties effectively in order to curb such illicit activity? Could it be that despite the hike in financial support in resources and equipment, these bodies are not being instructed to focus as much as may be required on the smuggling side, but perhaps on other maritime endeavours or chores?

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Hon. Chief Minister: Mr Speaker, any such perception would be utterly nonsensical because a lot of the measures are designed to deal exclusively with tobacco. The tobacco special zones are an idea of a former Collector of Customs with the agreement of a Royal Gibraltar Police Commissioner. The whole structure is designed to ensure that the RGP and Customs can deal with illicit tobacco activity, removing shops from estates where people could scurry away into blocks and putting them in places where they are concentrated and therefore the RGP and Customs have direct eyes on them is part of that operation. Restricting the amount of tobacco that an individual can be in possession of in a particular area is part of that. Giving Customs and the Police the more nimble RHIBS that they have sought and are exactly designed for that purpose ...

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1440 We could not be doing more. We could not be more supportive. We could not say more that is supportive in public and in private. Every customs officer and every police officer knows that what we want is for Gibraltar to be known only for licit activity and not for illicit activity. We have demonstrated that, and indeed, if the hon. Lady does not want to believe what I am saying to her, I once again refer her to what the Spanish tobacco major, Altadis, has said about the reduction of tobacco originating in Gibraltar being detected in Spain – a 76% fall. I think that speaks for itself. It is remarkable. It is not our statistic, it is their statistic.

1445 But as I have also referred to the House, the amount of money that comes into our coffers from the sale of tobacco is greatly reduced, as we debate in the context of import duty when we have our budgets, and, as I have said to the Leader of the Opposition, the number of prosecutions is down but the activity is also greatly down and the reduction in prosecutions is obviously directly related to the reduction in activity. So in fact, anybody who has the sort of perception that the hon. Lady is referring to could not be one of the law enforcement officials in any of the agencies involved in the sterling work that they have done which has seen the reduction, because that speaks for itself as being a fact contrary to the alleged perception.

Mr Speaker: Next question.

Q224/2023
Trade office in Tangier –
Whether yet open

1455 **Clerk:** Question 224/2023. The Hon. D J Bossino.

Hon. D J Bossino: Which was that? (*Interjection and laughter*) Thank you!

Chief Minister (Hon. F R Picardo): Isn't that sinister?

1460 **Hon. D J Bossino:** Sinister? No, it is quite nice.
Mr Speaker, has the planned trade office opened in Tangier?

Clerk: Answer, the Hon. the Chief Minister.

1465 **Hon. Chief Minister:** Mr Speaker, was that Zeffirelli's *Jesus of Nazareth*? (*Laughter*)
The Government has no current plans to open a trade office in Tangier, although this remains under consideration.

1470 **Hon. D J Bossino:** I did not catch the answer because I made a comment and I should not have.
Did he say that the Government has plans to open an office in Tangier?

Hon. Chief Minister: No, Mr Speaker, I said the Government has no current plans to open a office in Tangier, although of course this always remains under consideration.

1475 **Hon. D J Bossino:** The question was whether the planned office ... It was not necessarily a plan of the Government. I am referring to a press report, if I can help the hon. Member, back in August 2019. The Hon. the Deputy Chief Minister was quoted heavily in a *Gibraltar Chronicle* article. It was a proposal not from the Government but the Gibraltar and Morocco Business Association for the opening of an office in Tangier, but the Government was very much in favour of it and welcomed it. That is the office that I was talking about. I think the Government then was saying
1480 that it was interested in developing and exploring new commercial markets in Morocco and

elsewhere, so it would be of governmental interest that an office is open there. Now that I have explained where this comes from, can he give us some further information?

1485 **Hon. Chief Minister:** Mr Speaker, the position remains exactly as I said to him. I have the report of August 2019. I have the press release that we issued at the time welcoming a private sector initiative. It was a private sector initiative. It does not mean that the Government had any such plans, and therefore the answer I have given him is the answer that the Government stands by.

1490 **Clerk:** Next question.

Q225/2023
Gibtelecom Mount Pleasant site –
Plans for construction works

Clerk: Question 225/2023. The Hon. D J Bossino.

Hon. D J Bossino: As with the question I posed yesterday in relation to the former GBC plot, I also wish to express an interest because I live very close to this area.

1495 The question is, Mr Speaker: please state whether Gibtelecom has any intention of carrying out construction works at its Mount Pleasant site; and, if so, please provide details in relation to this, to include what the company intends to do with the site it currently occupies at John Mackintosh Square.

1500 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are no plans at present to carry out any construction works at the Mount Pleasant site. Gibtelecom has no plans to leave its John Mackintosh Square site and will continue for the foreseeable future with that as its head office location.

1505

Q226/2023
Bassadone site at New Harbours –
Relocation of government departments

Clerk: Question 226/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state if there are plans by government departments to occupy office space at the Bassadone site at New Harbours; and, if so, which departments, when they intend to move and at what rent.

1510

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, plans for relocations of some government departments are ongoing. No decisions have yet been made and no leases signed or fully agreed. Negotiations and indeed logistical analysis are ongoing. An announcement will be made publicly if agreements can be finalised.

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Hon. D J Bossino: Just to be clear, we are talking about relocations to the Bassadone building at New Harbours, because he did not specify that in his answer.

1520

Hon. Chief Minister: I did not, but that is what the question was about and that is what I was talking about, but there are also other sites.

1525 **Mr R M Clinton:** Mr Speaker, as the Chief Minister will be aware, I have asked questions about the continued rental of office space by the Government from the private sector. Can the Chief Minister advise how this makes any economic sense, given that the Government has existing stock of office space, albeit it may need refurbishment?

1530 **Hon. Chief Minister:** Mr Speaker, I cannot at the moment because we have not finished the negotiations, but if we get the negotiations to where we want them to be and we get the rates that we want, then it could be very advantageous indeed for the Government.

The Government of course has stock, which the Government finds very difficult to maintain. We have it in areas where we would require nonetheless to move people out to do very deep refurbishments, and even then, within a few years we might find that we have damp coming again, if not within a few months. And so we are making a decision, in the interests of the modernity of the office space that we offer to our civil servants, to explore this possibility, and if the conclusion of the negotiation is a positive one we think it will be the right result for the modern public service that we believe we should have with the new and modern facilities that we want them to have. Alternatively, we will have to consider refurbishing, which will not necessarily be any cheaper.

1540

Hon. D J Bossino: At what stage does he think he will be able to provide further details to this House? He is saying that he is in negotiations. I just wanted to enquire about a timeline.

1545 **Hon. Chief Minister:** Mr Speaker, exactly at the stage that the Hon. Mr Clinton has asked me to make announcements: when the ink is dry on the paper.

Hon. D J Bossino: Does he have any indication as to when the ink is likely to be dry on the paper?

1550 **Hon. Chief Minister:** No, Mr Speaker.

1555 **Hon. R M Clinton:** Mr Speaker, I am grateful for the indulgence. If can ask the Chief Minister ... I am not quite sure which Bassadone site we are talking about. Is this a new build? Obviously the current office space – at least the one I saw when they opened it – is occupied. Is this a new build that Bassadone is working on at the moment; and, if so, where is it? I am probably not sighted on – *(Interjection)* No, because the current one is fully occupied. I did have a tour of the building when they opened it – very nice building. I could not see any space available for government offices, so is this a new location or something yet to be built?

1560 **Hon. Chief Minister:** No, Mr Speaker, the hon. Gentleman is wrong. There is space in that new building.

1565 **Hon. D J Bossino:** Is he aware of how much space is available, so we can perhaps, in the answer to that question, have an idea as to how many government offices may move there and which offices may move there? I know he is not willing to provide that answer until the ink is dry on the paper, but is he aware of how much space is available?

Hon. Chief Minister: Mr Speaker, that also is a subject of negotiation.

1570 **Mr Speaker:** Next question.

Q227/2023
Glacis children's park –
Reopening

Clerk: Question 227/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the children's park at Glacis Estate will be ready for use.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the children's park at Glacis is not presently expected to reopen.

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Hon. D J Bossino: Are alternatives being made available?

Hon. Chief Minister: Yes, Mr Speaker.

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Hon. D J Bossino: Which?

Hon. Chief Minister: The adventure playground, Mr Speaker.

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Hon. D J Bossino: That is an existing site, so is the Hon. the Chief Minister saying that there will not be a particular bespoke playground for Glacis Estate children and they will have to go to the adventure playground?

Hon. Chief Minister: Yes, Mr Speaker.

1595

Hon. D J Bossino: Does the Government have any intentions in relation to the site where the playground used to be?

Hon. Chief Minister: The Government is considering many potential uses for that site.

1600

Hon. D J Bossino: Does that potential usage include the construction of a building on that site?

Hon. Chief Minister: Yes, Mr Speaker.

1605

Hon. D J Bossino: And is he able to provide the House with any further particulars in relation to that, or is it simply one of the things that the Government is considering?

Hon. Chief Minister: It is simply one of the things the Government is considering. We have asked for plans to add additional housing there, and all of this, Mr Speaker, at the request of the tenants of the area, who have asked us to close the park and use the area for the provision of additional housing.

1610

Hon. D J Bossino: And –

Mr Speaker: One final one. This is the final one.

1615

Hon. D J Bossino: Mr Speaker, I am really trying my best to make my questions as short as possible and follow the Speaker's ruling.

1620 **Mr Speaker:** I fully appreciate that, but how many questions have you asked already? Quite a substantial number, so let's leave it at just one more and then ...

Hon. D J Bossino: The replies are coming through and I think it is very interesting, Mr Speaker. I refer the Hon. the Chief Minister to the question and answer session that we had, I think on the last occasion or two occasions ago, in relation to government housing. Is the intention to build government rented accommodation there? And if that is the case, does he have a number of flats that he is considering?

1630 **Hon. Chief Minister:** No, Mr Speaker, I have told the hon. Gentleman I have just asked for plans, so I do not yet have anything. I do not know how many we could have. I have asked for plans and when the plans come we will have an idea of whether you can fit three flats in or you can fit six flats in.

1635 **Hon. D A Feetham:** Mr Speaker, this is not another question, in the sense that I am asking for clarification to the question I think he has answered. Is it government rented accommodation that is being mooted and considered?

Hon. Chief Minister: It is at this stage, yes.

Mr Speaker: Next question.

Q228-30/2023

New government rental housing stock – Release dates; parking; construction costs

1640 **Clerk:** Question 228/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state when the 161 flats in the government rental stock will be released following the affordable housing flats becoming available, broken down by each development and phase.

1645 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Questions 229 and 230.

1650 **Clerk:** Question 229/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state if there will be sufficient parking for all residents in the first phase of Hassan Centenary Terraces when the flats are first expected to be delivered in July this year.

1655 **Clerk:** Question 230/2023. The Hon. the Leader of the Opposition.

1660 **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?

Clerk: Answer, the Hon. the Chief Minister.

1665 **Hon. Chief Minister:** Mr Speaker, in respect of Hassan Centenary Terraces there are 49 government flats being released; 22 units in phase 1 and 27 in phase 2. The numbers of flats due to be released back to housing stock on allocation of Chatham Views and Bob Peliza Mews are 56 and 54 respectively.

The first phase of Hassan Centenary Terraces will deliver 380 apartments and there will be 236 parking spaces available within the footprint of this first phase. This represents an interim shortfall of 144 parking spaces. This will be resolved by the interim allocation of parking spaces in the area.

1670 The tender processes for Bob Peliza Mews and Chatham Views are still active and it is therefore not possible to provide figures for the construction costs for these at this moment. It is anticipated that the Chatham Views process will be completed by the end of this month and that for Bob Peliza Mews next month. The projected construction cost for Hassan Centenary Terraces is of the order of £30 million higher than the original tendered construction cost.

1680 **Hon. K Azopardi:** Mr Speaker, I will ask the Chief Minister, but also, with you leave ... The reason for this question was that when I asked for this before, he said, 'Ask me in February and I will be able to tell you.' I understand what he says, that he is not yet ready, but he is going to get, hopefully, the end of that construction contracting process this month and possibly next month. I would be happy to file a question next month, subject to the six-month rule and Mr Speaker's leave, if the Chief Minister is happy to indicate to me that he would answer that question.

1685 **Hon. Chief Minister:** Mr Speaker, I have been saying consistently that it is expected around February/March. He has wanted to ask me now. I have no difficulty with him asking next month. I have said that there is, as yet, no contract, so I have no answer to give.

Mr Speaker: I will allow the lodging of a question in March.

1690 **Hon. K Azopardi:** I am grateful, Mr Speaker. To be clear, the reason I asked this month is precisely because he asked me to ask him in February; it is not a whim of mine.

1695 The estimated projected construction cost of Hassan Centenary is £30 million higher than envisaged, and the reason for that is presumably the increased general construction costs. Is that the reason why? Is the reason that the construction cost was not fixed for all the phases? Why is any impact, which is in the public domain, of the construction costs in today's market increasing? Why wasn't it locked in?

1700 **Hon. Chief Minister:** Mr Speaker, we have had this debate in the House already on a number of occasions. The advice I have is if we had locked it in, the amounts we would have suffered of penalties because of our inability to comply with obligations etc. would far exceed the amount that we are having to pay because of inflation in building costs. The Hon. Mr Bossino says *comme ci, comme ça* from a sedentary position. The advice I have is "Q.S 'd" In other words, the advice I have has been worked out to the pound and we are confident that this is a better result than the losses we would have suffered if we had entered into contracts, which we would not have been able to comply with because of the many eventualities that have occurred since we signed the first Hassan Centenary Terraces contract. If you look at the inflation that there has been in that period, in particular in the building trade but just general inflation, this is in keeping with those costs of inflation.

1710 **Hon. K Azopardi:** Does this mean, because it is going to cost £30 million more, that the Hassan Centenary Terraces estate is now being constructed at a loss? And will this result in extra financing having to be obtained by the Government?

1715 **Hon. Chief Minister:** Mr Speaker, affordable housing is always constructed at a loss. There has been no project of affordable housing which has not been constructed at a loss, not least because

we lose the value of the land, because we contribute it at no cost to those who are purchasing property there.

1720 Additionally, most of the estates that we have been involved in – *all* of the Governments have been involved in – have not factored the cost of infrastructure into the cost of the affordable homes. When provided, that has been subsidised by the taxpayer. As I previously announced in the context of these estates, we have factored the cost of the infrastructure in, in a way that was not done before, so we had an element of a cushion. Therefore, to work out the absolute loss when compared to the estates that they developed or that the GSLP first developed is not a straight calculation of saying this is £30 million more.

1725 That is the situation that we are in, and I have debated with the Hon. Mr Bossino before how any properties that are likely to come into the market now, if they are handed back in, will be recalculated on a cost per metre, which is in keeping with the cost of the Government per metre now and not as it was at the time when we sold it.

1730 **Hon. K Azopardi:** I am sure he has not answered the part of the question where I asked is it going to result in extra financing.

Hon. Chief Minister: No, Mr Speaker.

1735 **Hon. K Azopardi:** But presumably, given the explanation he has given, the £30 million extra cost would not have been incurred had the project originally kept to the timescale.

1740 **Hon. Chief Minister:** Mr Speaker, if the projects had originally kept to the timescale, it would have been because none of the, as we call them in the law, *novus actus interveniens* would have occurred. That is to say none of the acts that occurred which prevented us from being able to proceed would have occurred, and therefore the question is entirely hypothetical, and I do not think it is appropriate for us to get into hypotheses.

1745 **Mr Speaker:** The Hon. Damon Bossino, who lodged the question.

Hon. D J Bossino: Yes ... [*Inaudible*]

Mr Speaker: The Hon. Roy Clinton.

1750 **Hon. R M Clinton:** Mr Speaker, thank you very much. If I could ask the Chief Minister ... £30 million is not loose change. He will forgive me if my memory is a bit sketchy on this because it was a while back. When we discussed the Eruca structure ... I believe he has raised something like £165 million, which is meant to be, effectively, earmarked for this project development, and maybe whatever is left for others. How has this impacted on that structure in the sense that it
1755 now has £30 million less available to it, which I believe – again, my memory may be sketchy on this – was going to be used for some of the other projects, Chatham and Bob Peliza? With the benefit of hindsight, if he had known of this £30 million extra cost, would he have priced the apartments any differently?

1760 **Hon. Chief Minister:** Mr Speaker, we do not have the benefit of hindsight in politics. That is to ask me to hypothesise.

1765 I cannot speak to the Eruca structure on my feet, other than from memory, like he is doing. As he knows, a lot of money comes back into the structure as people complete on the 50%, because they pay into the structure and the structure once again has cash. If we had done all of the projects at the same time, the project outlay at one moment would have been higher and all of the money would have come back at the same time. Here, by doing it in phases, we have at least the advantage that some of the money from the purchases comes back – that is to say the 50%

1770 completions come back – in respect of phase 1 before you reach the highest part of spending on phase 2. So it is swings and roundabouts. The structure is funded earlier, with 50% completions for part of HCT, than it would have been if we had completed all of HCT at the same time, because we would have had to push a lot more money out before getting half of the money back in.

Mr Speaker: The Hon. Damon Bossino.

1775 **Hon. D J Bossino:** Grateful, Mr Speaker. In relation to that last question, the £30 million excess amount by way of the price tag, unless the information that I have received is doubtful in relation to this point, does that include a reclamation which needs to be done in relation to one of the blocks, the final block, in phase 2?

1780 **Hon. Chief Minister:** No, Mr Speaker.

Hon. D J Bossino: Is he able to confirm the premise of my question that there will require further reclamation to be done in order to complete the final block of phase 2? And if that is the case, how much is that going to cost?

1785 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the agreement in respect of the East Side, where we have already announced publicly that as part of the East Side deal that is being done by the purchaser of the East Side, that reclamation has already been done and the work has already commenced for all of the blocks.

1790 **Hon. D J Bossino:** Is he saying that the purchaser of the East Side is paying for the reclamation on which the fourth block of phase 2 of Hassan Centenary is going to be built? Is that the case?

1795 **Hon. Chief Minister:** Mr Speaker, I would have thought that he reads government press releases, especially on something as important as that, especially when he then comes here to say 'If the information that I have been given ...' The information has been given publicly by the Government in a government press release and I refer him to it so that he reads it, understands it and asks me questions in this House which are not in respect of already publicly available information.

1800 **Hon. D J Bossino:** Mr Speaker, in relation to Question 229, where he has said in answer to the question that in effect there is a 144 shortfall in parking spaces in respect of the first phase of Hassan Centenary, the keys in respect of which are going to be delivered to purchasers in July of this year, does he not accept that there has been a failure to properly plan in relation to that and it is a case of significant mismanagement?

1810 **Hon. Chief Minister:** Yes, Mr Speaker, of course this Government has failed to manage things properly. We are a complete and utter failure. We should not be allowed to continue in office and hon. Members should be ushered in, in great fanfare and with the playing of the *Gloria*, so that they can come back here to do what they did for eight years between 1996 and 2003, which was to build absolutely no affordable houses.

1815 What we have done is deliver more affordable houses in 12 years than they were able to deliver in 16 years. What we have done is to plan properly, and what we have had to do is deal with a pandemic and with leaving the European Union. But despite that, we are delivering. The shortfall is only an interim shortfall and the reason for the shortfall has nothing to do with planning or failing to manage; it is because of design, because the estate is designed as a whole. If it had not been designed as a whole we would be accused of designing an estate that does not hang together as a whole. Because you are still building a second phase, some of the parking is in an area which is common to the first phase and the second phase, and for that reason you will not be able to

1820 have them on the first day. But in order to have them and to have them properly, we will provide
for them in the appropriate way, and nonetheless already have a plan to ensure that those who
are purchasers in phase 1 and who might not have parking exactly where it was designated that
they should have it will have parking that might even be closer to their homes than the one they
will eventually have.

1825 I call that excellent planning. I say it is the right way to deal with the contingency and I say that
not everything is a great party political point. Some things are just logistically difficult and it is
sometimes logistically difficult to deliver in a timeline when you are dealing with reality and not
with the Potemkin village that hon. Members appear to want to be dealing with.

1830 **Hon. D J Bossino:** Mr Speaker, I will continue to ask questions and hopefully elicit responses.
He has said, not only now but I think in the previous session, that the extra floor at the Eastern
Beach car park is designed in part to provide for the shortfall. Is he able to confirm here and now
that those 144 spaces will be available when the keys are delivered to residents in July of this
year?

1835 **Hon. Chief Minister:** To the first part of the question, no. To the second part of the question,
yes.

Mr Speaker: Next question.

1840 **Hon. D J Bossino:** I have a supplementary in relation to Question 228 which I would like to ask,
which related to the 161 flats that are going to be made available. The Hon. the Chief Minister
answered the question very quickly. I think and I hope that I have taken an accurate note of his
replies. He has stated which affordable housing developments are going to be releasing which
1845 number of government flats. If you do the addition, is it the case that it is in fact slightly higher
than the 161, and it is, in fact, 186? Have I taken a wrong note, or is my maths wrong?

Hon. Chief Minister: What number did he say he got – 189? Mr Speaker, I cannot get to that
number however I calculate these. I am sorry.

1850 **Hon. D J Bossino:** Does the hon. Member get to 161, then?

Hon. Chief Minister: In fact, I get to 159, Mr Speaker. I think that may be because of
reallocations etc., but it is 159, 161. Those are the numbers we get. I do not know how on earth
1855 he gets to 186.

Mr Speaker: If I may interject, I think he added the ... said 49 government flats ... released 22
units in phase 1 and 27 in phase 2. Those two together are 49, so he added 49, and 49 plus ... The
hon. Member came up with the higher figure.

1860 **Hon. D J Bossino:** Mr Speaker, maybe the Hon. the Chief Minister could repeat the reply. I get
49, 27, 56 and 54, so I have probably got a number wrong.

Hon. Chief Minister: I see what he has done, because with the numbers you gave I got to 202 ...
1865 208, sorry. So 49 is the composite of 22 and 27: 22, 27, 54, 56, yes.

Hon. D J Bossino: And then it is 49, 56, 54?

Hon. Chief Minister: Forty nine, 56, 54, yes, if he wants it that way. Yes.

1870 **Hon. D J Bossino:** And the number slightly lower than the 161 that the Government in previous replies to this House had given would be the direct release of Government's rented accommodation, which would happen once the affordable flats are made available. So then the question is why is there an, albeit slight, discrepancy.

1875 **Hon. Chief Minister:** Mr Speaker, because people may have pulled out for some reason. I think that is probably what I have seen. I think that there are two who were going to hand over flats, who are the ones who have pulled out.

Mr Speaker: Next question.

1880

Hon. Chief Minister: Mr Speaker, that could lead to having five more flats available because the people who take over might release two or three flats rather than just one, because that is what we give priority to. So that is why everything is an estimation until it is finalised.

1885 **Hon. D J Bossino:** *[Inaudible]*

Hon. Chief Minister: Yes.

Q231/2023
Parliament (Amendment No. 2) Bill 2019 –
Whether similar Bill to be brought to Parliament

Clerk: Question 231/2023. The Hon. the Leader of the Opposition.

1890 **Hon. K Azopardi:** Mr Speaker, does Government intend to bring a Bill to Parliament in the form of or along the lines of the Parliament (Amendment No. 2) Bill 2019?

Clerk: Answer, the Hon. the Chief Minister.

1895 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no intention of introducing a Bill to increase the number of Members of the Gibraltar Parliament without a further, detailed public consultation process. The question was left to a Select Committee of the Gibraltar Parliament, which has been unable to meet due to the high demands on government time and resources posed by the COVID-19 pandemic and our departure from the European Union, which have logically taken priority. The matter has not been raised by the Leader of the Opposition with me at any time since 2019.

1900

Hon. K Azopardi: I have raised before the issue of the meetings of the Select Committee on Parliamentary Reform. Presumably he accepts that.

1905

Hon. Chief Minister: Yes, Mr Speaker, we had a discussion about it last month where I said I was surprised that he had not pressed me about it before.

1910 **Hon. K Azopardi:** Mr Speaker, the Government has from time to time said that there were going to be meetings. Indeed, as far as I can recollect, it was said, just after the COVID Unlock the Rock document, that there were going to be meetings, and they did not take place. It is up to the Government to convene the meetings, is it not?

1915 **Hon. Chief Minister:** Yes, Mr Speaker. We got a majority, we can convene the meetings. We did Unlock the Rock and three months after Unlock the Rock we locked down the Rock again because we had something called a second wave. That was 2020, and in December 2021 we had to lock down again and close down every restaurant in Gibraltar. So despite having a majority, what we have not got is a magic wand.

1920 **Mr Speaker:** Next question.

Q232-33/2023
Blue and green ID cards –
Applications filed and granted in 2022

Clerk: Question 232/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many applications for blue ID cards have been filed and granted in 2022?

1925 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 233.

Clerk: Question 233/2023. The Hon. the Leader of the Opposition.

1930 **Hon. K Azopardi:** Mr Speaker, how many applications for green ID cards have been filed and granted in 2022?

Clerk: Answer, the Hon. the Chief Minister.

1935 **Hon. Chief Minister:** Mr Speaker, a total of 1,786 applications for blue civilian registration cards and 1,025 applications for green civilian registration cards have been filed in 2022.

Hon. K Azopardi: And granted – is that right?

1940 **Hon. Chief Minister:** Yes, Mr Speaker, that is the figure I have been given as filed and granted.

Q234/2023
Tunnel operating services –
Cost

Clerk: Question 234/2023. The Hon. the Leader of the Opposition.

1945 **Hon. K Azopardi:** Mr Speaker, is the tender award of 20th January 2023 to Jebel Tarik Security Ltd in the sum of £1,041,912 for tunnel operating services a fixed per annum cost, and what is the reason for the high cost of the contract?

Clerk: Answer, the Hon. the Chief Minister.

1950 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the sum of £1,014,912 represents the total value of the award for a *three-year* contract and equates to £347,304 per annum. This represented

the most economically advantageous tender in relation to the award criteria published in the tender notice.

1955 **Hon. K Azopardi:** Oh, I see, it is £347,000 per year, not £1 million a year. I see. All right. As I understand the award, this is a contract to run the control room of the tunnel, and the personnel will be concentrated in the control room. Is that correct?

1960 **Hon. Chief Minister:** Yes, Mr Speaker, and the tunnel control room will be manned on a 24/7, 365-days-a-year basis, with two operators manning the control room at all times. They will require extensive specialist training to undertake their role.

Mr Speaker: The Hon. Roy Clinton.

1965 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could advise the House why this tunnel requires this level of supervision, whereas obviously we have other tunnels, perhaps a lot longer than this one and a lot older, and they have no supervision at all. What is so special about this particular – we call it a tunnel in a loose sense of the word – construction, as opposed to the much longer other tunnels we have in the Rock?

1970 **Hon. Chief Minister:** Mr Speaker, it is almost as if the hon. Gentleman were hearing me making the same point to my officials.

1975 Rules as to how tunnels operate have changed and safety standards have changed, and we are required to be able to demonstrate in respect of a new facility – one that is not grandfathered – that we have in place all of the facilities to be able to remove smoke from the tunnel in the event that it is there.

1980 This particular tunnel is also exposed to wave elements and could be flooded at any time. None of our other tunnels could be flooded at any time. The design of this tunnel, which we inherited, is a tunnel by the sea and therefore wave action could overtop and could flood the tunnel completely. The tunnel then has systems and cisterns underneath to be able to take that water.

If it is filled with petrol because there is an escape of a large amount of petrol or fuel inside the tunnel, then there is another cistern that will take petrol and another cistern that will take water. If there is a fire, there are fire retardant cisterns that will operate.

1985 All of those things require to be monitored, not least because the tunnel is under a live, active runway. All of that criteria means that the tunnel cannot be operated in a way that will be deemed to be safe and in keeping with the Government's obligation to operate a safe system unless it is opened with the tunnel control systems manned in this way.

1990 **Hon. R M Clinton:** Excuse my ignorance, but under what regulations does he refer ...? Are these European regulations or international regulations? What regulations are they?

Hon. Chief Minister: United Kingdom rules which we have adopted in Gibraltar as well, Mr Speaker.

1995 **Hon. R M Clinton:** So these are UK rules or UK standards –?

Hon. Chief Minister: *[Inaudible]*

2000 **Hon. R M Clinton:** But if it is EU rules, presumably it is in our discretion as to whether we want to adopt them or not, if we are no longer in the EU.

Hon. Chief Minister: Mr Speaker, these are health and safety rules, and we can disregard them if we wish. We can simply consider that because it is going to cost £300,000-odd a year, we do not

2005 give a hoot about health and safety and the highest standards and we will put money ahead of people perishing in a barbecue in a tunnel under a runway. However, that is not a serious way to do government, and therefore, having taken advice on the subject, we felt that there was no alternative but to continue to comply with the highest modern UK and European standards of health and safety in respect of the operation of such a tunnel, although we operate much larger tunnels which have opened in previous times when this was not required.

2010 This is not something that we imagined or thought of. When we were elected and we inherited what the Hon. Mr Bossino has called the golden legacy of the GSD, which included the litigation in respect of this tunnel, the litigation in respect of Mid Harbours and the liabilities in respect of the £7 million bond etc., we found a tunnel under construction which included a tunnel control building for exactly this purpose, to be manned in exactly this way, even then priced at a higher per-year amount than the one that we have been able to achieve. So this is what we had. Should we have decided to make a change to the tunnel contract to exclude the tunnel building, we would have suffered a penalty, and so we had no alternative but to progress. Once you have the tunnel building and you have the tunnel control room and you do not operate it, you are exposing yourself to a completely different kettle of liability because you have decided, despite having the safety systems, not to man them if something goes wrong. That would potentially even put the permission that we have obtained from the RAF to go under their runway at risk, because of course we have obtained the permission on the basis that we are going to be able to control a fire in that runway tunnel, if it happens, which protects the integrity of the runway, and that if it floods we are going to be able to deal with it in a particular way, etc. So all of those things are in play and they lead to this part of the golden legacy, Mr Speaker.

Mr Speaker: Next question.

Q235/2023

**Trade union recognition –
Consultation re legislation**

Clerk: Question 235/2023. The Hon. Ms M D Hassan Nahon.

2030 **Hon. Ms M D Hassan Nahon:** What consultation has there been with stakeholders and interested parties regarding the legislation on trade union recognition?

Clerk: Answer, the Hon. the Chief Minister.

2035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, firstly, we consulted the public and got popular support for the introduction of trade union recognition legislation at two successive general elections.

2040 Secondly, as I told GBC in an interview on *GBC News* on Thursday, 2nd February, the Government published a Command Paper on 18th June 2020 in respect of recognition of trade unions, namely the Employment (Trade Union) Regulations 2020, which was Command Paper 2/2020. This is a public document on consultation published in the lifetime of this Parliament, which the hon. Lady should have notice of.

2045 A press release accompanying the publication of the Command Paper invited interested stakeholders to comment on the legislation. To this effect, the Government received multiple comprehensive written submissions highlighting amendments that were subsequently considered by the Government. Submissions were received from Unite the Union; the Gibraltar Chamber of Commerce; the Gibraltar Federation of Small Businesses; the Gibraltar Finance Centre Council, consisting of individual written submissions from the Law Council, the Gibraltar Funds and

2050 Investment Association, the Association of Trust and Company Managers, the Gibraltar Society of
Accountants and the Gibraltar Association of Pension Fund Administrators. Furthermore, the
Gibraltar Finance Centre Council obtained verbal feedback from the Gibraltar E-Money
Association, the Gibraltar Insurance Association, the Society of Trust and Estate Practitioners and
the Gibraltar Association of New Technologies. I also met with Unite and with the Chamber on
various occasions to discuss this matter as part of our regular engagement.

2055 So there has been very considerable engagement and extensive consultation with stakeholders
and interested parties.

Hon. Ms M D Hassan Nahon: Mr Speaker, despite all the examples that the Chief Minister cites,
there are two very unequivocal press statements, as he will know, from the Gibraltar Chamber of
2060 Commerce and the GFSB, where they accuse the Government of no consultation, no reasonable
notice, no mention of implementation for three years, no fair notice of legislative change,
correcting the Hon. Minister Linares regarding detailed consultation, saying it is highly regrettable.

These are things that these two very substantial bodies in the private sector have highlighted
and are black upon white, so my question would be whether the Chief Minister accepts this
2065 disconnect, at best, that he may have right now with these two bodies and whether he is keen to
repair this broken relationship for the sake of future constructivism and consensus.

Hon. Chief Minister: Mr Speaker, I do not recognise any of what the hon. Lady has suggested.
There is no disconnect between the Government and the Chamber simply because we have a
2070 disagreement as to how much consultation they wanted on this particular thing. We are working
with the Chamber on many other things. There is no disconnect between the Government and
the Federation of Small Businesses because they say that they wanted more consultation than we
have done.

Consultation is something that happens, not something that is necessarily ongoing, and in the
2075 context of the way that we have done this – which is to produce a Command Paper and to have
the written submissions and then discuss the written submissions, and then go away and produce
a new Bill, publish a new Bill, which permits at least six weeks, if we do not certify it as urgent, for
consultation, and explain that the new Bill is going to lead to the regulations – I think we have
done more, probably, than any other Government has done in respect of most pieces of legislation
2080 ever passed by this House.

I recognise, of course, that when you take into consideration only part of what you are told by
a particular organisation they want in a Bill, they are not happy that you have only taken into
consideration part and that they want you to take into consideration everything that they are
putting to you. The union feels the same way. The union says it is very pleased with the legislation,
2085 but there are things that they wanted which we have not taken into consideration and things
which they put to us in the consultation that we have not taken into consideration. I also do not
think that the Government's relationship with the union is broken and needs fixing. It is just that
we all have different obligations and we have to push the issues which are relevant either to our
members in the context of a union or the context of an employer representative organisation like
2090 the Chamber or the Federation, and we have to do what is sometimes a Solomonic exercise of
doing what we think is in the right balance between those two entities to deliver the best
legislation for our community. We think we have done that. We think it is appropriate. We have
put it to the people in a general election that we will do trade union legislation for the recognition
of trade unions in the private sector, and that is what we have done.

2095 Our relationship with the Chamber is a very strong one, with the Federation it is a very strong
one and with the union it is a very strong one, but as hon. Members would find if they were ever
in government, in government you have to decide. You have to decide between competing
interests and you have to decide in a way that is balanced, and that is what we have done. Of
course I recognise that people have the right to challenge that and to dispute that we have got
2100 the right balance, but we think we have got the right balance.

As I said also in my interview on GBC, in the United Kingdom this type of legislation was actually done by a Conservative government, a government which therefore is usually the type of government that would be closer to the thinking of a federation of small businesses or a chamber of commerce. In the context of what we are doing in Gibraltar, the union have criticised us because our legislation is sometimes not as generous to them as the UK legislation done by a Conservative government might be, so I think that is a demonstration of us having got the balance right.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his reply, but I just wish to remind him that this has nothing to do with me. I am not even actually advocating for any of these bodies. I am just taking the press statements word for word and asking the Chief Minister how he plans to take forward these accusations, which are quite substantial.

Is he saying that he is going to let them subside, instead of facing the issue head on? Is his strategy to just leave it until it is forgotten? Or will he actually engage these bodies in a meaningful way? This is about a breakdown in communication, as I can see, and just trying to repair that relationship with relevant bodies – not that I am actually debating with him the policy angle of it, but just how he will repair this situation.

Hon. Chief Minister: Mr Speaker, I just go back to what I have told her. I do not agree with the premise. I do not agree with the way that she thinks that the relationship between the Government, the Chamber and the Federation and the union is at the moment. All of that is entirely wrong. From where I am sitting, we are working very closely with the Chamber and the Federation on other issues and with Unite on other issues, so there is not a breakdown in communication. There is certainly no breakdown of the relationship. Those things are, frankly, fiction and based on *her* reading of the public statements that have been made on one particular issue, the detail of which I have already explained, when in fact the reality of the relationships is completely different.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I do not want to dwell on the subject matter that the hon. Lady to my left has raised about the discontent from various representative bodies, but would the Chief Minister consider the manner in which the amendment was brought through to the House, in that when he stands up and says the Bill was published and there was six weeks' notice, does he not accept that the notice he gave was for a simple amendment to the employment regulations, if I recall, a one-liner in which the various interested parties and stakeholders, whether it is the unions, the Chamber or the Federation, would not have had the benefit of seeing what the ultimate regulations would look like, whereas of course the Command Paper envisaged the Bill that would be doing exactly what the regulations did? If those regulations had been put in the Bill, it would have allowed all the various stakeholders to peruse it, as he suggests they should have done. I know he is shaking his head from a sedentary position, but wouldn't that have been a better procedure, and therefore, if there was any tweaking to be done, it could have been done before the Bill is read at the final stage, whereas by publishing by way of regulation there is no opportunity for this House even to have had sight of it beforehand?

Hon. Chief Minister: Mr Speaker, I am going to assume that the hon. Gentleman has just not understood the procedure that we followed. I will explain it again.

We published a Command Paper. The Command Paper was for a Bill. That Bill became regulations, but it was that Bill, which went to consultation, which people gave us feedback on, which resulted in changes proposed by the Chamber, changes proposed by the Federation and changes proposed by the union to the regulations which we then made.

One of the submissions that we had from one of the parties was that it should be regulations, not a Bill, so that if it required amendment we would be able to provide amendment without

2155 having to bring a Bill to the House to further amend a new Act, and it would be possible for a
Government to make amendments to those parts of the regulations which needed to be changed
in the future without having to go through the legislative process. So the feedback, the
consultation, actually led us to the change in the legislative architecture. And then, when we
published the Bill, which, as he says, was a one-line Bill, we published it saying this is to make
regulations in the form of the Command Paper that we published and was going to be a Bill – we
2160 did not hide away from it – so it was all entirely in keeping with the desire to exchange views with
the Chamber, the Federation and the unions, to have their feedback. Part of that feedback was
the change in the legislative process.

2165 Nobody was surprised by what was in the regulations because it was the Command Paper with
the changes that we had discussed with the parties and we told them we were prepared to make,
and then they saw the regulations. Nobody will be surprised, because if they do a document
compare between the regulations and the Bill they will see that they are almost identical, except
for the changes that have been made as a result of the consultation.

2170 So we think this was a process well done. It was a process in keeping with delivering a manifesto
commitment. The manifesto commitment talks about legislation. It does not talk about principal
legislation or secondary legislation. We are delivering on a manifesto commitment, and I am just
put in mind of the words of the Father of the House, who may or may not be watching us, to say
that this is the only place in the world where one gets criticised in Parliament for delivering one's
manifesto commitments during a general election campaign.

2175 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I am grateful again.

2180 Just a final point. This may be a question of procedure, I guess, for the House in the future, but
if there is a Command Paper and people have a legitimate expectation to see a Command Paper
to produce a Bill, they would have a legitimate expectation to see a Bill, and then if they are happy
or not happy with what is in the Bill, they are able to make representations. What the Chief
Minister is telling us is that representations were made and taken into account. But that is not
ordinarily the way, in my humble view, that a Command Paper should be driven. You should then
produce the Bill, and people then have a final opportunity, where we in this House can debate the
merits of the Bill as to whether it does what it says on the tin. Again, I am not getting into the
2185 merits of what it would have said.

2190 The other point he makes is that by doing it by way of regulation it means we can tweak it later
on. We get many Bills in this House where there is a little clause at the end that says the Minister
may, by regulation, amend this as he pleases, and that is not unusual, so I cannot see how one
representation caused the Chief Minister to change the way in which we legislate in this House.
What stakeholder has such influence over the Chief Minister such that he changes the way we
legislate?

2195 **Hon. Chief Minister:** Mr Speaker, if I may say so, with the greatest of respect to the hon.
Gentleman, everything he has said is complete and utter poppycock. Nonsense. A Command
Paper can be published in respect of any legislative instrument. Indeed, it could be published
about a policy rather than a piece of legislation. A Command Paper is a consultation. It is
something published by command of His Majesty in order to take the views of the general public.
So, when we published a Command Paper for a Bill, it did not have to lead to a Bill being published
or indeed that Bill. That Bill could have been published with many changes to it, and here the Bill
2200 is published with fewer changes to it but simply not as a Bill.

When we debated the one line and we explained that it was for the purpose of making the
Command Paper through legislation, through regulations, something which was clear from the
notice that appeared on the Bill, none of the hon. Members opposite said, 'Now that you are
about to make this legislation, I would like to talk about what it is that you are going to do with it,

2205 and I would like to know how the regulations you are going to make are different to the Bill that you published in the Command Paper.' None of that. They had the opportunity to do it because we had a debate in this House on that one-line Bill and none of them raised the issue.

2210 And then, of course, the idea that they would happily support a clause in a piece of primary legislation that said that the Minister can change any part of the legislation when he wants is also for the birds, because we have all said to each other that we all believe that that is very bad legislation, that legislation to amend primary legislation through secondary legislation must be maintained within very tight tramlines. It must be used only for very particular purposes. We have only given wide powers on one occasion, and that is the Henry VIII powers that the Deputy Chief Minister and I sought in respect of amendments arising from our departure from the European Union, where we accepted in correspondence and in undertakings to this House that we would only use that regulation-making power to amend primary legislation in very defined circumstances.

2215 And so I think everything the hon. Gentleman has said completely misunderstands the legislative process in its entirety. He is wrong, wrong, wrong.

2220 With that, Mr Speaker, I move that the House should now recess for 15 minutes until 20 past six, when we will take the final set of questions and perhaps move on to other matters on the Order Paper.

Mr Speaker: The House will now recess for 15 minutes and return at 6.20.

The House recessed at 6.10 p.m. and resumed at 6.20 p.m.

BUSINESS, TOURISM AND THE PORT

Q168/2023

Ministry of Tourism trips in 2023 – Details

2225 **Clerk:** We continue with answers to questions.
Question 168/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of the recent trips conducted by the Ministry of Tourism in 2023, to include the destination, who attended, the cost and the purpose of the visit.

2230 **Clerk:** Answer, the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, trip 1: destination – United Kingdom; attendees – myself, CEO of Gibraltar Tourist Board Mr Kevin Bossino, and Mr John Reyes for the Ministry of Tourism, who was there for two days of the four-day trip; cost – flights £783.87, and hotel £3,136.50; purpose of the visit – tourism-related meetings and meetings with potential investors.

2235 Trip 2: destination – Italy; attendees – myself and CEO of Gibraltar Tourist Board Mr Kevin Bossino; cost – flights £629.54, and hotel £315; purpose of the visit – cruise related.

2240 **Hon. D J Bossino:** In relation to, as he puts it, trip 2, and he says it is cruise related, is he able to give further information in relation to that? It may be related to the other questions I have on the Order Paper. That is possible because it is related to Royal Caribbean and what the Minister has done in respect of that. Is he able to provide that reply?

2245 **Hon. V Daryanani:** Mr Speaker, the hon. Member is absolutely right, it is related to the next question.

Hon. D J Bossino: Is he able to provide further information in respect of trip 1, where he said that basically he was ...? I think it had to do with potential investments or potential new business.
2250 Is he able to state who he met – he is shaking his head; it is probably commercially sensitive – and whether anything has resulted from that?

Hon. V Daryanani: Yes, Mr Speaker. As the hon. Member will understand, we are always having meetings with potential investors. It is difficult to mention names across the floor ... tourism-related meetings related to marketing and also to introductions with the new CEO. We are still
2255 introducing him to people and our contacts in the industry, so a lot of the meetings are also to do with that and also with the work that he is doing in bringing new contacts to us.

Hon. D J Bossino: Did he provide the House with the dates of those trips? I do not think he did.
2260 That is just a small matter of detail, but is he able to provide to this House any information as to any future visits, or is that not information he would be able to share?

Hon. V Daryanani: Mr Speaker, when it comes to future visits, sometimes they are planned a couple of weeks in advance, and sometimes ... This trip to Italy was planned 24 hours before I
2265 actually left, so it is difficult to ...

Hon. D J Bossino: Just one final matter of detail. I am not sure he has the information as to the precise dates, but does he have the precise destinations? He says UK and Italy, but I am not too
2270 sure that he has provided the exact cities in those countries.

Hon. V Daryanani: Mr Speaker, in the question there is no request for dates. I am happy to provide them, of course, if he wishes.
Insofar as the United Kingdom is concerned, it was London, and Italy was Venice.

Q169-71/2023

Royal Caribbean –

**Enquiries and plans to mitigate re non-inclusion of Gibraltar in itinerary;
last contact with Department of Tourism**

Clerk: Question 169/2023. The Hon. D J Bossino.
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Hon. D J Bossino: What enquiries has the Government made of Royal Caribbean in respect of its decision not to include Gibraltar in any of its itineraries for 2024?

Clerk: Answer, 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 Questions 170 and 171.

Clerk: Question 170/2023. The Hon. J. Bossino.
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Hon. D J Bossino: When was the last time that the Minister for Tourism or anyone in his Department had contact with Royal Caribbean before January 2023?

Clerk: Question 171/2023. The Hon. Miss M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does government have a plan to mitigate the departure of Royal Caribbean cruise liner stops in Gibraltar?

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

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Hon. V Daryanani: Mr Speaker, the last time I met with Royal Caribbean officials before January 2023 was three months earlier, in October 2022. Approximately two weeks ago, CEO Mr Bossino and I met with Royal Caribbean to discuss their 2024 itinerary.

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In answer to the hon. Lady, there is no departure of Royal Caribbean, as she puts it. What we have seen is one brand of the Royal Caribbean Group taking the decision not to stop in Gibraltar during 2024 due to operational reasons. This means that Royal Caribbean will not be operating as they used to in the Western Mediterranean. It is not that Gibraltar has been dropped, it is that this brand of the Royal Caribbean family will be elsewhere in the world for that season. Four of the other brands from Royal Caribbean will continue to visit Gibraltar in 2024.

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The Government will continue engaging with all cruise companies to increase calls to Gibraltar, as we have done.

Mr Speaker: The Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, there is quite a lot in that reply which I think is deserving of specific supplementary questions.

When he says that he last visited officials within Royal Caribbean in October 2022, and given what I took as his surprise when I put it to him during the course of the last question and answer session that Royal Caribbean was not coming in 2024, did they not advise him then what their intentions were in relation to the 2024 itinerary?

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Hon. V Daryanani: Mr Speaker, I have answered the hon. Member's and the hon. Lady's three questions. Having consulted with Cabinet colleagues and with the CEO of the Tourist Board, the Government would ask hon. Members not to seek to further address this matter across the floor of the House in further supplementary exchanges.

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The company in question is a publicly listed company. Any reference to it in our Parliament is scrutinised by shareholders etc. and those advising the company. Understandably, a large multinational corporation such as this prefers not to involve itself in politics, especially when the decision to reposition away from the southern Western Mediterranean has nothing to do with politics, the excellent tourist offering in Gibraltar or anything else Gibraltar specific. A lot of the matters which are the subject of discreet discussion at the moment are, moreover, commercially sensitive. Many people abroad are aware and are listening to statements being made in this House. The Government is clear that such remarks are now prejudicing Gibraltar's opportunities and position.

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I am happy to brief the hon. Member and the hon. Lady on a confidential basis in my office tomorrow at 12 noon and answer any questions they may have. Indeed, I believe that we can even work together in some ways that would benefit Gibraltar, and I will not be shy to give them credit if we are able to do so when we see the fruits for Main Street, our transport sector and the whole of Gibraltar.

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Thank you, Mr Speaker.

Hon. D J Bossino: Mr Speaker, there is a lot there that I do not accept the premise of, but I hear what the hon. Member says.

As to a specific time tomorrow – he says 12 p.m. – I am not sure that I will be available, for example, but it is not necessarily a general invitation that I would necessarily shy away from. I am

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not saying no to a possible meeting with him to be briefed in relation to this, but I think this is a matter of public interest. It is a matter of public concern.

2345 Just to press him further, is he telling us that the question I posed, which is what elicited that response – I will not describe the response; if we say it was a response ... is he not able to provide that information? I simply said was he not advised in October 2022 of Royal Caribbean’s decision not to come to Gibraltar in 2024? That is the only question I asked. Is he saying that is a veil we cannot pierce because it falls under all the things he has just said, that it is not possible to provide that level of detail? He was surprised when I put it to him in the last question and answer session, so I am assuming and I think he can say that he was not advised in October 2022 of Royal
2350 Caribbean’s decision in relation to the 2024 itinerary.

Hon. V Daryanani: Mr Speaker, the hon. Member was asking me what I was told in a private meeting with a commercial entity discussing Gibraltar, and as I said, this is something that not only is Royal Caribbean listening to, but all cruising companies are listening to – our competitors
2355 are listening to. He does not expect me to discuss here, across the floor, what I am discussing with cruise companies so that our competitors can also be aware of that. That is why I am telling him I am happy to give him all the information that he wants on a confidential basis, so he knows the work I am doing. I am happy to talk to him whenever he wants.

2360 **Hon. D J Bossino:** Mr Speaker, this is a matter of public interest. It does impact heavily in respect of one of our main economic sectors, tourism, and it has elicited a lot of public interest. It is my duty to point out to him these things, but he needs to provide us with the answer, in my view. He has provided some information and I would ask him to perhaps develop that a bit further.

2365 He said, during the course of his answer – I am paraphrasing, and if I am wrong he needs to correct me, but I am paraphrasing – that the decision by Royal Caribbean, and I think I took an accurate note, has nothing to do with Gibraltar’s excellent tourism offering. Is he able to discard that as a possibility? In other words, it is not that Royal Caribbean is not coming to Gibraltar because of anything in respect of our tourism offering? Is that what he is saying?

2370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, what the Minister has said is that it is not in the public interest of Gibraltar that we continue these exchanges, that he will tell the hon. Gentleman and the hon. Lady why, that there is a way that we might be able to turn this around for Gibraltar but that it has to be relatively discreet at this stage. He has consulted with me and with other Cabinet colleagues. We have agreed that position. It is a position of the Government. It is not a
2375 position that we have taken lightly.

Of course there is interest in people knowing what these issues are. The hon. Gentleman has then asked the Minister to disclose what was said to him in a private meeting with this company. He has then, when the answer has been the same, said, ‘Well, can you tell me whether it is this reason or that reason?’

2380 Mr Speaker, I think that we should be very clear with the hon. Gentleman. We have wanted to be very constructive. We think that there are issues in which governments and oppositions can work together. We think this is one of them. We think there is an opportunity of actually producing something very positive for Gibraltar. We are extending an opportunity for him to come and form part of that discussion. The meeting can be tomorrow at 12, or no doubt we can reschedule it for
2385 when his diary permits him to be able to discharge his functions as a public elected official and come and meet with the Minister. No problem. If he has other things to do which are more important than discharging his functions as an elected official, it is up to him, but that is our position. So I put it to the hon. Gentleman that he should consider the Government’s position as being a position of good faith and of seeking to take the matter forward together for the benefit
2390 of Gibraltar, which is really the public interest of Gibraltar, and that any other interests that he may wish to pursue, any other curiosity, any other answers that he may wish to have at this stage are of interest but not in public interest, because in public interest we all know what it would be.

2395 Any other questions that will be asked, Mr Speaker, will be politely met with the similar invitation to come and work with us and hear the information that we are willing to impart to him and to the hon. Lady discreetly. If he does not want to come and she does, she will be very welcome, as usual, and we will continue to try to work in the interests of Gibraltar and not fall for partisan traps on issues such as this.

2400 **Hon. D J Bossino:** Mr Speaker, I have to characterise what the hon. Members are doing as nothing but a brick wall response, and I must say I am very surprised because they very often – very often indeed – pray in aid the public interest issue. But this is a matter which is of public interest. It affects and impacts. It is a very serious decision which has been taken by, as he puts it, a very important commercial entity in this sphere, Royal Caribbean, and I think it is proper that this should be fully ventilated in public.

2405 I will continue to ask the questions, which I hope, bearing in mind what the hon. Members have said ... I do not accept their position, but that is the answer that we have had, so I am going to pursue a line of questioning which hopefully will elicit some response. I thought that my previous supplementary question was fair enough and specific. Now I will ask this. I think he said that the Italy visit to Royal Caribbean was to discuss their 2024 itinerary. We know what Royal
2410 Caribbean's position is in relation to 2024, there will be zero visits to Gibraltar, but is he able to provide any information at this stage as to whether Royal Caribbean will change its mind, will change its position in relation to Gibraltar and have visits beyond 2024, which would be something which would be very welcome, certainly by me and on this side of the House?

2415 **Hon. Chief Minister:** Mr Speaker, the Government does not pray in aid the public interest when it is not in the public interest that we should do so. The Government is very careful before praying in aid the public interest. Nothing could make me happier, given what I know and the hon. Gentleman has told me, to see the Hon. Minister deploy the information that we have and batter the hon. Member around this House, but we believe that it is in everybody's interest, the public
2420 interest, the public interest of our tourist sector, the public interest of our tour operators, of our shore excursion agents, of our Main Street, that we share information that we have – some of it may be what the hon. Gentleman is asking us, but discreetly at this stage for the reasons that the hon. Gentleman has already set out.

2425 The hon. Gentleman, in getting up and insisting, despite what he has been told, is, in my view, demonstrating that he does not care about whether something is in Gibraltar's interest or not, and therefore the Government's answer will remain the answer that I and the Hon. Minister gave a few moments ago. However many times we are asked, however many questions we are asked, all of the information we will impart to the hon. Gentleman tomorrow at midday, or at such other
2430 time as he is able to make himself available to discharge his obligations as a public elected official, in an attempt to work with the Opposition to deliver a better result for Gibraltar, which at the end of the day is why we are here in this House.

2435 **Hon. D J Bossino:** Mr Speaker, it is very obvious and clear what the Government is doing. It is as old as the hills. We have seen it before, indeed, in previous administrations when these gentlemen are ... when the hon. Members – excuse me – are in office, but it is very clear what they are doing.

2440 Let me pursue this line of questioning. Is he able to ...? Let me just take umbrage at the characterisation of the intentions, as far as I am concerned. I am not doing this for political reasons. *(Laughter and interjections)* I am doing this because it is an important matter of public policy and it does have an impact on our economic well-being.

Can I ask the Hon. the Minister for Tourism, who I would assume is the one who had allowed his spokesman from his Department to say that, at the moment – and I am quoting from the *Gibraltar Chronicle* article on the matter – the ports of Malaga and Cadiz will only receive one call

2445 from the brand in 2024 ...? Will he accept that that is, in fact, incorrect, and that Malaga will be receiving five calls in 2024 and Cadiz three?

Hon. Chief Minister: Mr Speaker, the hills are alive with the sound of selfishness. I refer the hon. Gentleman to the answer I gave a few moments ago.

2450 **Hon. D J Bossino:** By that, do I take it, Mr Speaker, that the Government is not even willing to accept that it was incorrect and imprecise when it said that only one call had been received in Malaga and in Cadiz, which is totally wrong, and that they are not willing to provide that information by way of confirmation that they were wrong because it is contrary to Gibraltar's public interest. Is that really the position?

2455 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

2460 **Mr Speaker:** We are not making much headway here. Just ask a further question and then we will move on to –

Hon. D J Bossino: Mr Speaker, I –

2465 **Mr Speaker:** I think we need to do things ... I understand, but let's do things as I would like to see them being done. Okay, one final ... and then we will go on to the hon. Lady.

Hon. D H Bossino: Mr Speaker, I agree with the Chair's description that we are certainly making very little headway, but it is what it is.

2470 This is an aspect which, as I have said during the course of my supplementaries, is going to have, I think, an impact in terms of our economic activity in this area. Is he able to confirm across the floor of the House that in fact another commercial entity, Cunard, is not coming to Gibraltar in 2023?

2475 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer we gave a few moments ago.

Hon. D J Bossino: I have another question, but ...

2480 **Mr Speaker:** As I said before, I do not think we are going to be moving forward in any practical way, so we will now ask the hon. Lady to ask her supplementary.

2485 **Hon. Ms M D Hassan Nahon:** Mr Speaker, regarding the dimension that I have about a supplementary, it is not actually about Royal Caribbean. They have left, they have taken those slots and it is happened already, but the fact of the matter is that this actually represents a gap for our businesses because they have stopped coming, so my question was moving away from that, actually. Does the Government hold a vision on a strategy to fill this gap at home, be it another tourist product completely?

I am happy to accept an answer now, or I am available to meet the Minister tomorrow.
Thank you.

2490 **Hon. V Daryanani:** Mr Speaker, I thank the hon. Lady for wanting to meet me tomorrow and discuss this further.

2495 **Mr Speaker:** That completes the oral question and answer session. *(Interjection)* I beg your pardon, it is my mistake. There is still one, which is Question 172. I beg your pardon.

Q172/2023

**Termination of easyJet Edinburgh route –
Discussions held with easyJet or other carriers**

Clerk: Question 172/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What discussions have there been, if any, with easyJet or any other air carriers since the Edinburgh route pulled out, in order to mitigate or replace the loss of travellers from this cancelled route?
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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, easyJet took the decision to no longer fly the Edinburgh route because it was not financially viable. They have said they will keep the route under review for the future. No discussions have yet taken place with other airlines about this route.
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Hon. Ms M D Hassan Nahon: Mr Speaker, does the hon. Member have any data as to how much tourism – not people from our community, how much tourism – we may have lost? Again, I am happy to discuss this at another time if he considers it something that could be counterproductive to be discussed now, but this is the data that I am after in order to understand how this actually impacts our tourist product.
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Hon. V Daryanani: I will have to check on the exact date for that, but obviously the fact that easyJet have stopped the route is because the route was not popular enough and they actually made a loss on the route.
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Questions for Written Answer

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Question W8/2023.

2520 Written Questions W9/2023 to W14/2023 were questions from Mr Clinton to the Hon. Mr Bossano. Those are not yet ready and Mr Bossano is not available to answer questions in this House which are oral questions, so I wonder whether we might have a discussion about how we deal with those within the five-day window for decision, and indeed even the written questions that would usually have been available for distribution at this stage.
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Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I obviously wish Sir Joe well and that he recovers as soon as possible.

2530 I am happy to take the oral questions that I had tabled for Sir Joe as written, and if I can have those as soon as they are available I would be grateful if I would be allowed leave to ask supplementary questions on those in due course.

Mr Speaker: Absolutely. At the next meeting of the House, in March, any supplementary questions arising from the questions which have been converted into written questions will be allowed in the form of questions.
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2540 **Hon. K Azopardi:** Mr Speaker, can I just get clarity? There were a couple of questions of mine that have not arisen, but one of them in particular I would not have thought would ordinarily have been answered by Sir Joe, so I just want some clarity from the Government as to whether they are taken by Sir Joe, because one of them in particular ... There are two questions. One is on changes to the pension rates for married and unmarried couples. That might be a Sir Joe question, I accept that, and might be on his list. But there is another one, where I was asking Government to consider introducing regulations on the registration of personal details of reload or burner phones. I do not know whether that would be taken by Sir Joe.

2545 **Hon. Chief Minister:** Communications.

Hon. D A Feetham: I would opt to defer the questions to the next session of Parliament.

2550 **Mr Speaker:** Does any other hon. Member in the Opposition wish to defer their questions? They can be asked at the next meeting of the House.

2555 **Hon. K Azopardi:** For clarification before I make my decision, Mr Speaker, if we ask for a written answer, will we be able to ask supplementaries on it next time?

Mr Speaker: Absolutely. That is the ruling we did in the past, yes.

2560 **Hon. K Azopardi:** For clarity, on the basis that we file fresh questions or on the basis that we can get up and ask questions?

Mr Speaker: Fresh questions.

Hon. K Azopardi: Well, then, Mr Speaker, I will ask for answers to be supplied to my questions.

2565 **Mr Speaker:** Written answers? This is for the Hon. Damon Bossino also? You want it in written ...?

Hon. D J Bossino: *[Inaudible]*

2570 **Mr Speaker:** Right. And I think in respect of Roy Clinton, yes, the same.
The only change in that is the Hon. Daniel Feetham, who will want to ask the questions at the next meeting of the House.

Adjournment

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 5.30 in the afternoon.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m. Those in favour?

2580 **Hon. K Azopardi:** Mr Speaker, can I just —?

Several Members: Aye.

2585 **Hon. K Azopardi:** Sorry, can I just clarify on a point of order because I thought last time when we had spoken there was quite an explanation given about supplying the business Agenda of the House so that people can plan their diaries. Yesterday we were given the business Agenda, which said that we would take some business today and some business tomorrow, and then about 15 minutes before today's session we were served with a new agenda, which told us that we were taking all the business today. It was only 15 minutes' notice, but if that is the reorganisation on the basis that we had time to do it ... we thought that we were going to take the whole Agenda. But suddenly we are now back tomorrow without any advance notice. It is not what I thought the break and new rules were going to do. I thought that we were going to organise ourselves properly and I do not understand why it is necessary to give us such short notice of it.

2595 **Hon. Chief Minister:** Mr Speaker, there is nothing I can do. They took three hours to ask me questions. Looking at the number of questions and the subjects and the answers I had, I thought we could deal with them in an hour to an hour and a half, and therefore we would have an extra hour and a half to deal with questions. We also have said that we do not want to sit very late if we can avoid it, because that is also not conducive to being able to have the best business practices. People need to be able to go to their families etc. We feel that if we start now with the motion etc., we are going to be here until nine or 10 at night, and that is not conducive. Unfortunately, Mr Speaker, they did not give us any notice that they were going to keep me for three hours instead of one, and so ... I do not mind, I enjoy it, I answer for three hours, but that means that we are three hours closer to the late evening. That is why the timetable says it is published in order to assist the public but parliamentary business may have to change at short notice or may be delayed by the length of debates, and as a result we have to come back tomorrow. I am sorry to impinge on their Wednesday.

2610 **Mr Speaker:** If I may comment on that, I would like to see the system that has recently been introduced, which has been working fairly well, continue.

Hon. D J Bossino: Just insofar as diary management is concerned for tomorrow, if the Government might indicate what their position is on the motion and we can ... It might be helpful.

2615 **Hon. Chief Minister:** We look forward to the debate is our position, Mr Speaker.

Mr Speaker: We are going to continue with the procedure for the adjournment. I believe the hon. Lady wishes to say something.

2620 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would just like to put on *Hansard* that, to me, this new arrangement gives us no more clarity than it did before. In fact, it is more confusing, I would have thought. We had three days, then we were told two, now it is three. From where I am at, from seeing that yesterday as an example, I thought I had the evening to prepare for the motion tomorrow. Then I came in, I started rushing, I wrote it, and then we were told otherwise from the paper, and then we are back. To me, if anything, it seems a little disrespectful to this side of the House because we keep catching up ... We are supposed to have enhanced communications with this, and it is actually more confusing.

2630 **Hon. Chief Minister:** Mr Speaker, the Government is trying to give hon. Members more notice than we have to of the business of the House, to enable them to plan their lives better. We are also trying not to sit very late, to enable them to have a family life, which is also something that is important. Instead of keeping them here for three days, we tried to keep them here for two days because we thought the business could all be resolved in two days. We are down one Member of the Government, so there is one set of questions less.

2635 I am very sorry that, for what they earn, they feel it is terrible that they have to come three times a month to the House. *(Interjections)* I am very sorry. We will continue to do our best to provide as much advance notice as we can, but if the questions take longer than is reasonable, then the session takes longer than is reasonable and we cannot finish in the time allotted, and that affects their timetable.

2640 The disrespect comes from people who, from a sedentary position, make remarks across the floor of the House designed simply to try to drown out *(Interjections)* why the Government is explaining we cannot keep the standards –

Hon. K Azopardi: [Inaudible] to this House and to the Members of the House.

2645

Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition is behaving like a bar room lawyer. He is shouting from a sedentary position simply because he thinks that coming tomorrow is too much of an effort. *(Interjection by Hon. K Azopardi)* Well, I move that the House adjourn to tomorrow, that we come for three days this month and that they earn their keep for once – that they earn their keep, that they realise that this Parliament is the place where we debate, that we debate properly and that we have a consideration of all of the issues that are relevant, and let us consider what are the issues that are in the public interest of Gibraltar and not what the hon. Member wants to do. *(Interjection by Hon. K Azopardi)*

2650 I put it to him that the best thing he could do is to calm down and settle down and not continue to shout *(Interjection by Hon. K Azopardi)* from the position where he is standing up when another Member is already speaking and on their feet, which is contrary to the Rules of the House, *(Interjection by Hon. K Azopardi)* because in this House, when a Member is on their feet, nobody should be trying to make them [inaudible]. *(Interjection by Hon. K Azopardi)* One Member standing up should be respected and the other Member should sit down. That is exactly what the Rules of the House provide for and what we are not seeing from a Leader of the Opposition who has behaved really like no other Member of this House has behaved in all of the time I have been here, in a boorish and improper fashion.

2655 This is the sort of thing that gives politics a bad name. It gives all of us a bad name out there. We should behave with respect to each other. We are trying to bring a new system to this House so that people know when they have to be prepared, people know when they are going to be facing a Bill. What we are being asked to do by the manner of behaviour of Members opposite is to go back to the way that *they* used to run the House, which was to surprise everyone with the Agenda when they wanted to. We will not behave like that. We will try to continue to act in keeping with your ruling, Mr Speaker, and try to stick to an agenda. But where we cannot, we cannot, in particular where we cannot because they have kept us longer on some subjects, of which we make no complaint – they are entitled to. We make no complaint, but we then cannot stick to the Agenda. If we say something is going to happen at four o'clock and they are still asking us questions at five o'clock, then it cannot happen, and the hon. Gentleman should not be so upset about that. He should realise that there are exigencies that apply to the way the timetable is planned and delivered against and we should really not be giving this sort of show to the public, because that is what turns them off all politicians.

2670 **Hon. K Azopardi:** Mr Speaker, I am not giving a show to any –

2680 **Mr Speaker:** Hold –

Hon. K Azopardi: I am not cross on the issue.

2685 **Mr Speaker:** Please resume your seat. If the Hon. the Leader of the Opposition wishes to speak, then he seeks my authority to rise and say a few words.

Hon. K Azopardi: I thought I had.

Mr Speaker: Well, you had not, but anyway, you are asking now – fine.

2690

Hon. K Azopardi: Mr Speaker, I am not cross and I understand when things need to be shifted. The reason for my reaction is because the hon. Member goes beyond making the point that he did, that the Agenda needed to change for a legitimate reason. He made a big song and dance about the rules changing to help everybody, but then he mucks the Members on this side of the House around by moving the Agenda around in the way that has been discussed. That is the issue.

2695

The more fundamental issue is that the reason I reacted in the way that I did is because he disrespects Members on this side of the House by raising the issue of our salaries and what we earn and all of that. We never make that point. We never say that they earn double or triple what we earn, and for that reason they should be doing this, that and the other. We never raise that because *that* is what gives politics a bad name, when people talk about the salaries of the Members on this side or that side. He does that for effect and he knows it. He knows he does that, and he overextends himself deliberately. So he is the one who is giving politics a bad name sometimes – not always, but sometimes he does, and he does it deliberately, Mr Speaker.

2700

2705

Hon. Chief Minister: Mr Speaker, in rounding up on –

Mr Speaker: A final word.

2710

Hon. Chief Minister: Mr Speaker, I am rounding up on the adjournment. I think that the Government's desire to bring a structured timetable to this process is one that is entirely laudable. I think that the Opposition have understood, at least in the way that the Hon. the Leader of the Opposition has now presented it, that where we are unable to keep to the timetable it is not because we want to muck them about, although he has also said that we muck them about. I do not know how it is that we muck them about by continuing to answer their questions, which is what puts us off the timetable that we try to provide for them. The reality is that this is chaff. What matters is that we are going to be dealing with legislation and motions tomorrow, that we want to be able to do that in a way that is efficient.

2715

2720

And yes, Mr Speaker, frankly, I do not think that it is unfair to refer to the fact that hon. Members earn a salary to be Members of this House and that they come for three days a month. It is not true that our salaries are not referred to. We have had our salaries referred to by hon. Members opposite on a number of occasions, as *Hansard* will disclose. Frankly, I am one of the ones who believes that every Member of this House is entitled to draw a remuneration for being a Member of this House, but they are also entitled to be asked by their constituents and by their fellow parliamentarians to understand that they draw a salary to be Members of this House and therefore, when they are asked to be in this House, they should not be complaining that they are being asked to be in this House.

2725

With that, Mr Speaker, I move that the House should now adjourn to tomorrow at 5.30.

2730

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Wednesday, 15th February at 5.30.

The House adjourned at 7.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.31 p.m. – 6.46 p.m.

Gibraltar, Wednesday, 15th February 2023

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The Gibraltar Parliament

The Parliament met at 5.31 p.m.

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Medical (Group Practice Scheme) (Amendment) Bill 2022 – First Reading approved

Clerk: Meeting of Parliament, Wednesday, 15th February 2023.

(ix) Bills – First and Second Reading.

5 A Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act.

The Hon. the Minister for Digital, Financial Services, the Health Authority and Public Utilities.

10 **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 Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20

Clerk: The Medical (Group Practice Scheme) (Amendment) Act 2022.

Medical (Group Practice Scheme) (Amendment) Bill 2022 – Second Reading approved

25 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I beg to move that the Bill for the Medical Group Practice Scheme (Amendment) Act 2022 be read a second time.

This short Bill introduces a change that is required in order to establish that a person will not be able to register on a medical group practice scheme established under the Medical Group Scheme Act by virtue of being the dependent of a student enrolled on a full-time academic course at the University of Gibraltar.

30 The Bill, in conjunction with supporting amendments to its subsidiary legislation, as well as the Bill for an Immigration, Asylum and Refugee (Amendment) Act 2022, will put the University of Gibraltar on a competitive financial footing with its counterparts in the UK by offering those on a full-time academic course at the University who also require private medical insurance the option to pay for access to our own medical scheme.

35 These changes are beneficial to all parties involved and are a clear sign of Government's continued commitment to Gibraltar and its educational institutions.

Mr Speaker, I commend this Bill to the House.

40 **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, I thank the Hon. Minister in relation to his explanation. He did kindly explain the rationale yesterday and this Bill will enjoy the support of the Opposition.

45 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

50 **Hon. D A Feetham:** Mr Speaker, I have not understood this and I would appreciate it if the Hon. the Minister might explain by reference to an example that I am just going to put to him. Honestly, I just have not understood the purpose of the Bill. For example, if one of our children at university, God forbid, contracts cancer or something like that, would they be able to be treated through the GHA in the normal way – in other words, at public expense in Gibraltar – or would they, because they are in full-time education at university, have to go through the NHS in the UK, which, God forbid, is in a worse state than the GHA here in Gibraltar?

55 **Mr Speaker:** The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, thank you.

60 The explanatory memorandum talks of somebody not being a dependent for the purposes of the Medical Group Practice Scheme Act by virtue of being a dependent of a person enrolled at the University of Gibraltar on a full-time academic course. The actual amendment that is being made refers to someone who is enrolled at the University of Gibraltar on a full-time academic course who has been charged and paid the student health surcharge to the University of Gibraltar. Could I ask the Minister simply to confirm that the reference to persons on a full-time academic course

65 in Gibraltar does not include those Gibraltar residents who are already part of the scheme, notwithstanding that they are enjoying a full-time academic course at the University? In other words, there may be circumstances where there may be foreign students who come and undertake a full-time academic course at the University of Gibraltar. They are charged the student health surcharge and therefore their dependents are not entitled to be treated as dependents for

70 the purposes of the scheme. So it is not the case – and I would just ask the Minister to clarify that it is not the case – that this applies to any person carrying out a full-time academic course, for example the children of Mr Feetham or anybody else who is enrolled under the scheme, but only those who come from abroad and are charged this particular surcharge.

75 **Mr Speaker:** Does the mover of the Bill wish to respond?

Hon. A J Isola: Yes, Mr Speaker, I will respond. I will confirm to my hon. Friend and colleague Mr Licudi that that is indeed the case. The Bill solely strikes at those who are not already members of the GPMS scheme and who come from outside, and therefore are not otherwise eligible for membership of the scheme, to become members of the scheme if they make the contribution and if they are in full-time education at the University of Gibraltar. That is the sole purpose of the Bill and those are the only people affected by it.

I am not sure I quite understood the hon. Member's question. This has no impact on any of our students outside. It is simply –

Hon. A J Isola: Yes, it simply applies here in Gibraltar in respect of those coming into the jurisdiction, not members of the scheme who wish to be members of the scheme. They will have to pay both full-time education and the contribution. I hope that –

Hon. A J Isola: Thank you.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Medical (Group Practice Scheme) (Amendment) Act 2022.

**Medical (Group Practice Scheme) (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

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.

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

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

The Hon. the Minister for Business, Tourism and the Port.

Minister for Business, Tourism and the Port (Hon. V Daryanani): I have the honour to move that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2020.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –
Second Reading approved**

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 Gibraltar Merchant Shipping Act 1995 be read a second time.

The Bill, together with the next Bill on the Order Paper to amend the Gibraltar Port Authority Act 2005, introduces obligations on the Gibraltar Maritime Administrator and Gibraltar Port Authority respectively to (a) assign responsibilities to monitor, update and revise policy in order to comply with International Maritime Organisation obligations and (b) to advise the Government on the legislation, guidance and procedures required to ensure the consistent implementation and verification of the IMO obligations.

In short, this Bill and the Bill to amend the Gibraltar Port Authority Act 2005 impose duties on the Gibraltar Maritime Administrator and Gibraltar Port Authority to ensure that laws and policies are implemented as required by the IMO. The reason why the amendment is required in both Acts is because each Act deals with different areas of responsibility which broadly align with the different responsibilities held by the Gibraltar Maritime Administrator and the Gibraltar Port Authority.

The Gibraltar Merchant Shipping (Safety, etc.) Act imposes obligations on the Maritime Administrator, a statutory post which heads the Gibraltar Maritime Administration. The GMA is responsible for what are described in the maritime industry as flag state and port state matters. The term 'flag state' refers to matters of vessel registration and compliance with standards required in order to be registered under the Gibraltar flag and to maintain that flag. The term 'port state' addresses the responsibility to exercise prospective enforcement action over foreign vessels within the Gibraltar port. The amendment to the Gibraltar Merchant Shipping (Safety, etc.) Act therefore imposes on the GMA the obligation to ensure the implementation of laws and policies in relation to flag state and port state matters.

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. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, again, in relation to this Bill the Hon. the Minister has consulted with us on a number of occasions now, given the certain complexities in relation to this Bill, and I am happy that the Opposition will support the Bill.

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

I call on the mover to respond.

Hon. V Daryanani: Mr Speaker, I would like to thank the Hon. Mr Phillips, who has been very helpful. We spoke a couple of times and I am happy for the support of the Opposition.

Thank you.

165 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

170

Clerk: The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2020.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –
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.

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

**Gibraltar Port Authority (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

180

The Hon. the Minister for Business, Tourism and the Port

Minister for Business, Tourism and the Port (Hon. V Daryanani): I have the honour to move that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time.

185

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

190

195 **Clerk:** The Gibraltar Port Authority (Amendment) Act 2020.

**Gibraltar Port Authority (Amendment) Bill 2020 –
Second Reading approved**

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 Gibraltar Port Authority Act 2005 be read a second time.

200 The Gibraltar Port Authority Act 2005 establishes the Gibraltar Port Authority and details the duties and responsibilities to be undertaken by it. The nature of the responsibilities carried out by the Gibraltar Port Authority are described in the maritime industry as coastal state matters. This term incorporates areas such as ensuring the safety of navigation to protect the environment, guarding against maritime pollution, and protection of the security of coastal populations. The amendment to the Gibraltar Port Authority Act 2005 therefore imposes on the GPA the obligation
205 to ensure the implementation of laws and policies in relation to coastal state matters.

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. Elliott Phillips.

210

Hon. E J Phillips: Mr Speaker, briefly, the Opposition will support the Bill.

Mr Speaker: Does the hon. Member wish to respond?

215 **Hon. V Daryanani:** Mr Speaker, once again, I am grateful to the Hon. Mr Phillips. We discussed this yesterday and on a few occasions before that.

Thank you very much.

220 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

225 **Clerk:** The Gibraltar Port Authority (Amendment) Act 2020.

**Gibraltar Port Authority (Amendment) Bill 2020 –
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.

230 **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.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 and the Gibraltar Port Authority (Amendment) Bill 2020.

In Committee of the whole House

**Medical (Group Practice Scheme) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act.

240 Clauses 1 to 3.

Hon. E J Phillips: Mr Chairman, I assume they get picked up in 2023 and I have no need to make reference to them.

245 **Mr Chairman:** I am grateful that you have brought it up. The title of the Act is shown as 2022 and the hon. Gentleman is saying that that should be amended to read 2023.

Chief Minister (Hon. F R Picardo): Mr Speaker, we have this discussion on a number of occasions. The Bill has the date of publication. The Act, when it is passed, is published with the date of publication of passing of the Act. It is not a point that we need to make. I am grateful that it is made, but we do not need to make it.

250

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

255 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.

260 Clauses 1 to 4.

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

265 **Hon. G H Licudi:** Mr Chairman, are we dealing with the Gibraltar Merchant Shipping (Safety, etc.) Act?

Mr Chairman: Yes.

270 **Hon. G H Licudi:** Just one point. In relation to clause 4, I would propose a very minor amendment. At the very end it says:

for the purposes of this sub-section, the Maritime Administrator may arrange for the discharge of any of its functions ...

and it seems to me that it should say 'any of his functions'. The Maritime Administrator is an individual. In fact, the Gibraltar Merchant Shipping Registration Act provides that the Minister 'shall appoint and may remove an officer to be styled the Maritime Administrator and confer upon him powers', and therefore this should say any of 'his' functions' rather than 'its' functions.

275 **Mr Chairman:** The hon. Lady.

Hon. Ms M D Hassan Nahon: Instead of 'his' ... It could well be a female or a male.

280 **Hon. G H Licudi:** Mr Chairman, as I understand it, the Interpretation and General Clauses Act deals with that, and in fact the legislation that we have in relation to the Maritime Administrator deals with 'his' functions and anything that is conferred upon 'him'. Clearly, when we say 'he' in legislation, 'he' includes 'she' or 'them'.

285 **Mr Chairman:** Hon. Elliott Phillips, do you have a ...? No. Clause 4, as amended, stands part of the Bill.

Clerk: The long title.

290 **Mr Chairman:** The long title stands part of the Bill.

**Gibraltar Port Authority (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

295 Clauses 1 to 4.

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

300 **Mr Chairman:** The long title stands part of the Bill.

**Medical (Group Practice Scheme) (Amendment) Bill 2022 –
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –
Gibraltar Port Authority (Amendment) Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 and the Gibraltar Port Authority (Amendment) Bill 2020 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

310 **Mr Speaker:** I now put the question, which is that the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 as amended, and the Gibraltar Port Authority (Amendment) Bill 2020 be read a third time and passed.

Those in favour of the Medical (Group Practice Scheme) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

315 Those in favour of the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar Port Authority (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBER'S MOTION

Miscarriage, ectopic and molar pregnancies – Amended motion carried

320 **Clerk:** Private Member's motion. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

NOTES that Gibraltar legislation does not currently provide for a legal right to paid leave for parents who are grieving the loss of a pregnancy before 24 weeks.

NOTES that His Majesty's Government previously introduced a legal entitlement to two weeks paid leave for working parents in respect to the loss of a child of any age or those who suffer a stillbirth from 24 weeks of pregnancy commonly referred as 'Jack's Law'.

NOTES the introduction of groundbreaking legislation in New Zealand to provide workers with three days' paid leave in the event of miscarriage.

NOTES that a Bill for the provision of miscarriage leave has been presented by Angela Crawley Member of Parliament for Lanark and Hamilton East before the British Parliament.

NOTES that the loss of a baby by miscarriage is a devastating experience for families and for some in our community miscarriage is tragically not a singular event.

NOTES that whilst employers and organisations in Gibraltar are sensitive to the grief and loss associated with miscarriage and may have made provision in the context of their employment policies and practices, it is important that support by way of paid leave be enshrined in Gibraltar law for those persons who have suffered the devastating loss of a pregnancy before 24 weeks.

AND CALLS on His Majesty's Government to present either: (1) a Bill before the House to make provision by way of: (i) the introduction of new legislation; or (ii) amendment to employment and/or benefits legislation for paid leave for people who have experienced miscarriage, ectopic pregnancy or molar pregnancy; or in the alternative (2) to amend secondary legislation such as for example, the Employment (Maternity and Parental Leave and Health & Safety) Regulations 1996, amongst others, pursuant to powers provided to the Minister responsible under any

Act(s) to widen the scope of the same to make provision for paid miscarriage leave.

Mr Speaker: At this stage, you simply speak on the motion.

325 **Hon. E J Phillips:** I know, Mr Speaker. [*Inaudible*] motion, of course, because obviously I filed
an amendment to the motion to extend miscarriage leave insofar as those pregnancies where it
was recognised by a medical practitioner and advised by a medical practitioner that they were not
viable. I have spoken with the learned Leader of the Opposition and he will introduce that
amendment at the relevant time, but I certainly can make my main contribution now.

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Mr Speaker: Please proceed.

Hon. E J Phillips: It is important for us to reflect on the route that this motion has taken. On
Monday, 6th February 2023, some 10 days ago, I filed a motion in the terms I have set out and I
emailed both the Chief Minister and the hon. Lady, copying in the Leader of the Opposition, to
ensure that we secure cross-party agreement to the motion standing in my name. I remain
confident that the motion can and indeed should enjoy cross-party support because it ensures
that those who suffer the devastating effects of pregnancy loss up to 24 weeks can be provided
with support in the form of paid bereavement leave. There can, in my view, be no justification, on
335 any objective analysis, for the Government not joining with the Opposition and the hon. Lady on
this issue, and any disagreement on the principle is simply playing party politics.

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Mr Speaker, by way of background, I filed a motion on this subject because it is the right thing
to do and I have been previously encouraged by the Chief Minister himself to use this
parliamentary process as a more efficient way than utilising a Private Member's Bill. In the past,
345 the Chief Minister has attempted to dissuade me from using a Private Member's Bill given the
Opposition do not have at their disposal a drafting team, which is of course readily available to
the Government. On that occasion I agreed and proceeded by way of motion. I have sought to
repeat the same process, allowing the Government to lead on the legislative process. It now seems
likely that I am about to be criticised for introducing a motion and doing my job for my community.

350

It was suggested by the Hon. the Chief Minister yesterday that he was not happy that I did not
obtain his consent to file a motion. That comment yesterday from him, the Chief Minister, was
disappointing and I expected better, particularly given that we were talking about bereavement
loss. It has never, thankfully, been the custom or practice of this House for a Member of this House
to seek the Chief Minister's consent to file a motion, and therefore the Chief Minister's emotional
355 response from a sedentary position should be of deep regret to anyone who purports to have the
democratic interests of this community at their core. Whilst I do not seek the Chief Minister's
consent, which I am in any event not required to do, I did extend him the courtesy of now 10 days
to reflect on the Government's position and provide the hon. Members opposite the opportunity
to support my motion, which, in light of yesterday's skirmishes in this House on timetabling, is, as
360 I am sure Mr Speaker will agree, more than reasonable.

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I am pleased to report to this House that my motion enjoys the support of the hon. Lady, who
has constructively engaged with me on this subject. I thank her for her collaboration and look
forward to her contribution this evening. I also look forward to further collaborating with the hon.
Lady on areas which are of collective good for our community.

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Pregnancy loss at any stage of a pregnancy can have a devastating effect on any couple
expecting the birth of a child. Statistically, one in eight pregnancies result in miscarriage, one in
90 are ectopic and one in every 20 is a stillbirth. Tragically, some people have experienced all
three. For a number of families, pregnancy loss or miscarriage before 24 weeks is sadly not a one-
off occurrence, doubling the pain and suffering for those who have gone through that experience.
It is right that we, as a community, recognise that parents in these circumstances may need
370 additional support, and I have no doubt that workplaces and organisations around Gibraltar

understand the trauma and the need to allow parents the time and space to grieve the loss of a pregnancy.

375 As this House has recognised previously, the Government committed to the introduction of bereavement loss for pregnancies beyond 24 weeks. The Government went beyond that provision that was provided for in the United Kingdom and they recognised that bereavement should apply irrespective of the age of the child, be it 25 weeks, 18 years or 37 months, and I congratulate the hon. Members opposite for extending that beyond the 24-week period.

380 As the law currently stands, there is no legal entitlement to any leave or pay in circumstances where the pregnancy loss occurs before 24 weeks. What my motion seeks to do today is simply to encourage the Government to recognise that the trauma associated with pregnancy loss can happen at any stage of pregnancy and therefore it is right that this House promotes primary or secondary legislation that introduces an entitlement to paid bereavement leave before 24 weeks. What I am essentially asking is for the Government to close the gap. As the position currently
385 stands, we are leaving employers and organisations to add pregnancy loss to their policies and to make reasonable adjustments where necessary.

As a community we have not tackled this question, but it has been and is being addressed in other countries, including the United Kingdom, where the Bill is going through the various stages in the Westminster Parliament. Thus far, those countries that have not introduced a provision for
390 statutory paid bereavement leave have, as I have just said, left the matter to individual companies to extend pregnancy loss bereavement as an employee benefit. In my view, providing employers with the choice or discretion as to whether they wish to create or extend their own benefit schemes and employment policies to make provision for bereavement leave before 24 weeks can create a two-tier system where larger and more competitive industries are likely to offer more
395 enhanced benefits as opposed to smaller employers, who may wish, for whatever reason, not to make the provision. We cannot allow for a two-tier system to be created and we must make provision for a level playing field in respect of this. We cannot leave it to the discretion of employers as to whether they will support working parents who suffer loss in this way, and it is right that statute and/or regulation intervene in this way, as I have suggested.

400 Lastly, I would like to publicly acknowledge the hard work of Baby Steps Gibraltar, who have campaigned on this issue in the past, and to express my deep sympathy to all parents who have suffered and are suffering the loss of pregnancy in our community. It is hoped that this small but very important provision will go some way in supporting grieving parents in the workplace.

I commend my motion to the House, Mr Speaker.

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. E J Phillips.

The Hon. the Leader of the Opposition. We are going to deal with the amendment first.

410 **Hon. K Azopardi:** Mr Speaker, as my hon. colleague to my right indicated, after further reflection – and I believe a draft of this has been circulated to hon. Members in the House with the tracked change – we are moving an amendment to the motion that stands in my colleague's name:

To add the words 'or where a pregnancy is determined by a medical practitioner to be unviable before 24 weeks'

in the last paragraph and striking out the 'or' before 'molar'.

415 I think the hon. Members have a copy of this letter dated 14th February in front of them – they should have a copy of it – and the reasons are as explained by my hon. colleague.

Mr Speaker: I now propose the question in terms of the amendment moved by the Leader of the Opposition.

420 I put the question in terms of the amendment moved by the Leader of the Opposition. Those in favour? (**Members:** Aye.) Those against? Carried.

What the House now has before it is the original motion as amended. Does any hon. Member wish to speak on the motion – the original and the amendment? The Hon. the Chief Minister.

425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this motion comes before the House with the Government having been given notice of it but not having been consulted on whether or not we would support it if it was brought. I think it is important that I deal with that issue because I have never asked any Member of this House – indeed, even on this side of the House – that they should seek my consent before they do any of the things that they are empowered and indeed required
430 to do by their membership of the House. There is a difference between seeking consent for something and seeking support for something.

When a Member of the Government wants to move a Bill, they come to the Cabinet and discuss with others whether or not it is in keeping with the policies that we believe in. We have a good feel for what we are defending and we are usually on the same page on these subjects, and if we
435 are not, we consider them and find a consensus position. When Members are on the opposite side of the House and they represent – or should represent – different principles and ideologies to us, if they want to come to the House with a measure, be it legislative or a motion, they know that it will prosper and succeed only if there is support from the Government benches. Indeed, that support does not have to be from us as a Government, it can be from individual Members on
440 issues where Members may be free to vote as they wish, as they always are.

So I have never suggested that the Hon. Mr Phillips or anyone else should seek my consent before they move a motion. I have asked that they should consider seeking the Government's support before moving a motion, because it may be possible that a motion moved with some amendment that does not affect the underlying substrata of principle may move with full support
445 of the Government – that is to say the nine votes on this side and, indeed, potentially the vote of the hon. the backbencher also – if it is something that we have discussed and our support has been sought for. If our support is not forthcoming, hon. Members can still put the motion and we will have a debate on the floor of the House on why we do not support it or seek to amend it in a way that it is supportable. That is not consent. It is erroneous entirely for the hon. Member to
450 have suggested to this House that I have sought that he seek my consent for anything. I would ask him to reflect on that and to withdraw that when the time comes, because nothing that I have said in this House – and we have had this debate on a number of occasions – and nothing I have said outside of the House can ever be interpreted as me saying that my consent is necessary for a motion to be moved. If the hon. Member does not want to withdraw that, I have no difficulty with
455 him not doing so because the record shows what I have said.

Mr Speaker, this motion, which deals with an issue on which there can be support from this side of the House, was moved by the hon. Member giving me notice that he had moved it but not asking me whether we would support it. Indeed, he did not ask the Minister for Justice whether it was a measure that would enjoy her support or the Minister for Industrial Relations and
460 Employment whether it is a measure that would enjoy our support in respect of an area of his policy, but that is a matter entirely for him. I therefore do not believe it is fair either to suggest that I had an emotional response or reaction to the hon. Gentleman's reference across the floor of the House yesterday, with microphones off, as to whether or not I would be supporting the motion. Indeed, my support is not relevant. The support that is relevant is the support of my hon.
465 colleagues and the Government. I was not in tears, I did not show any other emotional affliction, and so I put it to the hon. Gentleman that it is unfair for him to refer to what he says was my factual reaction as an emotional one, when it was not. For all of those reasons, the part of the hon. Gentleman's speech which he has devoted to denigrating my approach to this particular parliamentary procedure I think is not just unfair, I think it is factually entirely wrong and I do hope
470 that we do not have to spend more of this debate dealing with that issue.

I am delighted to hear that the hon. Lady is going to be constructively involved in this debate and that she is going to be supporting this motion. I am also hoping to demonstrate that the Government would have given support, if the hon. Gentleman had called me before he had put the motion, to a motion that I would have asked him to amend in some ways, which would have
475 been then a motion, given his track record in other matters in this House, that we could have moved with full Government support.

In any event, I do believe that the hon. Gentleman has said something which is absolutely true, important, relevant, and of which we must take notice: that there is a gap in our law for those who lose a child before 24 weeks of gestation. It is true that other countries are now turning their
480 attention to that and we have not yet done so because we have an eye to what is happening in the United Kingdom and has not yet happened. It is also true that we have done very positive work with those who run Baby Steps, and the fruit of that work is already in our legislation and in the approach that we take within the government service to those who may find themselves losing a child before 24 weeks' gestation and after 24 weeks' gestation.

485 So the position of the Government is going to be to propose to amend the motion in a way that I hope hon. Members will see is not designed to do anything other than address the issue that the Hon. Mr Phillips has himself referred to, which is to close the gap, but to close the gap fully, not to close the gap and leave another gaping hole.

490 First of all, in the second paragraph – and I will give hon. Members written notice of this in a minute – I will propose that the second 'NOTES' should say 'NOTES AND WELCOMES that His Majesty's Government', and not 'previously' but 'in 2022', to set that in its proper chronological context.

In respect of that amendment that I am going to propose, I refer the House to Press Releases 44/2020 and 75/2020. Press Release 44/2020, issued by the Government, was headed
495 'Bereaved parents to be entitled to two weeks of paid leave from work' and said this:

Her Majesty's Government of Gibraltar

– as we then happily were –

is set to introduce 'Jack's Law,' under which bereaved parents will be entitled to two weeks of paid leave from work. In the UK, this initiative became known as 'Jack's Law' in memory of Jack Herd whose mother, Lucy Herd, campaigned relentlessly on the issue.

Under 'Jack's law,' working parents who suffer the devastating loss of a child under the age of 18, or who suffer a stillbirth from 24 weeks of pregnancy, will be entitled to two weeks statutory leave.

Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary.

This proposed initiative follows the UK's Parental Bereavement Leave and Pay Regulations which are planned to come into effect on 6 April 2020. However, the implementation date for Gibraltar is 1 February 2020.

And then I said something in that press release.

On 11th February, we had considered the matter further and we said as follows in Press Release 75:

'Jack's Law' To Apply To All 'Children,' Regardless Of Age.

500 So this is going in the other direction, not under 24 months:

Last month, Her Majesty's Government of Gibraltar announced that it was set to introduce 'Jack's Law' under which bereaved parents would be entitled to two weeks of paid leave from work. This legislation had become known as 'Jack's Law' in UK, in memory of Jack Herd.

In its original announcement, the Government of Gibraltar specified that, under 'Jack's law,' working parents who suffered the devastating loss of a child under the age of 18, or who suffered a stillbirth from 24 weeks of pregnancy, would be entitled to two weeks statutory leave. Parents would be able to take the leave as either a single block of

2 weeks or as 2 separate blocks of one week each which could be taken at different times across the first year after their child's death. This meant that parents could match their leave to the times they needed it most, which might be in the early days or around the first anniversary.

However, the Government feels that the parents' pain and suffering are the same whether the 'child' is 17 or 37 and so it has now decided to remove the threshold of 18 years of age. 'Jack's Law' will apply, no matter what the age of the 'child' and, as a result, bereaved parents of adult children will also be entitled to the two weeks of statutory leave.

The amended regulations will take effect from April.

So, in 2020 we moved to change our law so that anybody who lost a child over 24 weeks' gestation, whatever the age of that child, 18, 38 or 68 – at 68 the person probably would not be working, but it is possible – would be entitled to leave. The period in question, therefore, is the period now, below 24 weeks. But it is important that when we are welcoming that change in respect of the period over 24 weeks, we reflect in the motion when it was done, in 2020.

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Then I would propose after the second paragraph to introduce a new paragraph:

NOTES that His Majesty's Government of Gibraltar had provided for this to be the case in the public sector from 2016 as a matter of policy.

In that respect, I refer the House to a circular to all heads of department which was circulated by the Human Resources Department on 27th July 2016. That dealt with issues relating to maternity and adoption leave and sickness absence during pregnancy. In relation to maternity and adoption leave, the reference that this note to all heads of department includes is as follows, under the heading 'Definition of confinement':

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The definition of confinement under General Order 4.1.11 is amended to reflect the birth of a living child or the birth of a child, whether living or not, after 24 weeks of pregnancy. Heads of department must ensure that all these provisions are applied to employees who commence their leave on or after 1st April 2016.

So that which we made law for all employers in Gibraltar in 2020 we had made a provision internally for us in 2016. I think it is important that that is reflected in the motion. I am sure it will not be controversial that that should be the case.

515

The next paragraph, on the introduction of groundbreaking legislation in New Zealand should remain as it is.

Then I propose a further new paragraph, which will say as follows:

FURTHER NOTES that His Majesty's Government of Gibraltar already provides for paid leave in the event of miscarriage for its public sector workers

because that is the position generally in the public sector. That does not affect the position that the motion is seeking to address, but I think it does put in context that the Government is applying to itself that which it is seeking to apply to third parties. It is important that the Government has taken this step already, although not in respect of the period below 24 weeks.

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The next three paragraphs remain the same, Mr Speaker.

I then propose that we do the thing that Mr Phillips has said he seeks to do but I believe his motion as drafted does not do, and we then introduce a further paragraph that says this ... So after the paragraph that says, 'NOTES that whilst employers and organisations ...' a new penultimate paragraph which would read as follows:

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FURTHER DEFINES the 'devastating loss of a pregnancy before 24 weeks' as being inclusive of any pregnancy loss as a result of an abortion, as provided by Gibraltar law.

Mr Speaker, this House debated how we should take to our people the vote on the amendment to section 163A of the Crimes Act and that that should be put to a referendum. That law was

530 passed by this House and its implementation was a matter the commencement of which was put
in the hands of the people of Gibraltar. A referendum was held, delayed as it was by the pandemic,
and the result of that referendum was that what I can only describe as by an overwhelming
majority the people of Gibraltar chose that that law should come into effect, and therefore now
535 section 163A of the Crimes Act is the Law of Gibraltar and a pregnancy may be terminated under
our law in the period below 24 weeks. In that instance I am sure that no one in this House will
argue that the loss of that pregnancy is not potentially as devastating as a loss that occurs by other
means.

Mr Speaker, therefore as a result of those amendments I would also move that after the
amendment that the Hon. the Leader of the Opposition has moved for Mr Phillips we should add
540 a further limb, obviously deleting the 'or' and putting a comma, that would say, at the end of
'unviable before 24 weeks', which the Hon. the Leader of the Opposition has just moved, 'or have
undergone a medical termination'. I think that 'before 24 weeks' can stay where the Hon. the
Leader of the Opposition has put it, or it can move to the end of this part of the sentence.

And then, at the end of the whole of the motion as it stands, I would add the words:

For all of the abovementioned instances of the loss of a child or for any of the above reasons.

545 I will circulate to hon. Members now a notice in writing of those amendments.

Mr Speaker, I am moving that amendment. I think perhaps before I do, it would be helpful to
say that in relation to the words 'a Bill' in paragraph (i) of the final paragraph of the motion, we
may have to consider whether that Bill is attached to a Command Paper initially to give the
Chamber of Commerce and the Federation of Small Businesses and others the opportunity to
550 engage in consultation constructively with the Government. That is a comment which is general.

I would now move that the amendment I have spoken to is put to hon. Members and I would
circulate to them this, which does not contain the words which were moved by the Leader of the
Opposition, so that will have to be read into this. There is one for this side as well.

Mr Speaker, I therefore now formally move that amendment and await discussion of it.

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Mr Speaker: I now propose the question in terms of the amendments moved by the Hon. the
Chief Minister. The amendments are going to be circulated and I will give all Members an
opportunity to read through them, digest and then come back. We will be considering right now
the amendments. If anybody wishes to speak, it will be on the amendments at this stage.

560 Does any hon. Member wish to speak on the amendments as proposed by the Chief Minister?
The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, this is why I am glad that the Chief Minister indulged
me in going before I did, because I really did want to understand where the Government was going
565 with their response to this motion, so I thank him.

In the main address of my motion I was going to suggest that although the motion and the
amendment to the motion as set by Mr Phillips did encompass all medically induced terminations
or miscarriages, active consideration should also be given to the type of doctor-certified severe
psychological distress or related or medically recommended terminations, because this is a
570 relevant demographic of sufferers that should have recourse to similar benefits that serious
support intends to provide.

As long as abortions in Gibraltar continue to be allowed in cases outside the physically medical,
as stated in the motion, we cannot ignore the plight and aftereffects on women who terminate
their pregnancies. Some of these women terminate not because of a simple desire not to be
575 pregnant, but because their socio-economic situation does not allow for more children, or
because that future child would be born into a life of uncertainty, scarcity and strife. Some
pregnancies are a result of sexual violence and are born out of toxic, abusive relationships. Some
women become pregnant through rape. Doctors often recommend abortions based on these

580 circumstances of severe psychological distress, and these women deserve no less time off than those who end their pregnancies or have their pregnancies ended for physical or foetal non-viable reasons.

585 I do understand that some may take issue with the fact that the choice of having an abortion is different to the serendipitous loss that happens in the event of a miscarriage, and it is a point I have thought about deeply, but as long as we, as a society, require that women suffer from severe psychological distress to be granted permission to have a termination, then we have the responsibility to respond to that severe psychological distress humanely. I am pleased that the Chief Minister has recognised this and incorporated it in the motion; I think it is in the last paragraph. Obviously, needless to say, I am grateful for this and will be supporting it.

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

Hon. K Azopardi: Mr Speaker, speaking as someone who has been in the regrettable position of having lost several children before 24 weeks, I am very happy that in this House we are able to coalesce around a motion that will deliver a recognition of the devastating consequences of the loss of pregnancy, which are devastating, of course, under any circumstance. I am happy to confirm the Opposition's support for these amendments for that reason.

Mr Speaker: I call on the Hon. the Chief Minister, as the mover of the amendments, to reply.

600 **Hon. Chief Minister:** Mr Speaker, I am very grateful that hon. Members have indicated so fulsomely their support for the Government's amendments. I think it is demonstration that the Government would have engaged positively if it had been communicated to us what the terms of the motion were before it was published and that we might have been able to see the Hon. Mr Phillips publish the motion from the word go in a way that enjoyed the benefit of these changes and could have been expressed to have been moved with the support of the Government.

605 I think it is hugely important that when we are making provision in our law for something as life changing and devastating as the loss of a child we should be one of the first places in the world that, given the changes I have reflected in the amendments to the first paragraphs, which were implemented by us in 2020 and in the Government from 2016, and the changes that we will make now, we will be one of the few places in the world that will have in our law provision for consideration to be given to those who suffer such loss, whatever the age of their child. As I have said, we uncapped it already – it does not matter whether you are 17, 18 or any age – and now we are opening also the bottom age range, not just to those lost to miscarriage in 24 weeks, but those lost below 24 weeks, even where the termination occurs under the provisions of section 163 of the Crimes Act.

610 The hon. Lady, in her intervention, has referred to pregnancies that might arise out of violence and might therefore have to be ended, and other circumstances in which terminations may occur. I think it is beholden upon all of us not to seek to set out exhaustively the circumstances that can give rise to a termination under section 163 of our law and not to prejudge the devastating effect that that can have on the parent who suffers that termination. I think, therefore, it is fundamental that we have all been able to agree that terminations under section 163 of our Crimes Act should also be within the scope of this provision and I am very grateful to the House for that.

615 And so now, Mr Speaker, speaking to the motion as amended ... Well, I think we have to take a vote.

625 **Mr Speaker:** I now put the question in terms of the amendments moved by the Hon. the Chief Minister. Those in favour?

630 **Hon. Chief Minister:** Mr Speaker, I call a division.

A Member: *[Inaudible]*

Hon. Chief Minister: I do not need to seek anyone's consent to seek a division. The Rules say any Member can seek a division at any time before a vote is taken.

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Mr Speaker: The Hon. the Chief Minister has called for a division.

Voting resulted as follows:

FOR

Hon. K Azopardi
Hon. P J Balban
Hon. D J Bossino
Hon. R M Clinton
Hon. Prof. J E Cortes
Hon. V Daryanani
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. G H Licudi
Hon. S E Linares
Hon. E J Phillips
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

AGAINST

None

ABSENT

Hon. Sir J J Bossano
Hon. A J Isola

Mr Speaker: The result of the division is as follows. There are 15 Members in favour of the motion and there are two Members absent, in which case the motion is carried. The motion containing the amendments ... We are talking about the amendments, not the motion. We are talking about the amendments which have been moved by the Hon. the Chief Minister. Those have been carried.

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Hon. Chief Minister: Thank you, Mr Speaker. I am –

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Hon. K Azopardi: *[Inaudible]* in the form of how the Chief Minister has ... But he also asked for the wording that I had moved to be written in, so as long as that is reflected, because it is not in the –

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Mr Speaker: It will be reflected at the next stage. What we have before us in the House is the original motion as amended initially by the Leader of the Opposition, followed by the amendments moved by the Hon. Chief Minister.

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Hon. Chief Minister: So now, Mr Speaker, the motion has been put to a vote. I have replied on it and the motion I am speaking to now is the motion as amended. I am not going to say very much. I have moved the amendment.

Mr Speaker: I know, but I do not think you are –

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Hon. Chief Minister: Can I just ...?

Mr Speaker: Yes, go on.

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Hon. Chief Minister: I think this will be common ground between us. When I stand up, the motion is as it was. I then say I want to amend the motion before I carry on speaking to it. The amendment is put and it is replied to, and then the motion is amended. So I am still speaking now

with the motion as amended, and that is how I have always understood it and how it has always been. *(Interjections)* In other words, now it is passed like this, and having moved that amendment, I am still speaking to the motion as amended.

670 All I would wish to say – and just to develop, so the hon. Members know what my thinking is – is that in respect of this part, which says ‘a Bill before the House to make provision of’ ... I think that this is a relatively easy Bill to draft, or indeed that we can do it in another way. It may not be, because sometimes when we look at these things, parliamentary counsel find that there are many other references in our law than just the ones that we think there are. That can have other consequential amendments, and therefore the Bill may first appear as a Command Paper. I want
675 to make that clear, so that it is understood that there may have to be an element of consultation on this in order to get it right and to ensure that it does what we want it to do and we do not cause other difficulties.

680 Other than that, Mr Speaker, I am very pleased that we have now before the House a motion which includes all the elements that I have put and for all the reasons that I have put them and the House will be able to find itself unanimously supporting the motion as amended.

Mr Speaker: As the original mover of the motion, the Hon. Elliott Phillips has a right of reply. The Hon. Elliott Phillips.

685 **Hon. E J Phillips:** Mr Speaker, I am grateful and I thank all hon. Members who have contributed to the debate on this motion. I am very grateful for those contributions, that they have ended in a motion that enjoys the unanimous support of everyone in this House.

Just to address a couple of the points that have been made by the Chief Minister in his contribution about consultation, I think it ultimately comes down to this. It is bereavement loss. I
690 take the view that I have, by emailing him directly and asking him the question ‘Would this enjoy Government support?’ ... That, for me, should be sufficient insofar as the consultation. I am sure he will take it to his Cabinet and take a view thereafter. Insofar as whether it should prosper and succeed, I think it is, as the Chief Minister alluded to, a plain and simple but important amendment to our law, which might have some nuances or some wrinkles that might need to be ironed out
695 with the drafts people tasked with this.

Mr Speaker, the amendments that have been proposed by the Leader of the Opposition and the Chief Minister are ones that enjoy my fullest support and I am grateful that that we have managed to coalesce, as the Leader of the Opposition has said, around this particular issue so those affected by tragic pregnancy loss can at least have recourse to a provision in the law which
700 allows them at least two or three days – that is reference to other jurisdictions; it may be more, depending on what the Bill looks like as it comes before this House – and I am very grateful to all hon. Members who have managed to support this Bill today.

705 **A Member:** *[Inaudible]*

Mr Speaker: Yes, you would have had the right to speak, but because the mover of the motion has already responded, I am afraid, with regret, you are unable to speak.

I now put the question in terms of the motion proposed by the Hon. E J Phillips, as amended initially by the Leader of the Opposition, followed by the amendments moved by the Hon. the
710 Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I move that the House should now adjourn *sine die*.

715

Mr Speaker: I now propose a 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 6.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 8.58 p.m.

Gibraltar, Wednesday, 15th March 2023

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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

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 15th March 2023.

5 Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 13th, 14th and 15th February 2023.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Ministerial Code and Code of Conduct for Members of the Gibraltar Parliament – Statement by the Chief Minister

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

Mr Speaker: The Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has always been firmly committed to the policy of a Ministerial Code of Conduct for Ministers of His Majesty's Government of Gibraltar and a Code for Members of Parliament. I have asked you, Mr Speaker, this afternoon, for leave to make a Statement in respect of that, which you have graciously agreed to, and I have given a copy of my Statement to the Leader of the Opposition.

20

A draft Code of Conduct for Ministers and another for Members was published and circulated in September 2015. The intention then was that those Codes, along with other matters, would be reviewed by the Select Committee on Parliamentary Reform, as was suggested by my predecessor and former Chief Minister Sir Peter Caruana.

25

The House knows that the hectic schedule imposed on Government by our departure from the European Union, the COVID-19 pandemic and the future relationship negotiation with the

European Union has meant that the Committee has not been able to meet and perform its functions of review. However, the draft Codes have been published and have always been available online on the website of the Gibraltar Parliament. The Government has not received any comment or feedback on the publication of these draft Codes during all this time and, as I said at the time that we adopted them, we would be behaving in keeping with those Codes. Although we have been criticised for not formally implementing them, we have adhered to them.

In order not to delay matters any further, I have the honour today, after my Statement, when we come to it on the Order Paper, to lay before the House a Code of Conduct for Members of the Gibraltar Parliament and a Code of Conduct specifically for Ministers of His Majesty's Government of Gibraltar. In doing so, I want to thank my friend and colleague the Deputy Chief Minister, who has led the detailed work on both, although it is my obligation as Leader of the House to be the one to lay these particular Codes.

The draft Ministerial Code available until now was largely based on the Code applicable to Ministers of His Majesty's Government of the United Kingdom from time to time. It was the first such Ministerial Code for Gibraltar, which we had the honour to publish. However, that Code, which was first published in September 2010 in the United Kingdom, was subsequently amended several times. There were amendments in October 2015, just after we had published our Code in September 2015, in December 2016, in January 2018, in August 2019, in May 2022 and most recently in December 2022, and usually, if I may put it colloquially, scandal-led amendments which were made to the Code.

The new Gibraltar Code is based on the latest United Kingdom version and has been amended and updated by the Deputy Chief Minister to be in line with the most recent December 2022 version, which is applicable in the United Kingdom. This means that the 2015 Gibraltar Code has now been updated and the relevant amendments have been incorporated into it, so that the Code laid today is bang up to date with the Code in the United Kingdom.

There are some areas which are completely irrelevant to the circumstances in Gibraltar which are envisaged in the UK Code, for example the question of special advisers and their behaviour, and parliamentary private secretaries. None of those concepts exist in Gibraltar and therefore we have expunged the Code of them.

The Gibraltar Code provides for the appointment of an independent adviser who would investigate alleged breaches of the Code. This can come about if the Chief Minister, having consulted the Chief Secretary, feels the matter warrants further investigation. An investigation can also be initiated by the independent adviser where he or she believes that an alleged breach of the Code warrants further investigation and the matter has not already been so referred.

The Ministerial Code is divided into 11 sections and restates at Annex A, at the end of the Code, the Seven Principles of Public Life, which are identical in Gibraltar to those applied in the United Kingdom.

The Code of Conduct for Members of the Gibraltar Parliament more generally was also first published in September 2015. The Government has received no comment or feedback from hon. Members opposite since the publication of the Code for Members.

The new updated version is also based on the Code applicable to Members of the House of Commons, where relevant, and amended to the circumstances of Gibraltar. This, too, repeats the Seven Principles of Public Life as being applicable to Members of the Parliament, as it is to Ministers, in the same way as the Ministerial Code sets out.

The Code provides for the Gibraltar Parliament to appoint an independent expert panel with the relevant experience to investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code and the allegations that might be made of breaches of the Code.

The Government has been very conscious that to a degree this was unfinished business, and we recognise that the process of giving effect to these Codes could have been different in other circumstances, which unfortunately did not apply. However, the point is that it is preferable to give this matter some finality and to get it done, than to allow the situation now to continue any

further. If we have to amend, we can amend going forward, but from the position of having already made the Codes fully applicable going forward from now.

80 It is for this reason that the Government remains open to any ideas and suggestions for further improvement that hon. Members or any person may wish to put in writing to the Government. Further, it is also a condition of both the Code of Conduct for Ministers and the Code of Conduct for Members of Parliament that they shall be subject to annual review by the Gibraltar Parliament, which will provide another opportunity to further review the Codes, but that should not stop us
85 from amending these Codes at any time before a year is up after today, if the House should consider it necessary.

Mr Speaker, on that basis, when the moment comes, after I have clarified any questions that may be raised or any points for clarification that may be made, I shall be laying both these Codes at the appropriate moment under the Agenda item.

90

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

Hon. K Azopardi: Mr Speaker, thank you.

Indeed, I received, earlier today, at quarter past one, the Statement of the Chief Minister that he intended to make, together with a copy of these Codes that he will lay a bit later, subject to
95 the comments that we may make.

Of course we welcome the introduction of the principle of a Code of Conduct for Ministers and indeed for Members on both sides of the House; it was in our own manifesto at that last election. However, I have to say it does look like a bit of a box-ticking scramble ahead of the next election, given that this is a commitment that the Members opposite had in, I believe, their first manifesto and indeed it was discussed in their second and third manifestos – indeed, the last one. I do accept,
100 as the Hon. Chief Minister has said, that since the last election there have been intervening events that have made it difficult perhaps to have a more detailed discussion on some aspects, but it is also true that before that moment there were opportunities to do so. Indeed the drafts that were
105 first published were some time ago, so there could have been an opportunity to properly introduce these earlier.

Can I just ask him to clarify, if he will ...? As I said, we welcome the principle of these documents. We would like to, obviously, study the detail of it, because the Hon. Chief Minister has indicated that these documents that he intends to lay are different to the ones that we saw some time ago;
110 he says both of these documents are updated. So subject to a review of the detail – because we may have the opportunity to then engage with the Government on improvements to these, and he says there will be an annual review, which of course we welcome – we may want to go further, and in that context we may be able to engage with Government if we have any particular thoughts in that regard.

Can I just ask him to comment, though, because from a formalistic point of view, we would see the Codes quite distinctively in this sense: it seems to me that the Government can introduce a Ministerial Code of Conduct to the extent that it wants and lay a copy in this House – and it would be effective, of course, because it binds the Ministers of the Crown in that sense – but to the extent of a Code in relation to the Members of this House, I wonder whether it would be effective
120 simply to lay it in the House, and I ask the hon. Member perhaps to reflect on the comments that I make in this regard.

I start from the premise that he did, himself, acknowledge ... on that side of the House the Members opposite did themselves acknowledge in their last manifesto, and indeed the one before that, I believe, that the approval of a Select Committee would first be engaged before there was
125 an attempt to introduce this document. Can I just say that nothing I say is to suggest that I am placing hurdles on the introduction of this document, but rather what I would like us to do is to make sure that it is effective in that sense.

In the short time available, I reflected on the provisions first of the Constitution that allow the Parliament to prescribe its own rules of procedure in sections 36 and 39. It seems to me that that,

130 together with the provisions of the Parliament Act, would allow us to perhaps pass a resolution or
a motion that would give effect to the Code, but I am not sure it would become effective by simply
laying it in the House. The Standing Orders of this House themselves are made, on the face of
them, by express reference to section 39 of the Constitution and it seems to me – and it is
135 something that I would ask the hon. Member to consider, reflect on and, if necessary, clarify, if it
is not a point that catches him at all by surprise, because he may have thought about it himself ...
It seems to us on this side that this may require a resolution or a motion insofar as the Code of
Conduct that would bind the Members of this House. I say that because section 39 of the
Constitution says ‘The Parliament may from time to time make, amend and revoke rules of
140 procedure’ for the regulation of the proceedings, and section 36 of the Constitution allows the
legislature to ‘prescribe the privileges, immunities and powers of the Parliament and its
Members’, but it seems to me also that the prescription of that would require some degree of
formality, a decision of the House, and the laying of a Code in the House does not seem to me to
amount to a decision of the House to do so.

145 I give way to the hon. Member and those are my closing remarks. Perhaps the main issue, as
he can see from my remarks, is a matter of formalistic procedure and adoption.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Member for recognising that
150 I provided him quite considerable notice of my Statement – almost two hours before I delivered
it, which is more than is usually the case even in the House of Commons – and for the fact that in
his address he is not in any way challenging the content of the Code or indeed the objective of the
Government in providing for the Code. But he, of course, as usual, does not permit the form to
get in way of the substance – or does he? – because what the hon. Gentleman has talked about is
155 really just the form in which we have submitted the Code. The fact that the two Codes are now
before the House I think is a remarkable step forward for governance of the Rules of this House
and the ministerial standards to which people will be held in the form of this new Code. But of
course the hon. Gentleman starts not seeking to clarify, not seeking to question, which is what he
should be doing in the context of a Statement I have made. He starts by pugilistically seeking to
160 engage a party political debate, for which I am always up. He says this is a box-ticking scramble. It
can only be a box-ticking scramble in respect of seeking *their* adherence to the *parliamentary*
Code, it cannot be a box-ticking scramble in the context of *our* adherence to the *Ministerial* Code,
because in 2015 we published the Code and we said, at the request of the GSD, ‘This is going to
go to a Select Committee before it gets formally adopted, but we subject ourselves to it from
165 now.’ So if the hon. Gentleman had stopped to consider the position as it has applied and
appertained from 2015, he could make the argument that in 2015, in September, after four years
of work in Government and the report of the Canepa committee, we scrambled in September to
ensure that the Code was applicable to Ministers before an election in October – perhaps
November. In the autumn. (*Interjection*) November? Fine, November, yes. Sixty-eight per cent, we
170 got. I will never forget that: 68%. So box-ticking scramble in September to ensure that it was in
place for November, but not in 2023, eight years on from our subjecting ourselves voluntarily to
the Code. The only scramble would be to subject *them* to the Code, because it is the parliamentary
Code that we are saying should be applicable from today, because they have not professed
voluntary allegiance or adherence to the parliamentary Code like we professed it voluntarily to
175 the Ministerial Code.

I would say to the hon. Gentleman that a little thought might have delivered him a little bit
more logic behind his argument because, as a result, what he has done is demonstrate that if there
is a need to scramble to secure adherence to a Code, it is in respect of Members who are not
Ministers, because Ministers have subjected themselves voluntarily to the Code. That is where he
180 started, with this pugilistic party political point that unfortunately, like the proverbial firework,

blows up in the palm of his hand because of the lack of generosity with which he approaches the point.

185 The second point that he makes is the formalistic point, as he calls it, having said that he will study the detail and he wants to check the amendments. As I have told him, he will find that the amendments are designed to ensure that figures and issues that are referred to in the UK Code and are not relevant here have been provided for. The Deputy Chief Minister has done it in very great detail. He has taken me through it. I have agreed the differences with him. I am sure they will not be controversial. But what he will have to study the detail of, I assume, are the differences between the Code published in September 2015 and the Code published today, because he has 190 not, since 2019 when he was elected, raised with us any issue in respect of the 2015 Code. Therefore, one has to assume that either he has not read it, although he has said repeatedly that this is an important part of the architecture of the Government he would like to lead, or he has not thought that there was anything in there worth commenting on. So he can look at the differences between the 2015 Code and this Code and how that has been affected in fact by changes in the United Kingdom.

195 He has said that perhaps they want to go further. Well, they may want to go further than the United Kingdom, which is seen as a lead jurisdiction in many respects in the concept of the Seven Principles of Public Life etc., although in the past year and a half we have seen some of the shortcomings of the system in the United Kingdom, but it is recognised as one of the best systems 200 in the world in that respect, in terms of accountability of Ministers and Members of Parliament. If he wants to go further than the United Kingdom, he should tell us where it is that he wants to go further. We are happy to consider it in some circumstances where Gibraltar might be able to do things which are not provided for even in the United Kingdom.

205 Is a resolution necessary? Well, the analysis the hon. Gentleman does I think is otiose, because what we are talking about here are not offences. Nobody is going to be tried by a court. These are issues of political responsibility and adherence to rules that we subject ourselves to. Indeed, the Canepa Commission talked about the Ministerial Code being reviewed – because we had one at the time – drawn up, made applicable to Ministers and kept under review. It did not say anything about a resolution. What former Speaker Canepa said in respect of his recommendation for a 210 parliamentary Code, not a Ministerial Code, was that that should be adopted by resolution. But it is not *required* to be adopted by resolution because the Canepa Commission was a commission giving advice and making recommendations.

215 We have wanted to ensure that the Code is published and that it is known, but I have absolutely no difficulty with the principle that we pursue that which Mr Canepa as a Member of the House did when they introduced the Declaration of Members' Interests, I think in 1982 or something like that, which was to do it by way of resolution, which is how Speaker Canepa must have come to the conclusion that it was prudent to advise a resolution in the Code. The Government is happy to give notice now – because we only need 24 hours for a Government motion – that we will be putting a resolution in this session of the House to adopt the parliamentary Code, and the Code 220 can then be adopted by resolution.

225 The approval of the Select Committee, however, is not necessary for us to do this because, to the extent that we are Members of Parliament, I tell the House today that this side of the House gives a commitment to adherence to the principles of the Ministerial Code *and* the parliamentary Code, which would apply to all of us, including Mr Licudi as a backbencher, whilst the Ministerial Code will apply only to those of us who sit on the front bench. So without a resolution, the House knows that the GSLP-Liberal side of the House will adhere to the Code. By resolution, we will all be bound to adhere to the Code, but they could vote against and we could vote in favour. Because we have the inbuilt Government majority, it will still apply, so to an extent we are playing an element of a 'formalistic' – to use the hon. Gentleman's word – game.

230 In terms of the effectiveness of the Code if it is not adopted by resolution or by motion, there is no difference, because it tells us what we are supposed to do. There is nothing in here which is rocket science. These are the rules of public life, the ones that we all instinctively must know we

235 have to abide by, and any breach of them would require, in any event, a motion of censure in this House. So the hon. Gentleman would forgive me for connecting the way that he has tried to weave his references to the Constitution and the Parliament Act and his opening gambit on a box-ticking scramble, to see only an attempt to get up to say something which might gain him some party political advantage, if there is any to be had in standing in the way of a Ministerial Code and a parliamentary Code, when in fact what the Government is doing is giving further effect to the commitments we gave in 2015 in respect of both of these Codes and which they have singularly failed to do.

240 I shall, Mr Speaker, give written notice of the resolution that I propose to present in a few minutes when I am able to prepare it, so that the House has it in good time to be able to deal with it in the timetable that I believe we will be working to during the course of this session between now and Friday. I hope that despite the party political points that the hon. Member has made, the underlying reality will be that hon. Members opposite, even between today and Friday, even though they have not between 2015 and today, will confirm their voluntary adherence immediately to the Code of Conduct for Members of the Parliament.

I am happy to deal with any other points that any other hon. Member may raise.

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

Hon. M D Hassan Nahon: Mr Speaker, I have just had sight of the document now because I am a third entity and not a part of the official Opposition. I would have been to receive the paper with the same two hours' notice afforded to the Leader of the Opposition so that I could have perused it and offered a more considered set of questions. We are trying to enhance democracy in general and parliamentary conduct in this House. Why not afford me that gesture? I do not think it would have taken the Chief Minister more than 10 seconds to add my email address to the correspondence he sent to the Leader of the Opposition.

260 Anyway, it has been almost eight years that this incentive was first thought of or designed and we see a pattern that we normally see before an election, something which reminds me of how the Government also tried to ram the parliamentary reform three months, or even less, before –

Mr Speaker: I think the hon. Lady must ask questions seeking clarification, not make political points.

265 **Hon. Ms M D Hassan Nahon:** If I can, yes. We saw the same thing eight years ago, and if it were not for the public outrage it would have been a fait accompli, as it looks like this one is.

270 What I would like to ask is, firstly, when does this Code actually materially come into effect? If there are any Ministers who have taken advantage of gifts or hospitality by donors or funders of the party, for example, when would that end? Would it end today? Would it end next weekend? Would it end this weekend?

275 And why is there not ... because we can definitely see clearly here that there is no really good will from the two sides, that we have seen, in terms of giving us a meaningful opportunity for exhaustive discussion before this is set in stone? The fact of the matter is, even though we can harp back to 2015, eight years have passed, many other things have taken over the agenda, and we get this today – the Leader of the Opposition got it two hours ago; I got it 10 minutes ago – out of the blue, as a fait accompli. So how could the Chief Minister think that this was a constructive way to bring this Code into the House at this present moment? Doesn't he want more input from across the House? It seems to me that the Chief Minister has all his answers ready. He has the dates, he knows when it started, he knows when it was reviewed, but we do not have that privilege today. We have two hours and 10 minutes here. He knows all the pathology, everything that is going on, but how can he think that it is a good idea to present this across the board, bring it here and win by majority and tell us that we have until Friday?

Thank you, Mr Speaker.

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

Hon. Chief Minister: Mr Speaker, can I start by wishing the hon. Lady a happy birthday? She has been remarkably pugilistic for a day that should be celebratory for her, but I do wish her all the very best on a day like today, and I do look forward to my cheat day at coffee time, when the time comes for us to be able to raise a glass of coffee and nothing else to her good health.

290 The hon. Lady has confirmed that she is a third party, as she described herself – actually a fourth party in the House (*Interjection by Hon. Ms M D Hassan Nahon*) – in the sense not a part of the official Opposition, despite the wishes as expressed on national television by the Leader of the Opposition. Despite his wishes, she remains, rebuffing him, a third party and –

295 **Hon. Ms M D Hassan Nahon:** It is not relevant.

Hon. Chief Minister: Yes, it is, because you were the one who said that you were not.

300 **Hon. M D Hassan Nahon:** How is that relevant to what I was saying or coming to?

Hon. Chief Minister: Mr Speaker, I am replying to the points that the hon. Lady made in the way that the hon. Lady made them. (*Interjection by Hon. Ms M D Hassan Nahon*) And so that is, in itself ... She asked me a question: ‘Why didn’t you send it to me?’ For a simple reason: because she is not the Leader of the Opposition, and the Rules require, as we explained them in the House last month, that I should share with the Leader of the Opposition a statement before I share it with other Members in this House, and she is A N Other Member. She did not say anything at the last meeting when we explained that, she accepted that, and in this meeting she has seen the consequence of that rule. In the United Kingdom, statements are shared with the Leader of the Opposition; they are not shared with every other Member.

305 I have no difficulty if the hon. Lady wishes me to share my statements with her, but this is an issue for the Leader of the House and the Leader of the Opposition, because it is about parliamentary procedure. She says that she has had 10 minutes to consider this. The same point applies to her with even greater force and vigour than to the Hon. the current Leader of the Opposition, because she has been a Member of this House since 2015. He has been a Member of the House since 2019 and of the GSD since 2018 ... 2017, whenever it was ... that was not in keeping with the constitutional rules. But she has been a Member of this House since 2015, when we laid the parliamentary Code – now he gets it! – so she has, I would have thought, familiarised herself with the Codes. She, no doubt, who lectures us on standards in public life ... the first thing she would have done, in November 2015 when we held the General Election, upon becoming a Member of this House was to say, ‘Let me have the parliamentary Code, I have to familiarise myself with it.’ Or is it that despite the lectures that she gives us on standards in public life, she had not read the Code to which she should have been voluntarily adhering from the day that she was elected in 2015? Maybe the Leader of the Opposition could have said, ‘Look, I became a Member in 2019 – that is when I looked at it.’ So she cannot tell me that she has had 10 minutes. It may make good copy to get up and say, ‘The dreadful Chief Minister has given the Leader of the Opposition two hours of notice and me only 10 minutes.’ Yes, but of something that you have all had since 2015. The changes are relatively minor. We are talking about a few sentences here and there, and they are the changes that anybody who has been following United Kingdom politics would have read on the front page of *The Times* each day that those changes were made to the Ministerial Code and, indeed, has led to leaders in *The Times* in respect of those changes in the Ministerial Code. So anybody politically aware will know what those changes imply – of course, if you have read the Code since you have been elected in 2015.

320 There is a pattern, of course, emerging. The hon. Lady is absolutely right, a pattern of things being done before the end of the lifetime of the Parliament. Well, surprise, surprise. We are elected for four years. Our obligations are to do things in those four years, and despite having got

the red light of COVID that stopped us in our tracks, in 2016 the amber light of Brexit that made everything harder and like going through treacle because of, first of all, negotiation of the withdrawal agreement, then negotiation of the future relationship ... Despite all that, we published these Codes and now we are updating them. The sin of which we are attacked today is the updating of the Codes to which we subjected ourselves voluntarily in 2015. So it is not credible to say that you have had 10 minutes to consider this. You have not had 10 minutes. Indeed, much of the discourse of the Opposition ... Indeed, a year ago, when I understand that they thought an election was going to be called, they held a press conference on these issues – not her, them – and the Ministerial Code etc. So these are live political issues and what we are doing is giving effect to these things. So the *fait accompli* to which she refers is a *fait accompli* which has applied to this side of the House for eight years. It is not that this weekend or next weekend the hospitality/not the hospitality, the gifts/not the gifts. We have subjected ourselves since 2015.

Hon. Members can believe all the rumours they like about what we are given or not given. As hon. Members know, I was told in a memorable *Direct Democracy* some months ago on GBC that people said I had a great villa in Portugal that had been gifted to me by a contractor locally who had built it in Portugal etc. If somebody would at least tell me the address, I might be able to visit this great gift that I have been given and enjoy the benefit of it. There are rumours about gifts that we are told they get from people who are supporting them so that they will replace us, and they will hear rumours of gifts that we get *'para asermos el peloteo'* so that people are going to get tenders. Nonsense on stilts. I do not believe it when I am told of them. I say *No me diga*. I trust that they do not believe it when they are told it of us. There are rules about that. There is a register in my office of anything that comes in which is a gift. It is assessed for value and it is put in the register. So these things, for us, to answer her question, have been set in stone since we published the Codes in 2015. I just told the Leader of the Opposition that when she got up to ask me again. So getting it today 'out of the blue' should not be a surprise. She should have said, 'Long time coming – why didn't you do it sooner?' I would have said, 'I did it in 2015.' But not that it is out of the blue.

In terms of wanting to be constructive, the Hon. the Deputy Chief Minister rightly said that we tried to be constructive – in one of his Budget speeches, I think, on this subject – by agreeing the GSD proposal that instead of putting a motion in 2015, which we said we were going to do when we introduced the Commission's report, we agreed the GSD position, which was not to do that and send it to the Select Committee, and there it lay, because the Select Committee was not able to meet. But in the time that those who represent the GSD, as she did since 2015 in this House until the schism in the late part of the second decade of the third millennium, none of them wrote to us to say, 'We want to improve the Code in this way. When we get to the Select Committee, this is what we are going to be proposing in respect of the Code.' They have never said that. So if they wanted to be constructive, they have had a lot of time to be constructive, and if they now want to be constructive, we will welcome any constructive suggestions for amendment of the Code. We might or might not agree it, it depends on what they propose and whether it is constructive or whether it is actually designed to be destructive whilst dressed up as being constructive, which is so often what we see. But most of what she had said had already been answered in the statement that I gave earlier in the context of replying to the Hon. the Leader of the Opposition, because these Codes have been in Parliament since 2015.

Mr Speaker, none of that response, which I know is perhaps a little, for me, uncharacteristically vehement in respect of the hon. Lady, diminishes my good wishes to her on this happy day.

Mr Speaker: Before I ask the Hon. Roy Clinton to respond – he wishes to say a few words – I would like to remind the hon. Lady and Members of a ruling which I made several years ago about what was expected from persons contributing in a Statement scenario. I said:

1. The Leader of the Opposition and any member of the Opposition, the Leader of any other political party in opposition or any Member that sits on the Government bench who is not a Minister are entitled to ask questions for clarification purposes ONLY.
2. In addition, the Leader of the Opposition or any other member of the Opposition that shadows a Ministry to which the statement refers is permitted a short contribution on the merits of a Statement. This also applies to the leader of any other political party in opposition.

Thank you. The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I rise to raise a point of order and I would really like your ruling on it.

390 The Opposition has been accused today of engaging in games. The tabling of a paper which is meant to bind Members of this Parliament I do not believe is a matter of games or semantics.

The Hon. Chief Minister did mention the Register of Members' Interests, which I did have a look at with the Clerk to the Parliament before the session started, and that was on 31st October 1979. What happened there was that the Select Committee made a report to Parliament, there was a question put to Parliament as to whether the report of the Select Committee should be adopted and that resolution was passed. I think that is an important precedent and I think it is logical that any rules that are meant to bind any Members of this House should be passed by this House. I do not think that the mere laying of a paper is sufficient that that should be seen to have the endorsement of this House. The Government may lay whatever paper it wishes, but at the end of the day it is the House that should pass a resolution as to the applicability of that paper. I am glad to see the Chief Minister has agreed to that procedure, but I would be grateful, Mr Speaker, if you would formalise that, so that in future there is no misunderstanding as to anything that binds Members of this House.

400 Thank you.

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Hon. Chief Minister: Mr Speaker, what rule of Standing Orders is the hon. Gentleman asking you to rule under? If you are going to make a point of order, you have to make it under one of the rules of order of the House.

410 What Speaker Canepa did when he was a Member of this House was lead in part in the debate on the question which was put as a motion at the time in respect of a Select Committee question. We did exactly the same thing. I do not think he was a Member of the House. We had the Canepa Commission and we brought that as a question to this House, and as a result we adopted various of the measures which the Canepa Commission set out, including the televising of Parliament, which had already been done. We adopted all of those, and in that debate which I have referred the House to, Sir Peter said, 'Please don't do this straight away, send it to a Select Committee.' So we agreed to send that to a Select Committee and everything else was adopted, and we then set out our adherence to the Codes.

415 Mr Speaker, under what rule is Mr Clinton asking you to make a ruling that the Government must provide for things to be done by resolution or motion, rather than publish by way of laying in the House? That is a matter which is entirely up to the Leader of the House at the time. Whether there is more or less legitimacy in the context of something that is done de facto unilaterally by the Government in terms of its application to Members who are not in the Government is a matter which may or may not be moot, but it is not a question for ruling by Mr Speaker at this stage. You might be asked for a ruling. Given that hon. Members have not said that they will adhere to the parliamentary Code until Friday when it is adopted by resolution, if one of them were to be found on Thursday to be in breach of the Code, you could then be asked, 'Can this Member be made subject to whatever discipline may be provided for in the Code, given that he was not able to vote for or against the Code in the resolution?' But you cannot be asked to set out in a ruling, at least without reference to which order you are being asked to rule under, that the Government can only do things by way of motion or resolution and cannot lay on the table and say we now feel bound by this. That is to seek, in my view, to ask you to create a new rule without having given

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you the opportunity to hear all sides in respect of such a rule and the consequences that it may or may not have.

435 Mr Speaker, if I had an opportunity to reflect on what Mr Clinton has said, I would reflect that that is seeking a ruling that could constrain the Government and the Leader of the House in ways which we would have to consider very carefully before the Government would agree to adhere by it.

440 **Hon. R M Clinton:** [*Inaudible*]

Mr Speaker: You cannot speak anymore.

Hon. R M Clinton: I am still on the point of order.

445 **Mr Speaker:** No. Well ... It is very unusual for a Member to raise a point of order without making reference to which order is being impinged. (*Interjection*) Hold on. I am happy to listen to further explanations by the Hon. Roy Clinton, but in any event I am not, here, in a position to rule on the spot, if that is what you are expecting from me. That, I cannot do. I will need to listen to what you have to say now but also take into account what the Chief Minister, the Leader of the House, has

450 said, and then I will consider and, in due course, come back to you, if I feel it is necessary.

Thank you.

Hon. R M Clinton: Mr Speaker, I have asked *you* for a ruling, not the Chief Minister. I refer you specifically to Standing Order 12, on the laying of papers, and my simple question as to a ruling is: is the laying of a paper by the Government binding on the conduct of Members of this House?

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Hon. Chief Minister: Mr Speaker, sorry, the hon. Gentleman says he has asked you for a ruling, not me. I know that he often reminds us that he is not a lawyer, but there is a basic rule of natural justice, which is *audi alteram partem*, which means you must hear all sides. Before somebody makes a ruling, and a ruling that binds all sides, they must hear all sides.

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The laying of a paper does not purport to bind hon. Members. The laying of the paper sets out the position, and what I have said to him repeatedly in the ... what I have said to the Leader of the Opposition and the hon. Lady is we are subjecting ourselves voluntarily to the Codes, and what they are saying by saying, 'We will not consider ourselves bound' is that they are not going to comply with the Code. That is absolutely fine, but it does not require a ruling about whether things are binding or not binding by individuals or parties, and if it did require a ruling, Mr Speaker, I would ask you to bear with the Government, because there may be rulings that set out that things which are laid on the table can be, in effect, binding, because when we lay something on the table it binds us. When I lay an account on the table, if it is not correct I will be required to come back to the House and explain why I have misled the House by laying something in the House that has a figure in it which is incorrect. And so we act, when it comes to the Budget, by reference to the papers that are laid before the Budget, which hon. Members use to inform their debate etc.

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So this is not as straightforward as Mr Clinton would like to pretend, and neither is it fair to say, 'I have sought a ruling from you, don't listen to anybody else.' If that were the case, courts would be places where things are resolved very quickly because the first person to speak or the last person to speak simply would persuade the party that has to make up their mind. That is not how proper rulings are made in keeping with the principles of natural justice.

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Hon. K Azopardi: A point of order, Mr Speaker, and only to assist, in view of the exchanges. Can I just make the point, for your reflection when you consider this issue, that it would seem to me that the Speaker must have power to always consider questions of procedure in this House and to give rulings where the Speaker considers it appropriate, not necessarily in the moment but always having considered the issue as to if there is an important question that arises in terms of

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485 the effect or procedure that the Speaker can then consider the arguments and come back with a ruling, as indeed Mr Speaker has done, on occasion, on issues where you have considered it has merited a particular clarification or ruling.

So really I think my hon. colleague is doing no more than that and I certainly welcome what the Chief Minister has said, that in his view the laying of a paper does not bind the Members. All sorts of things get laid on the table. Regulatory authorities and all sorts of documents get laid on the table, which clearly cannot have that effect. So it seems to me that Mr Speaker does have power.

490 Can I just say, before I sit down, that the Chief Minister has said two or three times that we have said we are not bound, we are not saying we are committed to this. We are saying quite the contrary. We are saying we want to make sure it is effective and binding, and that is all we are saying, so let's not twist the words of the points that we have made.

Hon. Chief Minister: Mr Speaker, can I thank the Leader of the Opposition –?

500 **Mr Speaker:** Yes, this will be the last intervention. Before you continue, I would ask the Hon. Roy Clinton to put down his views in writing, so I will have a good opportunity to read through them, to digest them and come up with a fair conclusion.

Hon. Chief Minister: Thank you, Mr Speaker.

505 Can I thank the Leader of the Opposition for his statement, because when analysed dispassionately, what the Leader of the Opposition has done is agree entirely with the statement that you made in response to Mr Clinton and the statement that I have made. That is to say that of course you have the power to regulate the proceedings through ruling, but you want to hear all the arguments before you make a rule which is not in keeping with one of the Standing Orders as they are today, and as a result you have now asked Mr Clinton to put in writing what it is that he purports.

510 Can I also take the point that the hon. Gentleman makes about the binding nature of things laid on the table, and can I just repeat to him, because he does not appear to have appreciated the point, that of course when something is laid on the table it binds at least the person laying it on the table – this is the point I am making – and those who are Members of the House take the benefit of that. So if I lay on the table the figures for the Gibraltar Electricity Authority, hon. Members enjoy the benefit of the rule that says I will not mislead the Parliament, and if there is a figure in the report that I have laid, they take the benefit of relying on that figure and I take the obligation to amend that figure if it is wrong.

520 What we are saying here and what I said in my introduction is we are laying it on the table – when he said why not do it by resolution, I said we will do it on Friday for the parliamentary Code – but we are adhering since 2015 and from today. He says, 'Don't twist my words,' but he has not said they have studiously failed to say since 2015 and since three o'clock this afternoon that before the resolution is passed on Friday, when they will be bound by it, they will voluntarily adhere to the Code. We voluntarily adhere from 2015 and from between now and Friday. There is no twisting of words that have not been used, because they failed to say that they commit.

525 **Mr Speaker:** May I ask the Chief Minister also to put his views in writing, so I may consider them? Thank you.

530 **Hon. Chief Minister:** Mr Speaker, once I have seen Mr Clinton's, because it would be in response rather than ...

Mr Speaker: The Hon. Roy Clinton.

535 **Hon. R M Clinton:** Mr Speaker, I may not have been in this House long enough to understand what is normal process in seeking a ruling from the Speaker, but surely it cannot be right that he has to see it before I send it to you?

540 **Hon. Chief Minister:** That is not what I have suggested, Mr Speaker, for one moment. Once he has sent it to you, either Mr Clinton can send it to me so I know what I am replying to, or you can send it to me so I know what I am replying to, which is the normal way of having an argument on the papers, and in court it would not happen otherwise. One is not expected to meet a case which has not been put.

545 **Mr Speaker:** I would suggest that we proceed along the lines that I sought before, which was to get the views of the Hon. Roy Clinton, then I will ask the Chief Minister to give me his views and then I will decide how we proceed.

Thank you.

PAPERS TO BE LAID

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Ministerial Code and the Code of Conduct for Members of the Gibraltar Parliament, so that they be binding from today.

555 **Mr Speaker:** Ordered to lie.

Questions for Oral Answer

TRANSPORT

Q236/2023

Sundial roundabout – Plans to refurbish

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 236/2023. The Hon. D J Bossino.

560 **Hon. D J Bossino:** Are there plans to refurbish the Sundial roundabout?

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

565 **Minister for Transport (Hon. P J Balban):** Mr Speaker, plans to refurbish the Sundial roundabout are in hand to coincide with the project to relocate the College of Further Education and the development of the new GFA National Stadium, both of which, alongside the redevelopment of the old Blands/AVIS building and the plot of the old Bayside School, will very materially enhance the area.

Hon. D J Bossino: Mr Speaker, it was more from a tourism angle that I asked this, because representations have been made to me about that particular roundabout, and indeed I have
570 another one on the Order Paper about the aesthetic state. I have a few questions on the Order Paper which deal with issues like those, which are basic points that we on this side of the House think ought to be addressed and sites which ought to be refurbished to make the place look nicer and more adequate. Is he able to give me a timeline as to when he thinks this particular roundabout will be refurbished?

575 And may I ask him – I appreciate I am asking a second question, but it is so closely linked, so with the Speaker’s permission – would he consider, subject to how long he thinks it is going to take to refurbish the roundabout, doing some basic refurbishment in advance of that?

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer because I am dealing with matters
580 that relate to budgetary provision and making money available for this sort of work, and with the Deputy Chief Minister I have sight of what is being proposed in the area.

The hon. Gentleman has got up, in effect – and I want him to reflect on how we hear what he says – and is saying to us, ‘Make a few hundred thousand available to refurbish the Sundial roundabout.’ Gibraltar is in deficit. We are not in surplus. We have run Gibraltar through nine
585 years of surplus, and COVID came and there is no surplus. Everything that we are asked to do, therefore, involves spending. The question is does it involve spending that we should prioritise at this stage? There will be other questions on the Order Paper that will have higher priority in spending. The refurbishment of the Sundial roundabout is not a priority for government spending at the moment. Indeed, we believe that it is likely we will be able to provide for the refurbishments
590 in the area to also provide for the refurbishment of the Sundial and other parts of the public thoroughfare there, as part of the social gain that the development will provide through the funding of developers for that area.

There are many things to do in Gibraltar that cost a lot of money. Government is about
595 prioritising that spending, and when we prioritise that spending it may not be visible that we spend on something else that matters more, but it matters more. So when the Minister for Financial Stability and I are looking at the estimates for the Gibraltar Health Authority and deciding to let them have more for better healthcare in Gibraltar in a particular area which might see an improvement on ... I am not meaning to be facetious, but I want him to understand how politically
600 less valuable it is for us but important as a Government when we are going to provide better quality nappies for those in ERS in advanced age who might need them, or spend that same £100,000 on refurbishing the Sundial. It is always difficult to do the exercise, but you have to do it first by looking at the gain to our people directly rather than the gain we would have – because I am not saying it is not a gain – in having a nicer entrance roundabout to Gibraltar.

If he bears with me, I will tell him – there is another question on the Order Paper, but it is
605 already public – that the first roundabout you are going to hit when you come into Gibraltar is not the Sundial roundabout anymore. As from the end of this month, before we are back for questions the tunnel will have opened, so a huge new roundabout, planned not by us but by them when they were in government, in the area of Eastern Beach is going to be facilitated, is being planted, will have lights etc., and the first point at which people will be in Gibraltar under our magnificent
610 North Face will be at that Beach View Terraces Eastern Beach roundabout and the Sundial will be somewhere else, in an area that will be covered in construction for the better part of the next 18 to 24 months: the new stadium – well, at least the new stadium if we are elected, not if they are elected, because they will not build it; the new College of Further Education, as long as we grant the contract and it starts being built, because they might not; and a new facility where the
615 old Blands/Avis building was going to be.

If you were going to see all of that area up in development for the next 18 to 24 months, you would not be refurbishing the Sundial roundabout anyway. With all of the works that are going to be there, you would refurbish it after that. So you would make the choice to spend the money now on the other issues rather than the Sundial roundabout, and I hope that when he sees it that

620 way he will reflect that actually the Government is making the right decision in spending on the things which are directly relevant to our people rather than on a refurbishment in this area at this stage.

Of course, we can have a fuller debate at Budget time, once we have shown hon. Members, after the end of March, how we have prioritised the spending we are going to do, despite being
625 in a deficit situation, in the Book that we will circulate in keeping with the Rules.

Hon. D J Bossino:] I think he has got to the point in a rather roundabout way, if I may. Is he telling this House, in answer to my direct question as to when the Government thinks it will be in a position to refurbish that particular roundabout, that we are talking about a period of about ... I
630 think he said 18 to 24 months. I do appreciate that you would not spend money on carrying out this particular work if it is going to be a construction site in a short period of time.

Hon. Chief Minister: Mr Speaker, the last thing I intended to do – and I assume that the pun was intended from the hon. Gentleman – was to give him a roundabout answer. I was just showing
635 him that things are not as linear in government as they might appear to be from opposition, and neither can questioning be of the cross-examination style when one asks for a yes or no answer and asks for a clear timeline.

What I am saying is that we think it will not be necessary to use government money to refurbish the Sundial roundabout. We believe it will be possible to include the refurbishment of the Sundial
640 roundabout as part of the public gain from the developments in the area, and that the developments in the area are likely to take 18 to 24 months. I hope that distils the answer that I gave the hon. Gentleman to its irreducible facets so that he considers his question answered.

Hon. D J Bossino: Yes, Mr Speaker, and I think he, himself, acknowledged in a television
645 interview that particular roundabout did require refurbishment, so in that sense I think we are both on the same page.

I think he said in his initial answer a couple of hundred thousand pounds. Is that a formal estimate he has in terms of what they intend to do by way of refurbishment?

Hon. Chief Minister: No, Mr Speaker, it is not a formal estimate. It is my decade-long
650 experience of what anything costs in government if the Government does it. I will give him the reason for that.

When I was first elected, I had been very vehement in my opposition to the then GSD Government's failure to deal with one particular pavement. I was elected and immediately said, 'I
655 want this dealt with immediately,' as you do when you are first elected. That was a week before we found out that actually the only difference between the 2010 arrival at the Treasury by Conservative Ministers and the 2011 arrival at the Treasury by Socialist Liberal Ministers in Gibraltar was that we did not have the courtesy of a note that said there is no money left, and we were told that actually there was a £100 million hole that we needed to deal with. So we had to
660 stop all the spending that we were doing until the new financial year, to be able to start rebuilding. I said, 'This this must be fixed' – this pavement, I kid him not it was a stretch no longer than 50 m, I forget where – 'and it must be fixed immediately.' They said, 'We will bring you a quote.'

The quote for the pavement – it will be in my autobiography, so he will read the detail of it when the time comes – was in excess of £150,000. I thought it just required some tiles and a little
665 bit of cement. It will be a right riveting read, I assure them, Mr Speaker, although I will not describe how a former Chief Minister described somebody else's biography, which I will share with hon. Members behind the Speaker's Chair because it is far too funny to share here. The cost was £150,000. I could not understand how laying 50 m of paving could cost £150,000. Well, because
670 when you are doing it, you have to go down the three layers of utilities. Every time we do works, we refurbish the utilities that are passing under the area where we work. That is how we ensure that we do works on utilities. So the AquaGib area, the Gibelec area, the other municipal ducts

that we had in the area, all of that had to be done. The works were going to take three months, it required more than one contractor and it was £150,000. I said, 'Hold that thought, we will deal with it in the next financial year.'

675 It is difficult to find anything the Government does that does not cost at least £100,000. That is not inefficiency, because we have managed to keep costs down in many areas and do things below the cost we were being charged in 2011, even now, but it is a reality of what we have to deal with, and the hon. Gentlemen should hear it from me as soon as possible to understand what things entail and why we have to prioritise other things in many instances, especially when we are
680 in a deficit situation.

Hon. D J Bossino: Mr Speaker, I am grateful for –

Mr Speaker: This will be the last one.

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Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: No, Mr Speaker, I have not made a formal prediction of how long the works are going to take, but from what I know of the timings I expect that the projects in that area will take 18 to 24 months once they start. I cannot tell him when they are going to start. The Deputy Chief Minister is finalising negotiations in respect of one of them, the College, and there is another question on the Order Paper in respect of that. The Savings Bank and the GFA are continuing their work to start the work on the stadium, and the Blands project I know has already got DPC consent and I think some works have already begun. Hon. Members will have seen that
690 there is some work going on there at the moment which relates to cycle lanes. That is going to become effective because the runway is going to close, we are going to have bicycles and pedestrians only on the runway, so that can start happening now and the tunnel is going to open before the end of the month. In that context, it is 18 to 24 months from the start of the relevant works on site in each of those projects, all of which I think will happen probably within six months
695 of each other.
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Mr Speaker: Next question.

Q237/2023

International driving permits – Waiting times

Clerk: Question 237/2023. The Hon. Ms M D Hassan Nahon.

705 **Hon. Ms M D Hassan Nahon:** What is the current waiting time for both types of international driving permit?

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

710 **Minister for Transport (Hon. P J Balban):** Mr Speaker, once international driving permit applications are processed, licences are produced and posted within five working days.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. Does he, himself, have any queries from people complaining about the length of time? Perhaps it is not the delivery of the permits themselves, maybe the post is slow. My information is that they are taking
715 a while, so I am just trying to understand where that break actually happens.

720 **Hon. P J Balban:** Mr Speaker, I asked the question numerous times because I thought this question was being asked for a particular reason, and obviously this is the reason. I asked them and they said that there had not been any delays. I asked them have there been times when it has taken more than five days and they have confirmed that it has not and we have not received any complaints, so whether it is postage ... no idea, but it is not from our side.

725 **Hon. Ms M D Hassan Nahon:** Thank you. Can I just ask are both types of international permit dispatched in the same timeline?

730 **Hon. P J Balban:** Mr Speaker, I would assume so. The permit that is mostly applied for, which now is, in fact, going to be relevant because we have just issued a statement – I think it was yesterday – stating that we have come to an agreement whereby Gibraltar driving licence owners will not need to have an international driving permit to be able to drive in Spain ... But the one that is relevant to most of us is the 1949 Geneva Convention on Road Traffic, which includes Spain, and that is the one that has most of the countries we would expect to visit. The Vienna Convention is the other one, and I think very few people apply for that. I believe there is a third one as well, which only includes two countries. But for all intents and purposes, the one we need at the moment is the one that we have managed to remove successfully.

735 **Mr Speaker:** Next question.

BUSINESS, TOURISM AND THE PORT

Q238/2023

Fitur fair –

Whether attended

Clerk: Question 238/2023. The Hon. D J Bossino.

740 **Hon. D J Bossino:** Did the Government attend the Fitur fair in Madrid this year?

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

745 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, Mr Bossino, the CEO, and I took the decision not to attend Fitur this year. Mr Bossino advised that rather than attending Fitur we should employ a more direct strategy. We feel that it will be more beneficial to engage on a personal basis with relevant CEOs in the industry at the top level. Therefore, Mr Bossino has embarked on meeting with tour operators in Spain and their agents personally. Mr Bossino is also looking at other marketing opportunities in Spain. The Government can review next year whether it considers it would be beneficial to attend Fitur.

750 **Hon. D J Bossino:** Mr Speaker, the position of the hon. Member was not to attend the Madrid fair last year. The Madrid fair occurs in January every year. He says that this is now the CEO's decision. My first question is: is he in agreement? He is shaking his head. Is he in agreement with what Mr Bossino is saying?

755 **Hon. V Daryanani:** Mr Speaker, I did not say that this was Mr Bossino's decision. This was a decision taken jointly by us. This is how I work with him. We talk, we discuss, and then we decide what we want to do.

760 There are many trade fairs that we could attend, but we need to pick and choose because, as you know, we have financial constraints and we need to look for the best value for money. We think personal engagement with tour operators in Spain would be more beneficial, and that is what we are looking at doing.

765 **Hon. D J Bossino:** He says that that is what he is looking at doing, which is to have that personal contact, yet at the same time he is telling the House that he is considering attending next year. So what is it going to be? Is it his policy decision that he does not wish to attend this particular fair, which is a very important fair? This is the Fitur fair in Madrid, in the capital of Spain, our most important market by far.

770 He and I have had this debate before and I have criticised him for having taken this decision. Is he allowing the possibility – which I think he is, from his answer, but he needs to expand, given the answer he has just given – to attend the Madrid fair next year and following years thereafter?

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise because there is a question that is beyond the Ministry.

775 First of all, the Government does not agree that our most important market is Spain. That is his view. We believe our most important market is beyond Spain and visitors to Spain who come from beyond Spain who might want to come to Gibraltar as well.

780 Second, there is a reason why that answer is worded in that way, and it is an answer that cuts across all the Ministries. It is that there is going to be a General Election this year and we may not be the Government next year. We go to the General Election with the humility of knowing that the next Government of Gibraltar will be decided by the people of Gibraltar, and so the Government can consider next year whether or not it goes to Fitur. If we are not in government, the decision may be made to go to Fitur. If we are in government, we will not go to Fitur, because that is the decision we have made consistently. We have assessed it, we have tried it, we have
785 spent money doing it, we have not seen the returns, so we have built a policy about attendance at Fitur based not on what we read in the newspapers but on the effect it has on the bottom line, on the arrivals in Gibraltar, on the cost involved. That is why we are going elsewhere, and that is why we do not agree with the basic principle that this is going to our most important market, to market in that market or not market in that market. That is why I have talked about the
790 Government making a decision next year. If the Government is of one particular complexion the decision will go one way, and if it is of a different complexion it may go another way.

Hon. D J Bossino: Mr Speaker, the Hon. the Chief Minister has clarified the position and it is clear ... With complete clarity he has said that it is his Government's policy decision not to attend
795 Fitur into the future. When he talks about 'elsewhere', can the Hon. the Minister to whom the questions are being made, and who has answered, tell the House with more particularity what it is that they intend to do in relation to the Spanish market, or shall we call it Spain?

Hon. V Daryanani: First of all, I hope that the Chief Minister and the Deputy Chief Minister do
800 a deal that will allow fluidity at the Frontier. (*Interjection*)

Mr Speaker, I have made it clear in the answer to the question that the CEO is engaging with the tour operators in Spain to see how we can attract more tourists through the Frontier. It is being done, but it is not being done in the way that he wants.

Q239/2023

**Flight connection with Morocco –
Prospects of securing**

805 **Clerk:** Question 239/2023. The Hon. D J Bossino.

Hon. D J Bossino: What prospects are there to secure a much needed flight connection with Morocco?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as the hon. Member knows, it is difficult to convince airlines to open up new routes and keep them here. I spend a lot of time speaking to itinerary planners and airlines executives. Over the last few years, airlines have lost millions of pounds and have become even more cautious with new routes.

815 Having said that, last month I attended the Connect Route Development Forum in Tangier and held meetings with airlines that could fly to Gibraltar from Morocco. Discussions are taking place internally to see if there is a business case for these flights. We would then explore how to progress this.

820 **Hon. D J Bossino:** Mr Speaker, back in November the hon. Member said that ... I asked a very similar question about trade links with Morocco, and there is another question on the Order Paper in relation to this, because I think it is a very important consideration for this Government and any future Governments, of whichever complexion, to secure new business with Morocco. I think we can all agree that it is very difficult to achieve that without a restoration – because we have had air links with Morocco in the past – of those air links, and I know that the hon. Member is keen to do that. But he said in November in this House that an announcement would be made in the coming months. Is he able to say what has happened in relation to that, why this has not come to fruition despite his, at the time, laudable aim that this was something that would materialise in the coming months? This was November 2022. We are now in March 2023 and he is still at a planning/contact stage.

Hon. V Daryanani: Mr Speaker, I am not at a planning/contact stage. Let me make that clear first of all. The negotiations are ongoing. We have been speaking to the airline for a while now. I think the hon. Member has to understand that we do not own this airline. We cannot force them to fly to Gibraltar. It has to make financial sense to them as a business. As he said, I am very keen. I am constantly knocking on their door and speaking to them. They have a procedure to follow, and in the case of this airline the procedure is very simple. The itinerary planners and the business development department need to prepare a business case and take it to the board, and the board will then decide whether they will start up a new route. That is the procedure they have to follow. I am constantly talking to them to see how we can help them in any way. We hope that we will have a decision soon, but at the end of the day the decision will be theirs because it has to make financial sense to them. They have lost money in the past and therefore they will be very careful in what they do.

845 **Hon. D J Bossino:** The hon. Member – I am assuming he was the drafter of the press release – talked about airlines in the plural. I sense that he is talking about airline company in the singular. Is that the case? Has he narrowed his approaches and contacts to one particular airline?

850 **Hon. V Daryanani:** No, Mr Speaker, one airline that we making progress on and the other one, we are not making as much progress as we are with this other airline.

Hon. D J Bossino: Just to narrow down on the detail ... I think this is important because this is suggestive that, at least as far as one of them is concerned, there are strong possibilities, if I could put it in those terms, of that coming to fruition. He is talking about two airline companies. I am assuming he will not be able to give us names – I am assuming that is the case; if he is able to, obviously I would welcome that information – but are they both airlines that operate exclusively from Morocco? The reason why I ask this is because it has been put to me that it is possible also to have, for example, Spanish airlines, which may have an interest in a Gibraltar-Morocco-Spain route. I appreciate that there are aspects in relation to the treaty, but if I could ...

I know I have suggested a few things and put a few questions to him, but if he could answer as much as he is able to, appreciative of the fact that some of this will be commercially sensitive.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is presently no right for an airline that is a Spanish airline to originate a flight in Gibraltar to a third country, because that would assume that Gibraltar Airport is a Spanish airport, and that is not acceptable to the Government.

Hon. D J Bossino: But is he able to confirm that there are two? I accept what the Hon. the Chief Minister has said and it was wrong of me to have premised the question the way I did. In relation to the airlines, are we talking about two? And if he can give me the information as to which airlines they are ... but he is already shaking his head.

Hon. V Daryanani: Yes, Mr Speaker, I can confirm that there are two airlines, but I would rather not give him the names.

There are many factors that come into why we are talking to both these airlines, because they have different aircraft. In the past, the aircraft that flew to Gibraltar was a 70-seater. The other airline has bigger aircraft. So all these decisions ... It is not easy. You cannot just knock on the door and say, 'Come to Gibraltar', and they will say, 'Yes, we will come to Gibraltar.' There are many factors that come into play before an airline will take a decision on whether they open up any routes, let alone a route where they have done so in the past and perhaps it has not worked as well.

Hon. D J Bossino: Mr Speaker, the Connect Route conference took place in Tangier. May I assume that the connections he is looking at are with that particular Moroccan city, or is he considering others such as, for example, Casablanca, which I am told is more of an international hub than is Tangier?

Hon. V Daryanani: Mr Speaker, Casablanca and Tangier.

Hon. D J Bossino: So both?

Hon. V Daryanani: Both, yes.

Mr Speaker: Next question.

Q240/2023
UKGTA –
Date of last meeting

Clerk: Question 240/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state when was the last time the UKGTA met.

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

900 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the last time the UKGTA met was in 2017.

Hon. D J Bossino: Mr Speaker, that is six years ago. Is there an explanation for that? I am confident that he will be giving ... He is indicating with his mannerisms that he will be able to provide me with an answer, because it is a long time, so I would ask him to expand on his reply.
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Hon. V Daryanani: Mr Speaker, I do not know whether the hon. Member is aware of the background to the UKGTA. Is he? Yes, well, let me tell him.

This association was formed in the 1990s after the Gulf War, when it was a private sector led initiative, when the industry approached the then Government to see whether they could come together to attract overnight tourism from the United Kingdom. What happened after that was they got together and they would produce an annual brochure which would then be sent to different travel agents in the UK, where they could sell Gibraltar. This went on for quite a few years. But then, as the years have gone by, and the way things have changed ... First there were some issues with travel agents. Like I said, this was over 20 years ago, and the way they did things was valuable in the day, but as times have changed, selling tools have changed and the way people market has changed, companies themselves are doing their own marketing. One of the main participants of this UKGTA was the hotels, but the hotels are now doing their own marketing; they have their own marketing managers. So I think as time has elapsed, the importance of the UKGTA has fizzled out.
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Hon. D J Bossino: Mr Speaker, from what he is telling me, is the decision therefore to not proceed with the UKGTA, not to have any meetings? I do not think he has gone as far as to say that, although the suggestion is that everything is pointing in one particular direction, and that is that the matter is ... He talks about it fizzling out, so is the idea that this will be formally dissolved?
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Hon. V Daryanani: No, Mr Speaker, no such decision has been taken because since I have been the Minister for Tourism in the last three and a half years there has not been a need to have this meeting. No one from the industry has come to me and said, 'Why aren't we having these meetings?' I think the industry is doing things in its own way. We work with the industry. I work very closely with the Hotel Association, for example, and with the Taxi Association. These are organisations that form part of the UKGTA, and no one has come to me and said that we should have these meetings or we should participate or meet together as the UKGTA. No concrete decision has been taken. If anybody thought it was important to resurrect these meetings, I would be happy to do so, but there is no issue as such.
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Hon. D J Bossino: May I encourage him to consider it? It does not have to be the UKGTA or pursue what the UKGTA particularly was doing at the time, but it may be a replacement umbrella organisation, which would give him the opportunity, as the Minister for Tourism, to discuss in one place with the various relevant interested parties. Can I ask him to consider it? I think certainly my and our view would be that an organisation like this – maybe not necessarily the one he explained when he has going through the history that was in existence from the 1990s all the way through to 2017 ... It seemed to have been a good idea in the first couple of terms of the administration opposite ... that he does not abandon the idea, or at least the concept of having this opportunity to discuss this at a wider level. By this I mean tourism policy and the way to go forward, because I think certainly it is something that would assist him or any future Minister for Tourism of whichever complexion.
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950 **Hon. V Daryanani:** Mr Speaker, I will take his advice on board and I will speak with the associations that form part of the UKGTA, to see whether they feel that it is something they would like to participate in and do. I will look into it for sure.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q241/2023

UKGTA –

Date of last meeting

Clerk: Question 241/2023. The Hon. E J Phillips.

955 **Hon. E J Phillips:** Mr Speaker, can the Government state what further measure it will be deploying in the area of Harbour Views Road to prevent the unsightly and indiscriminate discarding of cigarette butts?

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 several measures that will be implemented in this area. These include increased patrols for littering and the designation of a smoking area elsewhere for GHA staff.

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Hon. E J Phillips: Mr Speaker, it is a shame. I think we heard this before, insofar as the measures are concerned, back in 2022 – different language, but it is effectively the same answer that we have received before.

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Just insofar as the history, before I get to my question, in 2020 we raised this important issue with the Minister and at the time he said, 'I will not legislate, I will deal with it on the basis of enforcement in terms of littering.' That was changed in 2021, when they did legislate, thankfully, and I congratulated the Minister for doing so. In 2022 we repeated the same message that we were receiving from constituents about the unsightly disposal of cigarette butts – and the Minister is too familiar, of course, with how those cigarette butts get into waterways and how damaging they can be for marine life – but now, in 2023, we are having the same messaging from the Minister insofar as those measures.

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When are they going to get a handle on this particularly disgusting habit of people throwing cigarette butts in this particular area, which actually damages, ultimately, marine life?

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Hon. Prof. J E Cortes: Mr Speaker, it is a disgusting habit and clearly it is the people who do it who are to blame initially. The increase in patrols has already commenced, so we are starting off by pointing out that this should not be carried out and we will be following up by fining and other stricter measures.

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There are currently discussions with the GHA for them to provide somewhere else, possibly within their premises. This problem got worse when the GHA banned smoking totally within the premises. Clearly this was not deliberate. They did not think that people would smoke and throw the cigarette butts on the ground, because there are possibilities of doing this in bins and in other ways. So we are hoping that nevertheless the GHA providing a ... perhaps the words should be 'more supervised smoking area' will improve the situation.

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Hon. E J Phillips: Mr Speaker, obviously there are other institutions in Gibraltar that have banned smoking. I think at the end of the day the Health Authority is there to promote healthy living, and whilst people do smoke – I do appreciate that people do smoke – we must do more, mustn't we, to try to push that unhealthy habit outside the precincts of the Hospital and not encourage people who are going to our Health Service, to use it to get better, only to find that the GHA medical staff and doctors and nurses are smoking outside our Hospital? Come on, we need to do better, don't we, Mr Speaker?

Hon. Prof. J E Cortes: Mr Speaker, I said somewhere else. I did not necessarily mean within the hospital premises. Clearly, the problem comes from there. We are getting co-operation from the GHA and discussions are ongoing that there should be some kind of supervision, so that this can be supervised, for want of a better word – I am not going to say 'policed' because clearly it would not be accurate, but supervised – by those who essentially have responsibility for the staff who do this. Clearly, it would be better if they did not smoke at all.

Q242-43/2023

**Gorham's Cave and Parson's Lodge –
Footfall**

Clerk: Question 242/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the footfall at the Gorham's Cave UNESCO World Heritage Site, divided into the cave itself, the viewing platform and specialised boat trip, since it was designated?

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 243.

Clerk: Question 243/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many visitors have there been to Parson's Lodge over the past 10 years?

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

Hon. Prof. J E Cortes: Mr Speaker, visitors to Gorham's Cave site itself with a guide: 2016, 77; 2017, 132; 2018, 107; 2019, none – I will just add, before I am asked, that was a year when there were problems with rockfalls and the site was not accessed by visitors until the measures were taken to prevent that; 2020, 73; 2021, 123; and 2022, 94. It must be noted that the site is subject to an annual visitor quota of 120. It was slightly exceeded in 2017 due to interest after inscription, and in 2021 with post-COVID backlog. The balance was restored in the subsequent years. Site visits are subject to weather and are at the discretion of the site's director. In relation to visitors to Gorham's Cave viewing platform: 2017, which is the year it commenced operating – that is why there are not any figures for 2016, the platform opened in 2017 – 48; 2018, 724; 2019, 679; 2020, 546; 2021, 548; and 2022, 733. Visits by boat are run by a private operator and we do not keep records of their commercial operation. There is provision of assistance of information to the operator to enhance the visit.

In answer to Question 243 regarding Parson's Lodge: 2015, 52; 2016, 72; 2017, 94; 2018, 128; 2019, 144; 2020, 17; 2021, 244; and 2022, 105. Note that also visits to Parson's Lodge are by prior

1035 appointment and with a Museum guide. These commenced in 2015. The site's principal function
is as a support establishment to the research work at Gorham's Cave.

Hon. D J Bossino: The answer in relation to the first limb of Question 242/2023 did strike me
as being low in numbers, but the Hon. the Minister did talk about a visitor quota. Is that a visitor
1040 quota imposed by UNESCO as a result of the UNESCO listing?

Hon. Prof. J E Cortes: It is a combination, Mr Speaker. Remember that the access to Gorham's
Cave is through the MoD and there are certain arrangements that have to be made with the MoD.
But mainly it is because it is a sensitive site and the World Heritage Organisation does not
1045 encourage overexploitation by visitors of sensitive sites.

Hon. D J Bossino: He talks about the sensitivity of the site and putting overexploitation at bay
in relation to that, and it is understood on this side of the House, but is he able to state whether
that is subject to a particular figure, or is it simply the subjective decision-making by him or any
1050 other relevant authority? I am not sure exactly how that works.

Hon. Prof. J E Cortes: Mr Speaker, I would have to clarify exactly where that comes from. What
I can say is that Gorham's Cave access by land is gruelling, particularly the way back, and the
demand is not huge. I do believe that most requests to the Museum they are able to fit in within
1055 that quota, but as to exactly how much flexibility there is, I will need to seek advice on that. We
are currently filling in our first six-yearly reports, when such issues are reviewed in consultation
with the World Heritage Organisation, and therefore it may be that there are some tweaks to that
arrangement, but I will find the information and I will certainly let him know.

Hon. D J Bossino: Mr Speaker, the concern here is that from speaking tour operators and those
who wish to make Gibraltar a better, more interesting place to visit, this site and the other site
that is the subject of the other question, i.e. Parson's Lodge, have been mentioned to me as
potential visitor sites that are not sufficiently exploited, certainly not exploited enough. These
1060 figures would tend to agree with that analysis.

1065 He talks about the demand not being huge, and he also says in the answer he has just given
me to my supplementary, but also in answer to Parson's Lodge, that appointments need to be
made via the Gibraltar Museum. Is he satisfied that that process is sufficiently advertised so that
tourists and other visitors know that this is the way to access these sites and that these sites are
indeed available – in other words, that a visitor is not subjected to the perhaps unimaginative
1070 tourist excursions that they are currently subject to, which is, in a limited period of time, the caves,
Europa Point and the galleries, if that?

Hon. Prof. J E Cortes: Mr Speaker, I think all the tour operators who access Gibraltar are well
aware of the fact that we have a World Heritage Site. I think that in connection with the World
1075 Heritage Site it is absolutely necessary that this should be booked and it should be with a specialist
guide.

I must say that these sites are now going to be added to the new website, which relates mainly
but not exclusively to the Nature Reserve, which we launched just a few weeks ago.

1080 Parson's Lodge, before my time as Minister for Heritage – maybe even before my time as
Minister – used to be open to the public, but it was not economically viable. The footfall was not
there, and certainly the interest by operators did not reflect what the hon. Member is
representing now. I think it is a pity, but that is the case.

1085 Certainly the viewing platform is clearly visible. It is signposted. You can see it when you get
there. People are aware of it. It has numbers that are obviously higher than the others. It could be
higher, we would want it to be higher, but once again the tour operators may or may not wish to
stop and take their clients there.

1090 **Hon. D J Bossino:** I was going to ask him, by way of supplementary, in relation to the viewing platform in particular is he able to confirm that that particular area of the Gorham's Cave site is not subjected to any of the restrictions that are applicable to the cave itself? In other words, he talks about the visitor quota, which is impacted by the exigencies of UNESCO, but also by the MoD property issues. I imagine that in relation to the latter, that may have an impact in relation to access to the viewing platform, but I would ask him to confirm the position. I was going to ask him this, but he has already stated that he himself is also not particularly satisfied by the low numbers to that particular area of the site.

1095 **Hon. Prof. J E Cortes:** Yes, there was higher interest, as I think I said in my answer, shortly after the declaration of the site, when everybody started to find out about it. But in relation to the viewing platform, that is not subject to any restrictions and the Museum does encourage visitors. It has quite an interesting web presence and I know that they do field lot of interest, but clearly, 1100 yes, I agree that it would be wonderful to have more visitors. There are things happening in the near future which I think will advertise the site more, but that I will have to leave for another time, Mr Speaker.

1105 **Hon. D J Bossino:** Would he agree with me that there is mileage in trying to get the ...? It seems, from what he is telling the House in replies, that the Museum seems to have a lot of control over these particular sites. This is not on the Order Paper and one would need to presumably ask questions in relation to the contractual arrangements the Government has entered into with the entity – I have a name, but the particular limited company that runs the Museum. But should the 1110 entity that runs the Museum and the Museum itself not be encouraged to speak more to the Minister for Tourism – and, indeed, himself – to try to get those visitor numbers up? Those are very interesting sites which I think ought to be seen and Gibraltar should be showcasing those particular sites.

1115 **Hon. Prof. J E Cortes:** Mr Speaker, they do try and I meet with them regularly. In fact, I met with them yesterday and the day before, and this is why I say they are going to be included in this website, and we are working on that. So the answer is that there is that communication, but there seems not to be the response that we would all like there to be. The operators of the viewing platform are the entity that is responsible for the World Heritage Site, and that happens to be the Gibraltar National Museum, and there are contracts in place that cover that.

1120 **Hon. D J Bossino:** Mr Speaker, there were two questions. In relation to Parson's Lodge, may I ask him whether there are ...? I appreciate that it is the Museum, presumably, that receives ... and those who operate the Museum because they are also in control and have custody over Parson's Lodge, from his answers, and receive a budget from the Government in order to refurbish the 1125 place etc. I have not been there myself, but I have been shown photographic evidence that suggests to me that Parson's Lodge, certainly the area round it, is in a particularly deplorable state. Would he agree with that assessment that I am making? And if he does, does the Government, his Department, have any plans to knock on the door of the particular operator to get their skates on and sort that place out?

1130 **Hon. Prof. J E Cortes:** Mr Speaker, I have not had any reports saying that the site is in a deplorable state. After hearing this, I will make sure that we have a look and that, if that is the case, it is rectified, but I have never, ever been told that.

1135 **Mr Speaker:** The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I have been listening attentively to the questions that my hon. Friend has put forward. I just have one question, which relates to the value for money that this community is receiving from the contract that includes Parson's Lodge.

1140 The Minister will know, of course, that the Government, on 1st August 2014, entered into a contract with Knightsfield Holdings Ltd to provide services, supply agreement, and Parson's Lodge was included as part of that. That contract I think amounts to £1 million a year. I just wondered what the Minister's view was, on the fact that the hon. Gentleman has made reference to the deplorable state, and the visitor numbers are reasonably low in the context of this ... For an
1145 amount of money that is now coming up to £10 million, is it acceptable that Parson's Lodge remains in that state and also receives low visitors? Shouldn't we be doing much more, given the money that is being spent under this contract, to encourage people to see our sites?

Hon. Prof. J E Cortes: Mr Speaker, that is rather disingenuous and totally unfair. Firstly, I have
1150 not accepted this definition of deplorable state. That is the first point. I would have to look into that.

Secondly, this money, which is voted in Parliament, does not go exclusively to Parson's Lodge. It goes to the tremendous work that the Gibraltar National Museum is doing at the forefront of research, for example on Neanderthals, where we probably have the world's greatest experts
1155 here, who are responsible for promoting Gibraltar and the richness of our prehistory around the world, who regularly hold internationally acclaimed conferences every year and who hold a magnificent collection on behalf of the people of Gibraltar. So trying to relate the fact that even when Parson's Lodge was open nobody turned up to whether or not the money is well spent I think is not a fair statement at all, and clearly I do not accept it.

1160 **Hon. E J Phillips:** I am grateful, Mr Speaker. It is just one question, because obviously this contract was put in place on 1st August 2014 and we only have a number of years when visitors were visiting Parson's Lodge. What were they doing for the other six or seven years when Parson's
1165 Lodge was not visited? Were repairs being made? Was it being used as a tourist asset to encourage people to use it, to visit it and buy tickets to see it, so that we could generate some revenue in our community from it? What have they been doing to improve some of our tourist assets?

Hon. Prof. J E Cortes: Mr Speaker, I really do not know where Mr Phillips is trying to get this conversation. The first figures I have are 2015, so I have to assume that that was the first year
1170 when Parson's Lodge was open to the public. I would have to go into the past to see whether there are more details that would be helpful at all. If the Hon. Mr Phillips wants to ask specific questions on what he is stating now, he may do so, or he may want to share his thoughts with his colleague who has the portfolio for heritage to raise it in future. I really do not know where he is trying to take this conversation, but if he wants to ask for more specific details, I will, as always, be very
1175 willing to answer them.

Mr Speaker: Next question.

Q244/2023
Nature Reserve –
English-speaking tourist guides

Clerk: Question 244/2023. The Hon. D J Bossino.

1180 **Hon. D J Bossino:** Does the Government have plans to appoint English-speaking guides at appropriate locations in the Nature Reserve?

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

1185 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, no, sir, all our officers at the tourist sites within the Upper Rock are English speaking.

1190 **Hon. D J Bossino:** I asked the question because of information that I have been given which suggests the country, but maybe if he allows me to explain ... I was told of not an incident but of more than one incident where somebody witnessed the way that tourists were treated. I am not suggesting that they were ill-treated, but treated in terms of trying to relay information, because the individual was unable to speak English and those particular tourists – I think he may understand where I am getting to – only spoke English. They certainly did not speak Spanish, and this gentleman, as I understand it from the information that I was given, speaks Spanish. This is an
1195 OSG employee, so his answer may be totally and utterly accurate, but I am putting it to him and I give him the opportunity to respond to that particular point. In terms of the entry point, I think it was the Lathbury Barracks entry point but I think it also impacts the St Michael’s Cave area and is an embarrassment and something I think should be sorted out as soon as possible.

1200 **Hon. Prof. J E Cortes:** Mr Speaker, first to point out that the question referred to guides and we do not have guides, these are members of staff. I can confirm that all our employees are English speaking. They are not the only ones who are told things. We are told things too, and we have been told about a particular occasion and we have acted on it. This was, in fact, a security guard and not one of our employees, and we have since required that the company that supplies security
1205 guards will only supply English-speaking security. So this should not happen again, and if it does, I am sure somebody will tell me.

1210 **Hon. D J Bossino:** Given that he acknowledges the importance of this issue, because this is frontline stuff that is happening and we need to resolve it, that instruction ... I am assuming it has already been given – does he know? Rather than awaiting somebody reporting to him, or to me, or to me across the floor of the House, can he ensure that this happens and that it happens immediately?

1215 **Hon. Prof. J E Cortes:** No. The team at the Department of the Environment is keeping tabs on this. If on any occasion, despite the supervision, somebody turns up who does not speak English, then clearly that will be taken up very seriously with the company concerned. They have been told very clearly what our requirements are.

Mr Speaker: Next question.

Q245-46/2023
O’Hara’s Battery and World War II tunnels –
Closure and reopening

1220 **Clerk:** Question 245/2023. The Hon. D J Bossino.

Hon. D J Bossino: When was O’Hara’s Battery closed and when has it reopened for visits by tourists, and what was the reason for its closure?

1225 **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 246.

1230 **Clerk:** Question 246/2023. The Hon. D J Bossino.

Hon. D J Bossino: When were the World War II tunnels closed, what was the reason for their closure, and have they been reopened for visits by tourists?

1235 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, O'Hara's Battery was closed in July 2022 for extensive refurbishment. Works are ongoing and it is intended to reopen in early summer.

1240 The World War II tunnels were closed in January 2023 for rock stabilisation and electrical repair works. Works at this site are also ongoing and the intention is to open in the next two months.

Hon. D J Bossino: Mr Speaker, in relation to O'Hara's Battery, has that been the subject of delay – because talks about extensive refurbishments – or is it within the timeline that was expected?

1245

Hon. Prof. J E Cortes: It is within the timeline. There was quite a lot of work to be done. It opened in the middle of the season, but we felt it was not up to the standard and there were one or two issues that were health and safety concerns. The intention is early summer, so that for the height of the new season it will be ready.

1250

Hon. D J Bossino: Mr Speaker, that is welcome news. I think it is, again, an important site that many tour operators want to get their clients to visit.

1255 Is he able to give me further information as to which company is carrying out the refurbishment and – I appreciate this is a second question, but I think it is related – what is the nature of that, as he put it, extensive refurbishment?

Hon. Prof. J E Cortes: In O'Hara's?

Hon. E J Phillips: Yes.

1260

Hon. Prof. J E Cortes: Mr Speaker, I believe that a lot of the work is being done in house by our own team. There is probably some work that is contracted out, but I would need notice of that question. As to the details, the site had deteriorated, but again I do not have a work schedule here, something that I can share with the hon. Member. If he cares to remind me, as he often does he can contact me by WhatsApp.

1265

1270 I have more information, though, in order to assist, on the World War II tunnels, where there were, again, health and safety issues with some of the rocks falling, and therefore that was examined. Even though it was not a danger to life because they were small pieces of stone rather than heavy rocks, it was something that we did not want to risk, in case that indicated anything worse. There were also electrical repair works. Again, that is a health and safety issue. Remember, these are very damp locations and there is deterioration of cabling and switches and so on. That is important work and that is what is being carried out.

1275 **Hon. D J Bossino:** In relation to the World War II tunnels, I think it was managed at one point by a private company, but that contract was terminated by the hon. Members, or at least not renewed. Is he able to confirm that that is now done – if I can borrow his expression in relation to the reply to the other question – in house?

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

1280 **Hon. D J Bossino:** And a similar question to the O'Hara's Battery question: the repairs to the electrical faults and the falling rocks – is he able to say whether that is also being done in house? And if it is not, which company and entity is doing it, and does he have the costs in relation to that should it be the latter?

1285 **Hon. Prof. J E Cortes:** Mr Speaker, I have been reminded that the entity that was terminated ... No, in fact it went into liquidation, it was not terminated, and had to be taken over.

The works on rock stabilisation and the electrical works are not being done in house. These are specialised works. I do not know which companies. There was the usual process of obtaining different quotes and one was selected. Again, I can answer that question but I do not have that information here. Remember that those are the kinds of details that do not immediately jump at you when you see the original question.

Hon. D J Bossino: Yes, either we can have a WhatsApp exchange in relation to that, or I can file questions in the House.

1295 Finally, Mr Speaker, is the Government considering whether to enter into the arrangements again with another private contractor, as was the case before that other private contractor, as he has clarified in his answer, entered into liquidation? Is it something that the Government would consider as a matter of policy into the future?

1300 **Hon. Prof. J E Cortes:** I do not think that is a relevant supplementary, but at the moment, no. At the moment we are looking at improving the displays and updating them; they were quite dated. At the moment, we are not looking at anything else.

1305 **Mr Speaker:** If I could remind the hon. Gentleman about the whys and wherefores of supplementary questions ... I am just going to read a number of explanations about what is the purpose of a supplementary and how it arises:

A supplementary is a follow-up device flowing from the response. The object of a supplementary question is to elucidate any ambiguity in the reply or to seek further information. It must only refer to the answer

– this is important –

out of which it immediately arises and be clearly linked to it. They must be related to it, not indirectly, but directly.

I think we have been moving away from those. *(Interjections)*

I will allow this last one.

1310 **Hon. D J Bossino:** In fact, Mr Speaker, this last question I think I am pretty confident will follow the rule.

We know from the answer that it is closed and we know the reasons for it: rockfalls and electrical repairs. He now says in the answer that he has given me that they are considering further refurbishment because the site is dated in some respects. Is he able to provide further information in relation to that, as to what the intentions are in respect of that?

1320 **Hon. Prof. J E Cortes:** Mr Speaker, no. There are display panels there which need to be updated and so on, and this is what we are looking at. Again, this is largely being done in house because the information is kept by our Heritage department and so on. So nothing more general than that.

Mr Speaker: Next question.

Q247-48/2023
Cemetery –
Preferred contractors list

Clerk: Question 247/2023. The Hon. the Leader of the Opposition.

1325 **Hon. K Azopardi:** Mr Speaker, when will the Government issue a call for expressions of interest to establish a preferred contractors list for works at the cemetery, and what will the desired scope of works that would fall within the scope of the expression of interest be?

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

1330 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 248.

Clerk: Question 248/2023. The Hon. the Leader of the Opposition.

1335 **Hon. K Azopardi:** What will be the criteria for eligibility and appointment on to the preferred contractors list for the cemetery?

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

1340 **Hon. Prof. J E Cortes:** Mr Speaker, an expression of interest was published in October 2022. An onsite meeting with the interested parties was held on 1st November. After due consideration, the selection process was completed in February. Letters of appointment will be issued this month to those entities that have been successful for inclusion on the list of approved contractors.

1345 The criteria for eligibility are as stated in the expressions of interest published on 24th October 2022.

Hon. K Azopardi: Mr Speaker, I am grateful for that. They have not received the letter of appointment, but presumably the successful companies have been notified. They have not been notified? I give way to him – and can I just ask him how many companies we are talking about?

1350 **Hon. Prof. J E Cortes:** Mr Speaker, they have not yet been notified. They will be notified this month. I believe there were five, six, seven entities that applied, but I am not sure how many have been successful. I would need to seek that information.

1355 **Hon. K Azopardi:** Sorry, five, six or seven that applied, but how many would be successful on the list?

1360 **Hon. Prof. J E Cortes:** Mr Speaker, I do not have that information here. It would probably not be more than a couple, but I do not have ... It also will depend on how many of those companies met the criteria. I have not been personally involved in the selection, so I would need to refer that to my officials.

Hon. K Azopardi: Does Government intend to make the list of successful entities public?

1365 **Hon. Prof. J E Cortes:** I would not have a problem in making it public. I think it would probably be in the companies' interests, anyway, to publicise it because they would be wanting to attract trade. We have not decided whether we will or we will not, but I do not think there is any reason why we should not. Certainly those who are successful; those who are unsuccessful, clearly we would not.

1370 **Hon. K Azopardi:** I have not got the expressions of interest that the hon. Member referred to
in front of me, but presumably the purpose of the preferred contractors list was so that preferred
contractors can do works at the cemetery – in other words, on things like family vaults etc. People
1375 who would be commissioning works – because I understand that that work would be to the cost
of individuals – would need to know who is an official contractor, because as I understand it,
nobody who is not on the preferred list can do those works from the point when the official
preferred contractors list is there. So it would be not just desirable but I would say important for
the Government to make the list public. Does he agree?

1380 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, but I repeat that the companies will probably advertise
it themselves. It is indeed true because we have had instances of ad hoc individuals or contractors
doing works in the cemetery to standards that were not acceptable, which led to this now being
regularised. The contractors will have to meet with the conditions, otherwise they stand the
likelihood of not being allowed to carry out works in the cemetery in future, so this is something
that I think people will welcome.

1385 **Mr Speaker:** Next question.

Q249-50/2023
Supply list for SNLSAs –
Fixed-term/zero hours contracts; hourly pay rate

Clerk: Question 249/2023. The Hon. the Leader of the Opposition.

1390 **Hon. K Azopardi:** Mr Speaker, how many people are there on the supply list for supply special
needs learning support assistants on (1) a fixed-term contract and (2) a zero hours contract?

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

1395 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 250.

Clerk: Question 250/2023. The Hon. the Leader of the Opposition.

1400 **Hon. K Azopardi:** Mr Speaker, what are the differences in hourly pay rate for persons on the
supply list for supply special needs learning support assistants who are on a fixed-term contract
as compared to those who are on an ad hoc supply arrangement on a zero hours contract, why
are there different rates and does the Government intend to remove those differences?

1405 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, (1) 64; (2) 27.
The hourly rate is the same.

1410 **Hon. K Azopardi:** Mr Speaker, the hon. Member says the hourly rate is the same and I am glad
for that confirmation. The reason for the question is that we were receiving information – and I
am reading directly from the question that was put to us, from constituents – that there is a
different daily rate for supply SNLSAs who are on ad hoc as opposed to on fixed-term contracts.
At the very least there appears to be a misunderstanding, if I can put it no higher than that, that
would affect 40 or 50 people who have apparently been told through the channels of

1415 communication with the Department itself that they are being paid at a different rate. Is he aware that that issue exists?

Hon. Prof. J E Cortes: The hourly rate is the same. There had been a discrepancy in how the number of hours worked was calculated, and that has been rectified. I think that explains it, but
1420 the hourly rate was the same.

Hon. K Azopardi: So can the hon. Member say, when he says it has been rectified ...? When the information reached us, it was in relation specifically to the November and December pay packets. People were receiving different sums of money. Can he now say, when they have been rectified,
1425 have people now been paid the right sum of money that they were due? Now that it is March, have they been paid that money?

Hon. Prof. J E Cortes: Not yet, Mr Speaker, but steps are being taken to rectify this issue.

Hon. K Azopardi: When he says steps are being taken, he will understand and accept the point that I make that when we are talking about supply special needs learning assistants, they tend to be on a fairly low income. It is important, does he not agree, that not only steps should be taken, but that by the end of this month – does he agree? – people should be paid the sums of money that they are due because they will be small but important to them?
1435

Hon. Prof. J E Cortes: Mr Speaker, the instruction has been issued and this has been rectified. I have not got control of the actual people who prepare wages. It will be done as soon as possible.

Hon. K Azopardi: Mr Speaker, I am grateful and certainly I would urge the Government to do it as soon as possible, and certainly by the end of the month, I would say, given that the discrepancy has been noted and it affects people in relation to November and December salaries.
1440

In respect of the fixed-term contracts and zero hours contract numbers he has given me, he has said to me that 27 people, I think, are on the supply list for zero hour contracts learning support assistants. Can he tell me what kind of judgement is made as to why people are placed
1445 on fixed-term contracts and others are put on zero hour contracts? Can he explain that to me, and what correlation of need there is in respect of that?

Hon. Prof. J E Cortes: Learning supply assistants for special needs respond to the specific needs identified for specific children. It could be a transitory need, in which case it would be ad hoc, or
1450 it could be a need that a child, perhaps for some particular difficulty that they are having in a particular subject or perhaps some particular difficulty in the home environment, needs to have support for say a month, say a term, and that is when that kicks in. It is very much depending on the needs of the child being looked after.

Hon. K Azopardi: So it is a rolling kind of assessment. Given the answers he has given in this House on previous occasions as to the number of children categorised as special needs hovering around 1,800-1,900, and given the sort of movement that we are seeing in the Early Birds Nursery, St Martin's and so on, does he envisage that the requirement in this area will grow? And is the Government alive to assessing that in some kind of projected coherent way for the future?
1455

Hon. Prof. J E Cortes: Mr Speaker, there is no way of telling. Clearly not every child listed as special needs will need one to one. Sometimes the need is more general and it is just one a group. Time will tell. It is very difficult for me to know what is going to happen.
1460

Mr Speaker: Next question.
1465

Q251/2023

**College of Further Education –
Removal to Cross of Sacrifice site**

Clerk: Question 249/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Government still intend to move the College of Further Education to the site of the Cross of Sacrifice in the North District?

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, yes, sir. We are already in negotiations with a preferred bidder as a result of the expressions of interest advertised on 7th January 2022. The current plan is to keep the Cross of Sacrifice on the site.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for his answer because my supplementary was going to be asking about the actual Cross itself. Maybe he has also heard representations of some people who are rightfully concerned.

1480

Now that he has answered, I wanted to further ask him whether ... I assume but I wanted to confirm that keeping the Cross of Sacrifice there is being done from a heritage perspective; it is something that the Government or the Ministry for the Environment will be recognising into the future as a landmark of heritage value.

1485

Hon. Prof. J E Cortes: I think it is clear that it is a landmark of heritage value. I think the possibility of moving it to another location ... Campion Park was one that was identified, as it is a legitimate course of action. It was, in fact, representatives of the Royal British Legion who suggested the move of the Cross of Sacrifice, but the Royal British Legion are not the leaseholders of the site. That is the War Graves Commission, who also agree with the hon. Lady and with a lot of people in Gibraltar – not all – that it should stay on site. I can say that I am in regular discussions with the War Graves Commission as to what it is going to look like, what the surrounding area is going to be, what arrangements we have to make. So the plans are currently that the Cross stays.

1490

Mr Speaker: The Hon. Roy Clinton.

1495

Hon. R M Clinton: Thank you, Mr Speaker, just a very quick question for the Minister. Can he advise the House whether, once the College moves to a new site, the site they are vacating will be used for educational purposes? Does he have any idea as to what the site would be used for?

1500

Hon. Prof. J E Cortes: I think that is not directly related to the question asked, but we have not determined that at the moment.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q252/2023

**Electric scooters –
Number stopped by RGP since new law introduced**

Clerk: Question 252/2023. The Hon. E J Phillips.

1505 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of people who have been stopped by the Royal Gibraltar Police for contravening new laws in respect to electric scooters?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the number of people stopped is not recorded by the Royal Gibraltar Police. However, in the lead up to the coming into force of the legislation in January 2023, the Royal Gibraltar Police conducted an education campaign with regard to personal light electric transporters (PLETs), including placing posters at strategic locations around Gibraltar. Around a thousand leaflets were also handed out to riders of PLETs. Those who were stopped were educated on the legislation and the offences they could be reported for, if in contravention.

1510

Hon. E J Phillips: Mr Speaker, just a statistics question. As the Hon. and learned Minister will know, police officers, when they stop individuals, make a note in their pocket notebooks. I am sure she will remember from her days in practice that that is a very common thing for them to do. Do the Police have difficulties in collating that information, or is it just that it lies dormant in police notebooks and that information cannot be ascertained and is a terribly difficult thing to do?

1515

Hon. Miss S J Sacramento: Mr Speaker, I cannot speak for the Royal Gibraltar Police to that extent, other than that the information I have been given is that they do not record it. So it may well be that there is no system that then centrally collates that. It may well be that things are recorded in a pocket book – that is what the pocket book is for – but it is then not input, so there will not be a record of every single thing that happens throughout the day and what a police officer does throughout the day. As the hon. Gentleman knows, the pocket book is there for future reference, but probably for the police officer as opposed to the Police Force.

1520

Q253/2023

Electric scooters –

Number prosecuted since new law introduced

Clerk: Question 253/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state how many electric scooter riders have been prosecuted for contravening traffic laws?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, enforcement under the new rules began on 13th February 2023 and there have been no prosecutions under these rules since their commencement.

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Hon. E J Phillips: Mr Speaker, I am grateful for the answer. I know that clearly there is a period of time within which information and education, as the Minister has referred to, needs to weed its way through those who are using these particular scooters. The difficulty, of course, is that many of us possibly in this Chamber and many people listening to the debate, if there are, and those outside of this House will see regular infractions by electric scooters – the wrong way, going up the wrong street – and I think it would help if we might be able to get a bit more intelligence around what is happening in terms of the warnings that are given, so that we can reassure members of the public that the issue of electric scooters is being handled.

1540

I congratulate the Minister on bringing legislation around this area, but like anything, enforcement is an important tool in the kit, isn't it, Mr Speaker?

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Hon. Miss S J Sacramento: Mr Speaker, I am grateful that the hon. Gentleman recognises the work done by those on this side of the House introducing the legislation, and that is the important thing that we have done. That is the tool in the armoury, but we need to set it into context. This is a recent piece of legislation that has been passed this year. It has been commenced literally a couple of weeks ago and, at the moment, the strategy that the Police seem to be undertaking is one of awareness as opposed to criminalisation. The enforcement of the law is a matter for the Royal Gibraltar Police. The law is there and that is the work that has been done by the Government and by the Parliament.

1550

The hon. Gentleman alludes to the fact that we all see infractions of this. I do not know, I have not seen it, but it is not for me; this a matter for the Royal Gibraltar Police, Mr Speaker.

1555

Q254/2023

Use of mobile phones whilst driving – Number of drivers reported

Clerk: Question 254/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of people reported for using a mobile telephone whilst driving a vehicle?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, this is calculated, I think, in financial years. For the period 2021-22, 511; and for the period 2022-23 so far, 358.

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Hon. E J Phillips: Mr Speaker, I think the last time we raised this question in this House relating to those numbers ... Those numbers do remain high, but that is the active work being done, of course, by the law enforcement authorities.

1570

I think one of the comments that was made in this House by Members was in relation to young people in particular who were using devices whilst driving vehicles. What other measures is the Minister for Justice dealing with insofar as education is concerned for those individuals who might well be at school, for instance, informing them of the dangers of driving whilst being on the telephone at the same time – which is an amazing dexterity some people may have, I am sure she will agree.

1575

Hon. Miss S J Sacramento: Mr Speaker, when the hon. Gentleman refers to what is being done in relation to this, the hon. Gentleman will no doubt be aware that there have been very recent changes to this legislation here that we have debated. Whereas the offence of driving using a mobile phone is an offence from a number of years ago, that as an offence has been expanded and enhanced very recently. So if the hon. Member is going to ask us what we are doing about it, it is precisely that: what we do in this House, we change laws. The laws adapt as circumstances change, and the hon. Member will know that the law in relation to this offence is now much wider and it is the work of the Minister for Traffic and Transport.

1580

Q255/2023

Speeding fines –

Number imposed by courts in last 12 months

1585 **Clerk:** Question 255/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of speeding fines imposed by the courts over the last 12 months?

1590 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Public Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, 15 people were convicted for the offence of speeding in the last 12 months.

Q257/2023

New fire station –

Hot wear training

1595 **Clerk:** Question 257/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the new fire station being built at the Rooke envisage the provision of adequate areas for hot wear training?

1600 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Public Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, this will not be provided in the new fire station and this is not something that has ever been provided in our fire stations.

1605

Hon. D J Bossino: Could she be a bit more helpful in her reply, and could she advise this House whether it will be provided elsewhere – there was a manifesto commitment in 2019 to construct this facility, which I hasten to add I am told by the experts in the field is of fundamental importance given that it is heat training and firefighters do deal with fires – and whether it is being constructed at Europa Advance Road, which was the old refuse incinerator? That was the manifesto commitment of 2019 that I am referring to.

1610

Hon. Miss S J Sacramento: Mr Speaker, I would love to know which experts the hon. Gentleman is speaking to. Of course hot fire training is important. Anyone who hears what the hon. Gentleman has just said might be mistaken for thinking that the Fire Service do not undertake hot fire training. For goodness sake, Mr Speaker, he is just completely trying to mislead anyone who may be listening.

1615

Mr Speaker: I think you should not use the word ‘mislead’. You must be withdraw it.

1620

Hon. Miss S J Sacramento: I apologise, Mr Speaker, but *[Inaudible]* ... is because of what the hon. Gentleman said, because his experts come and tell him how important this hot wear training is. Of course it is important, but neither the hon. Gentleman nor those experts who are advising him have discovered America. Of course hot wear training is important, but it does not mean it

1625 has to be provided in the Rooke, and if the hon. Gentleman thought it was so important ... well, it did not make its way to the GSD manifesto.

Hon. D J Bossino: Mr Speaker, the hon. Lady is being singularly unhelpful in her response. I stand by every single word I deployed in my supplementary question, every single word of it. Is she able to please answer the question that I posed? She has to acknowledge that she has completely and utterly failed to do so.

1630 I ask her once again: where is the hot wear training going to be provided? It is clear from her answer that it is not a training facility that is going to be provided, rather remarkably, at the new fire station at the Rooke site. Where can she tell us this heat training, so fundamentally important to firefighters, is going to be provided?

Hon. Miss S J Sacramento: Mr Speaker, I regret that the hon. Gentleman is now taking this attitude. The problem is in the way the hon. Gentleman has phrased the question. Had the hon. Gentleman phrased the question in the way he has phrased his supplementary ... because if that is what he is getting to, then the hon. Gentleman needs to learn how to ask the right question. He has now asked me in the supplementary a completely different question. He has asked me to confirm where this training is going to be provided. That is not what he asked. He asked specifically if this was going to be provided in the Rooke, next to all these housing estates. Question: is the area for hot wear training to be provided in Rooke? Answer, no. (**Hon. Chief Minister:** Exactly.)

1640 Mr Speaker, I invite the hon. Gentleman to give more consideration to the questions he asks in this House. I invite the hon. Gentleman to be more specific, and then maybe we can deal with questions and answers in a more timely manner.

Hon. D J Bossino: Mr Speaker, what a ridiculous answer, quite frankly.

1650 **Mr Speaker:** Let's pipe down, both sides. Let's take things nice and easy. Moderate. Ask the supplementary and we will get an answer. Let's settle down.

Hon. D J Bossino: Mr Speaker, it is the hon. Lady in her replies who is raising the temperature unnecessarily. She is not answering the question.

1655 I need to ask her again. Let's put it in a different way. I have asked her where is the heat training going to be provided. It is not going to be provided at the Rooke. Where on earth is it going to be provided? Presumably in Gibraltar. I have referred to her very specifically the manifesto commitment they made in 2019 of a specific location. Can she please confirm that it is going to be provided there? This of fundamental importance to the service.

Hon. Miss S J Sacramento: Mr Speaker, finally a clear question from the hon. Gentleman.

Mr Speaker: Please resume your seat now.
Please continue.

Hon. D J Bossino: Mr Speaker, I raise a point of –

Mr Speaker: No, you are not going to raise a point, you are going to resume your seat now. (Interjection by Hon. D J Bossino) You are going to resume your seat. (Interjection by Hon. D J Bossino) No, you are going to resume your seat. (Interjection by Hon. D J Bossino) Do you know what is going to happen if you continue like this?

Hon. D J Bossino: What?

1675

Mr Speaker: I am going to ask you to leave if you do not respect my – (*Interjection by Hon. D J Bossino*) I am going to ask you to resume your seat and let us continue.

1680 **Hon. Lady,** please answer the question – (*Interjection by Hon. D J Bossino*) No, I am not going to ... I am asking you to resume your seat because I do not really want to take any further action against you, but I will if you do not obey what I am saying.

Hon. Miss S J Sacramento: Mr Speaker, at Lathbury.

1685 **Hon. D J Bossino:** I think she almost whispered that reply. Did she say at Lathbury?

Chief Minister (Hon. F R Picardo): She whispered it into her microphone, (**A Member:** Oh, my God.) which is hardly whispering.

1690 **Hon. Miss S J Sacramento:** Mr Speaker, I will repeat for the benefit of the hon. Gentleman: at Lathbury.

Hon. D J Bossino: Mr Speaker, is she able to advise this House when that construction is going to be completed? When is that training going to be made available to fire fighters?

1695 **Hon. Miss S J Sacramento:** Mr Speaker, as I said in my first answer to the question on the Order Paper – and we are now straying beyond the question on the Order Paper because the hon. Gentleman likes to ask one question when he intends to ask another, and we all have to guess where the hon. Gentleman wants to get to – hot wear training is already provided for the members of the Fire Service. If the hon. Gentleman wants to stray away from the original question and ask me a different question, then the hon. Gentleman has an opportunity at the next meeting of his House.

1700 **Hon. D J Bossino:** Mr Speaker, is she telling us that the heat training is going to be provided at Lathbury, is currently being provided at Lathbury, or is this a statement of future intent? That is the way I have understood it. I have asked her when is heat training going to be provided at the site that she has referred to at Lathbury, and, assuming that something is going to happen in the future, where is it currently being provided?

1710 **Hon. Miss S J Sacramento:** Mr Speaker, it is already being provided at Lathbury.

Mr Speaker: Next question. (*Interjection*)

Q258/2023

Devil's Tower Road holistic planning policy – Whether published

Clerk: Question 258/2023. The Hon. D J Bossino.

1715 **Hon. D J Bossino:** Has the holistic planning policy in respect of Devil's Tower Road been published?

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

1720 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, yes. It is, therefore, in the public domain.

Hon. D J Bossino: Can I ask her when it was published, and where is it published?

1725 **Hon. Miss S J Sacramento:** Mr Speaker, I would invite the hon. Gentleman to undertake a search on any search engine for this and it will immediately pop up on the Government's website under town planning. If the hon. Gentleman has not done this before asking this question in this House, I did so myself before coming, to check that it had actually been done upon our instruction, and I am happy to send the hon. Gentleman the link to the Google search that I did so that he can have it.

1730 **Hon. D J Bossino:** I am grateful to the hon. Lady. May I ask her why it has taken so long to devise this policy?

1735 **Hon. Miss S J Sacramento:** Mr Speaker, I do not agree with the hon. Gentleman that it has taken that long. The question was is it available, and the answer is yes, it is available. It is in the public domain. The hon. Gentleman may wish to go and undertake a search in a search engine, read the document and then maybe ask questions.

1740 **Hon. D J Bossino:** Mr Speaker, I am not asking about the publication, I am asking about the policy itself. Why has it taken the Government so long to publish this policy? It is a simple question. Devil's Tower Road is now a concrete jungle. The horse has, in many respects, bolted. Whilst we welcome it because at least it is something, I am asking her why has the Government taken so long to produce a specific policy in relation to Devil's Tower Road before the construction spree it has undergone over the last few years?

1745 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in late November 2019 a germ appears to have escaped a laboratory in China or otherwise created a germ which came to be known as COVID-19 ...

1750 **Hon. D J Bossino:** Mr Speaker, long before the germ made an appearance there was already a significant amount of construction going on. The hon. Gentlemen themselves say that a lot of their construction projects have had to be paused precisely because of the germ. Therefore, is he asking us to believe that all the tall buildings, all the construction, the veritable concrete jungle that Gibraltar has been subjected to, particularly at Devil's Tower Road – that is relevant to the question – happened after we had the release all of the restrictions? Is he really expecting us to believe that? There are moments in time in respect of certain matters that the Government is unable to pray in aid COVID and the germ. Does he not accept that?

1760 **Hon. Chief Minister:** Yes, Mr Speaker, of course I accept that, but when has this become relevant? When did Bassadone move out of their showroom? When did Saccone and Speed sell? That is when these issues have started to become relevant. When was this issue first raised? In September last year. That is when these issues first started to come about, when we proposed Hassan Centenary Terraces, which we believe is a massively important project for the people of Gibraltar to grow their families in affordable homes alongside those families at Beach View Terraces who are growing Gibraltarian families, and which we do not regard, therefore, as a concrete jungle, we regard as a massively important socio-economic policy for Gibraltar and Gibraltarians. When it is first raised in the DPC, it is raised in September last year, but why is everything else delayed? For that reason – for the pandemic reason.

1770 As the hon. Lady rightly says – maybe it is that he does not like to take it from a woman; he might take it from me – we are not delayed. We do not consider there is an excessive delay. We consider we are acting properly and we do not believe that Devil's Tower Road is a concrete jungle. We believe that Devil's Tower Road is an area that is going through a massively positive redevelopment, which was very rundown and is going to look a lot better in the future. We

1775 understand that people want offices, we understand that people want homes for their children and we understand that we have two and a half square miles by one mile to build on – and they pander to those who say too much development, too much concrete, and then say, *Pero no te preocupas que yo te voy dar la casa para el niño*. Where are you going to put it, Mr Speaker?

1780 This is the reality of what we are dealing with. We have questions being put to the Government that try to box us in both to build more to house more people and to build more to have more offices, to have a stronger economy, to get into surplus, to do all the things that we want to do for our community, to house all the people we want to house – and at the same time we are being told not to build tall. Well, Mr Speaker, somebody has to realise, the hon. Gentleman being the first of them, that there is just so much you can do on the surface area that we have and in an area that was remarkably run down, was industrial and is coming up now with an East Side that is going to be a magnificent gem of a development with the magnificent towers at Hassan Centenary Terraces, which are going to look iconic when they are finished. Already people can see what they look like.

1785 We are doing the right thing in the area of the north of Gibraltar, we are doing the right thing in the area of Devil's Tower Road and the policy that has been published is not delayed, it is bang on time.

1790 **Hon. D J Bossino:** To be honest, quite an unimpressive reply in terms of the question I have posed, but of all the things that he has said ... That can be the subject of debate, and we on the side of the House are more than happy to have it, and we certainly stand by the criticisms we have made in relation to that particular road, which is ... because of the height of the building and other issues, I think basically an opportunity has been lost, and as a result of the losing of that opportunity we are seeing, in many respects, the defacing of our iconic Rock because it has changed radically over the last very recent years.

1795 But of all the things the Hon. Chief Minister has said in reply to my question, the one I take most offence at is that suggestion that because it has come from a woman I may not accept it. That is wholly and utterly unacceptable as far as I am concerned, (*Interjection*) and, indeed, I would hasten to add, as my learned friend here says to my right, unparliamentary, because it suggests and attributes things to me which I am certainly not. I am totally in favour, in fact, of more representation of women in this House. (**A Member:** Yes.) I want to see more women in this House. (**A Member:** Yes.) (*Banging on desks*)

1800 I talked about delay, and the delay we can talk about, as I was suggesting in my first question, of a wider window, but let's go for a smaller window. He says in his reply, and he is right, that the Government alighted on this issue in September 2022. Why has it taken them three or four months, to this month, to issue this policy statement and submit it to the DPC? Is it not as a result of the deluge of applications which that particular Commission is receiving that the DPC themselves have had the courage, particularly the NGOs, to speak not only in session but outside of it in interviews for GBC, complaining about the fact that they have no road map? We have had it from the head of the Environmental Safety Group and we have also had it from the former head of the Gibraltar Heritage Trust in various letters to the *Chronicle* when they have been calling for this because it was out of control.

1805 I still stand by the criticism made, the premise of my criticism, which is that the horse has, in many respects ... I still think it is salvageable, and in that sense, subject to reading the document, I welcome the principle that there is a specific policy for that area. But back to my question, Mr Speaker: why has it taken the Government so long – and let's take it from September to now – to publish this document?

1820 **Hon. Chief Minister:** Mr Speaker, I am very pleased that the hon. Gentleman stands by everything he said. I am very pleased he has said it is not because the hon. Lady is a woman who was telling him. He has clarified his position. I am very pleased that he accepts that we should have more women in this House. That is our position, too. I am very pleased with all of that. He

1825 should be surprised that I felt it needed clarifying from him. He should look himself in the mirror a bit more in that respect. But I will tell you what, Mr Speaker –

Mr Speaker: With respect to the Chief Minister, I think that is –

1830 **Hon. Chief Minister:** I withdraw that.

I will tell him something, Mr Speaker. If he says he stands by his position he needs to tell me which position it is, because the position that Devil's Tower Road is an area for the development of residential housing, no longer to be industrial, with tall buildings, comes from the development plan of the GSD in 2009, the one that he said was the golden legacy that we inherited. Everything they do is fantastic and is a golden legacy. Even litigation that takes you 15 years is a golden legacy. Everything we do is wrong, even when what we are doing is exactly the same thing that they were suggesting. Or is it that he does not realise that the development plan of 2009 is also a public document and he has not had regard to it before making the points that he has making?

1840 Mr Speaker, the final point that I would like to make in answer to the hon. Gentleman's question is that it does not require bravery for a member of the DPC to speak out, not in our time anyway. Or has he forgotten that the DPC sat in private, in secret, when they were in government, and that when we brought the reforms here, they told us, with him in opposition, that we should not make the DPC public? They told us that we should keep the DPC that they had. We appointed Janet Howitt and the ESG to the DPC so that they could speak their mind. Janet Howitt has been 1845 brave – not that it requires bravery, because we welcome dissent – since the first day we appointed her. She has never voted with the Government since we appointed her – I think maybe once – has always spoken her mind, which is why we appointed her, and has gone on the news, on *NewsWatch*, or *GBC News* as it may now be called, many times since we appointed her, and that is why we appointed her. So people speaking their mind and having a contrary view to the 1850 Government is not something that requires bravery in the face of this Government. It requires bravery in the face of a government that takes steps against those who speak out because they are not toeing the party line. That is not this Government, but it was their Government, (**A Member:** Yes.) and we have all lived that, including the now leader of their party.

1855 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I really do not recognise anything of what the hon. Gentleman is saying. This is a question which quite properly was answered by the hon. Lady, but as usual he intervenes. This is a sign of the fact that this Government is already nearing the end of its days. 1860 The hon. Member has been there for too long. He has to intervene in respect of almost every answer his Ministers give. He is becoming a veritable emperor. That is the fact. (*Interjection*)

Mr Speaker: Please resume your seat. This this developing into a debate.

I think I would like to quote from a previous ruling. It says:

should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper.

1865 Ask the question in terms which are short and concise, and then perhaps we can make some progress.

Hon. D J Bossino: Mr Speaker, of course I try to comply with that direction, that ruling, but we have been subjected to a rather lengthy party political response from the hon. Gentleman (**A Member:** Historically inaccurate.) and it is breaching, on their side, the rule that the questions and 1870

answers sessions should not be used as a means for debate. Surely that same diktat should apply to the hon. Members opposite and not just us on this side of the House. (*Interjection*)

Mr Speaker: But going back to Standing Orders, it says:

not more than one subject shall be referred to in any one question and a question shall not be of excessive length;

1875 **Hon. D J Bossino:** By way of clarification, Mr Speaker, does that therefore mean that the answers can be as lengthy as the hon. Members wish and they are given free rein? (*Interjections*)
At the end of the day this is a matter that has been –

Mr Speaker: Please resume your seat.

1880 Quoting from a previous Speaker's ruling, it says:

Although I do not have any powers under the Standing Rules and Orders to curb the length of Ministers answers to supplementary questions, I would like to urge them not to make such answers longer than is absolutely necessary.

I am asking the Chief Minister and Members of the Government to take that on board also.

1885 **Hon. D J Bossino:** Mr Speaker, there is also another point, which is that – (*Interjection by Hon. Chief Minister*). Mr Speaker, I will ask the question, but it is about ... The point I was making – (*Interjections*)

Mr Speaker: I think the hon. Member has made the point. Let's –

1890 **Hon. D J Bossino:** Mr Speaker, if I may, it is also about using the question and answer session ... I think we have seen a particularly specific, acute breach by the hon. Member opposite in his previous answer about the conduit of question and answer sessions to get to a political debate. I think that also has to be taken account of.

Mr Speaker: Resume your seat.

1895 I think this whole string of events led from one question; I think it was put by the hon. Member. I am referring again to Standing Orders and it says:

a question shall not contain any argument, inference, imputation, epithet, or ironical expression;

1900 I would ask the hon. Member to pick up his dictionary and find out what 'ironical expression' covers. I am sure he will understand that all this series of encounters between the Members started from comments that he made at the very beginning, (**A Member:** Yes.) and if I were to ask you to go back to *Hansard* when it is printed, you will see that I am right.

1905 **Hon. D J Bossino:** Mr Speaker, in posing the question in answer to the point that the Hon. the Chief Minister made, I do not recognise any of that. We can go into a history lesson as to the way they did things in their previous administrations and all the rest of it, but I do not recognise any of that.

1910 He tries to throw at me the aims and recommendations that the GSD 2009 development plan had in relation to Devil's Tower Road, which I accept – and I have read it. Does he not accept that the reason why the hon. Members opposite have, albeit delayed, had to come up with a specific holistic plan, as they describe it – I will come to a conclusion in relation to that when I read it – in relation to Devil's Tower Road is because of their utter and complete failure in producing an updated plan by 2019, and that the COVID excuse, which in this case is a word I use advisedly

because it *is* an excuse, would have had no impact given that 10 years from 2009 is 2019, and 2019 was a year before the bug hit the world?

1915 **Hon. Chief Minister:** Mr Speaker, I am going to deal with everything that the hon. Gentleman has said. First of all, I do not accept that there is anything that has been done that enables the hon. Gentleman to characterise this Government as anything other than a success, but the judgement of success or failure will not be made by the hon. Gentleman, it will be made by the public, who will determine whether we have been successful in our time in this period in office, 1920 or not, during the course of a General Election that will be held later this year. He should not set himself up as the person who determines whether we are successful or whether we are a failure, because there is a third party that will determine that, and that is the public, and we subject ourselves to the judgement of the public.

I get up to sometimes address issues that relate to portfolios of my colleagues because there are some issues that are cross-portfolio, and as the party that has had now the same, apart from one, 10 Ministers for 10 years, a lot of Members have been in different portfolios and I have held the same portfolio, which gives me an insight into many of these areas for that period. So in that context, I think it is particularly unfair for the hon. Gentleman to characterise me in the way that he does. He knows that others have referred to my predecessor in office as Chief Minister for his imperial style and referred to him as an emperor, and he knows that in getting up and referring to me in that way he is trying to characterise me in that way and saying that I am atrophying in office in the same way as my predecessor atrophied in office. But of course that is impossible because I come from the GSLP tradition. There are no emperors in the GSLP, there are only those of us who accept the judgement of those who put us in our place: the people in the GSLP on the executive committee who vote for candidates, and the people in the general membership of the 1930 GSLP who vote for leaders. That is the reason why that is mischaracterised. Rome's decline began when it became an empire, it was as a republic that it flourished the most, so I do not recognise, in the same way as he does not recognise, any of what he alleges. 1935

He should remember that he is reflecting on the Government that has delivered the success that it has delivered economically until the pandemic happened. It was not possible to imagine perhaps Saccone and Speed would move from where it was and that a very large plot on Devil's Tower Road would become available. It was not possible to imagine that it would be possible to finally rehouse Bassadone, which they had promised to do, except that the amount that they charged them for a reclamation of the runway was less than one quarter of what it would cost to create that reclamation of the runway, but we were able to fix that, too. 1940

What we have endeavoured to deliver is a development plan that was there before we were elected, a development plan which, for reasons we have already set out, we have not amended before, but that in that area will likely not change because in that area we are still committed and think it makes sense to move away from industrial, because this will now be the entrance into Gibraltar, into high-end residential, because it will be near the East Side and near our affordable homes, and because in that area we are going from very unsightly to a very modern and good-looking Gibraltar that people will see on entrance to Gibraltar. They will still see the North Face. 1950

The final point I would make is that it is just not possible to say that our North Face is being defaced. Our North Face stands as beautiful and as proud as ever. That is really Gibraltar's imperial majesty. There was a dream that was Rome. There is a dream that is Gibraltar. 1955

Mr Speaker: Next question.

Q259/2023

**Gibraltar Development Plan –
Expected date of completion and publication**

Clerk: Question 259/2023. The Hon. D J Bossino.

1960 **Hon. D J Bossino:** Please provide an update as to when the Gibraltar Development Plan will be completed and published.

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

1965 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, given the value of this, this work needs to go out to a wider tender process. This process is complex and is now in its final stages.

1970 **Hon. D J Bossino:** I did not quite catch the premise of her answer. I have heard that she has said it is now going to a wider tender process, but she said 'given the ...' I just missed that. Could she repeat it?

Hon. Miss S J Sacramento: Mr Speaker, I said given the value of this.

1975 **Mr Speaker:** Could I ask the hon. Lady to repeat the whole of the answer, please?

Hon. Miss S J Sacramento: Mr Speaker, given the value of this, this work needs to go out to a wider tender process. This process is complex and is now in its final stages.

1980 **Hon. D J Bossino:** When she talks about the value, is this as a result of what used to be and now it will be acquired national legislation, the EU procurement directives and rules?

1985 **Hon. Miss S J Sacramento:** Mr Speaker, those, as the hon. Gentleman I am sure knows, are retained and they therefore kick in and apply. It is an extremely complex process that we have to follow, but I am glad to say that we are in the final stages of that.

Hon. D J Bossino: We have had an exchange in relation to delays and I do not propose to go into that; I am trying to keep the temperature down.

1990 How has this come about? When I last asked her questions in the House – just to remind members, on 19th October – she was talking about the tender process completing in this financial year. The financial year is coming to an end at the end of this month. The expectation, based on those answers, was that she would then be able to start and issue the instructions to the successful tenderer to prepare the development plan.

1995 If I can put it in as neutral terms as possible, given the delays that this particular government project has been subjected to, has there not been a significant failure by someone on the opposite side in not identifying the fact that this needed to comply with the EU procurement rules – which I know is a complex system, it needs to go out to the wider EU and it is much more refined and complex than would otherwise be the case? Has there not been a failure by somebody somewhere in –?

2000

Chief Minister (Hon. F R Picardo): Will he give way?

Hon. D J Bossino: Yes, of course.

2005 **Hon. Chief Minister:** On the posing of the question, it opens up nationally, not to the wider EU. Now it is retained legislation, so there is ... Yes, okay.

Hon. D J Bossino: The hon. Gentleman has corrected me twice already in relation to the fact that we have had had Gibexit and we are still in the throes of a possible negotiated outcome, which is something that certainly I do wish will happen, so long as it is a safe and secure deal.

2010 The point was – I think I made it already, but just simply to conclude as a result of the Hon. Chief Minister's intervention – has there not been a failure to recognise that this was a legal requirement in the first place?

2015 **Hon. Miss S J Sacramento:** Mr Speaker, I have to confess to the hon. Gentleman that I do not understand that supplementary question. There has been no failure to understand the legal requirement. It is precisely because of the legal requirement that it has taken this long.

The hon. Gentleman refers back to October 2022 when he asked me this question. At that point I explained to him where we were in terms of the procurement process. It was the same process then, but because we were subject to these rules back then, the tender process had elapsed and we had to commence again. In the intervening period we have had COVID. We are not going to rehearse the whole reasons for COVID and why other things have been given priority since 2019, but the chronology was that there was a development plan, a 10-year plan from 2009, which would elapse in 2019. Before it elapsed we had embarked on the tender process for a new one. In the throes of the tender process we had COVID, so during that intervening period that process was paused. Because of the time that had elapsed, it expired and we had to start again. When we started again, as we had already commenced when the hon. Gentleman asked me ... We have, since that point, undertaken a lot of progress and we are now in the final stages to meet all the legal requirements that are required for us to undertake this tender process.

2030 **Hon. D J Bossino:** I see. So is the hon. Lady saying that when she gave her response to my question in October it already accounted for what used to be known as the EU procurement directives?

2035 She talks about elapsing times. Is that because ...? (*Interjection*) No, is that because ...? I have dealt with that issue professionally in the past, but I do not recall the specifics. As she rightly pointed out, it is a hugely complex piece of legislation, piece of law, but is the elapsing as a result of those EU requirements that there is a certain window within which these things need to be done ...? Is that what she is saying?

2040 And if I may, she was, I think, more specific in her answer. Given that she has clarified that when she gave the answer in October she was cognisant of the fact that there had to be this compliance with these EU regulations, she said, in terms of timings, and I quote:

work will be able to commence on the Plan before the end of the current financial year.

And in answer to further supplementaries she said:

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.

Can she confirm that she is sticking to those timelines, or is there a disruption to that since she answered this question in October?

2045 **Hon. Miss S J Sacramento:** Mr Speaker, I am going to read from the *Hansard* of our exchange, just the first answer to his question in October, where I informed the hon. Gentleman, because it was him asking the question, that we were at that point considering options for the re-tendering for the preparation of the new development plan and, following the award of the tender, work

2050 would be able to commence on the plan before the end of the current financial year. That was the
answer that I was given when we prepared for October. It may be that in October we were very
ambitious and expected the process to have been completed before the end of the financial year.
As of today, the update that I have is that that process has not been completed because of the
2055 the stages to enable us to be at the final phase. As far as I am concerned, Mr Speaker, the sooner
the better.

Hon. D J Bossino: The hon. Lady says, as a final remark to her answer, 'the sooner the better'.
Is she able to be a bit more specific in relation to that? She was quite specific in her October reply,
2060 talking about the end of the financial year. I suppose at that stage it seemed further along the line
than it clearly is now, but is she able to give an indication as to when she thinks this process will
be complete so that she can embark on the plan as soon as possible?

Hon. Miss S J Sacramento: Mr Speaker, at this stage I do not have any further detail, but I will
2065 tell the hon. Gentleman that those involved in the preparation of this ... I have been in touch over
the last, say, two or three weeks, and the very clear direction that they have been given is that we
need to go full speed ahead because we are in the final stages of what we are doing, so I really
need them to complete whatever phase they are at so that we can complete the stage and move
on to the next one. I am assured that we are almost there.

2070 **Hon. K Azopardi:** Mr Speaker, so I can understand a bit more clearly where we are at, I
understand the Hon. Minister's answers that it is a complex process and we are going through the
tendering issues. Are they looking to appoint one particular body or consultancy to drive the whole
thing, or is the complexity driven by the fact that they are looking to engage someone to drive the
2075 process but that perhaps subplans of the development plan will be contracted out to different
entities? Is that the complexity? And can I ask whether they have an indication of how many
bodies, consultancies or entities are interested in being appointed as the successful tenders?

Hon. Miss S J Sacramento: No, Mr Speaker. Once we put out the tender we will see what comes
2080 back and we will see what we think will provide us with the best value for money, but there has
not been an analysis to the depth that the hon. Gentleman suggests at this stage because the
tender has not gone out yet.

Hon. K Azopardi: Yes, that is the clarity I wanted. So it has not gone out. When it does go out,
2085 given the complexity of it, does the Hon. Minister have a view? Has the Government formed a
view as to the length of time that people will need to be able to respond reasonably to a tender
of that nature?

Hon. Miss S J Sacramento: Mr Speaker, as I understand it, this process is quite formulaic, so I
2090 will leave that aspect in the hands of the professionals and those who are advising on the process,
which, of course, is led by the Town Planner and the Town Planning department in conjunction
with the Government's Procurement Office.

Q260/2023
COVID restrictions –
Whether any still in place

Clerk: Question 260/2023. The Hon. Ms M D Hassan Nahon.

2095 **Hon. Ms M D Hassan Nahon:** What COVID restrictions, if any, are still in place?

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

2100 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, there are very few COVID restrictions remaining in Gibraltar. These regulations are reviewed regularly by the Director of Public Health, through the Strategic Co-ordinating Group. The regulations have a life of 28 days. The hon. Lady will be fully aware that all legislation is available in the public domain and is obtainable online. If she is not aware how to access this, I am happy to show her.

2105 Insofar as arrangements in the GHA, ERS continues to have some COVID measures in place, such as restrictions on visitor numbers, use of PPE and an enhanced deep cleaning schedule. St Bernard's Hospital has implemented additional measures, including the use of face masks in clinical areas and testing of some visitors.

2110 **Hon. Ms M D Hassan Nahon:** I thank the hon. Member for her answer.

Mr Speaker, if I could ask what guidance is Public Health Gibraltar taking, if any, from any external bodies, or are we just implementing our own guidance, our own directives, as this is being reviewed, as the Minister said?

2115 **Hon. Miss S J Sacramento:** Mr Speaker, I no longer chair the Civil Contingency Group in relation to COVID. I cannot remember the date exactly, but when the COVID situation was better and restrictions started to fall away ... This meeting where the Director of Public Health and all the other stakeholder professionals meet is now chaired by the Civil Contingencies Co-ordinator, but it operates very much in the same way as we have throughout COVID. We are very much led by
2120 Public Health advice, and the Director of Public Health will take her advice from her own professional fora.

Mr Speaker: Next question.

2125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, might this be a convenient moment to recess for 15 minutes, until half past six?

Mr Speaker: The House will now recess until 6.30.

The House recessed at 6.14 p.m. and resumed at 6.30p.m.

**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS AND THE GSB**

Q261-62/2023

Public finances –

Total gross debt; General Sinking Fund balance

Q263 and Q267-68/2023

Government companies –

Companies in which shareholding has been acquired;

Overdue accounts filings and penalties accruing;

Companies that have never been audited;

Q264-66/2023

Gibraltar Savings Bank –

Designated public officer acting as Director;

Split re forecast outturn of interest;

Gross value of debentures with notice of early redemption

Q269-70/2023

Credit Finance Company Ltd –

Whether €4 million bond repaid on maturity;

Identification of party borrowing £276.8 million

Q271 and Q274/2023

Community Supplies and Services Ltd –

Eastern Beach promenade cost and economic return;

Lending or other financial support provided to Etioca

Q272/2023

Wonderworks Media Ltd –

Purpose in National Economic Plan

Q273/2023

Etioca –

Hospitality

Q275/2023

Rooke development –

Support from National Economic Plan

Clerk: We continue with answers to questions.

2130 Question 261/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, may I start by welcoming the Father of the House back? It is a pleasure to see him in the House and we obviously all wish him well. (*Banging on desks*)

2135 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 January 2023 and 1st February 2023?

Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2140 **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 262 to 275.

Clerk: Question 262/2023. The Hon. Hon. R M Clinton.

2145 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st January 2023 and 1st February 2023?

Clerk: Question 263/2023. The Hon. Hon. R M Clinton.

2150 **Hon. R M Clinton:** Can the Government please provide a list of companies that the Government, the Gibraltar Development Corporation, any Government Agency or any Government-owned companies have acquired a shareholding in, wholly owned or joint venture, from 1st January 2018 to 31st January 2023?

2155 **Clerk:** Question 264/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise who is the currently designated public officer that is undertaking the function of Director under the Gibraltar Savings Bank Act?

2160 **Clerk:** Question 265/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government please split the forecast outturn of interest on investments of £55.1 million for 2021-22 of the Gibraltar Savings Bank between Government-owned and controlled investment sources and third-party non-governmental sources?

2165 **Clerk:** Question 266/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the gross value of Gibraltar Savings Bank debentures for which notice of early redemption was given in the period 1st November 2022 to 31st January 2023?

2170 **Clerk:** Question 267/2023. The Hon. Hon. R M Clinton.

2175 **Hon. R M Clinton:** Can the Government provide a list of all Government-owned, Gibraltar Savings Bank-owned or Gibraltar Development Corporation-owned companies that are out of date with their accounts filings at Companies House and what penalties are accruing for each?

Clerk: Question 268/2023. The Hon. Hon. R M Clinton.

2180 **Hon. R M Clinton:** Can the Government provide a list of all Government-owned, Gibraltar Savings Bank-owned or Gibraltar Development Corporation-owned companies that have never been audited?

2185 **Clerk:** Question 269/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the listed €4 million bond owned by Credit Finance Company Ltd at 31st December 2021 was repaid in full on maturity on 5th September 2022?

2190 **Clerk:** Question 270/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government identify the related party that borrowed £276.8 million, by way of the issue of fixed rate notes repayable on demand, from Credit Finance Company Ltd at 31st December 2021?

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Clerk: Question 271/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how is the development of the Eastern Beach promenade expected to produce an economic return for Community Supplies and Services Ltd, and how much has it spent in respect of this project?

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Clerk: Question 272/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what is the purpose of Wonderworks Media Ltd within the National Economic Plan?

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Clerk: Question 273/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the Minister for the National Economic Plan has accepted any hotel hospitality or travel at the expense of Etioca or its promoters; and, if so, when, in what form and for what purpose?

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Clerk: Question 274/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government confirm that the Community Supplies and Services Ltd is providing no lending or other financial support to Etioca and its group of companies?

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Clerk: Question 275/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the proposed Rooke site commercial and residential development is to benefit from any support from the National Economic Plan?

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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 gross public debt and the aggregate debt after the application of the General Sinking Fund to gross debt, cash reserves and net debt figures for the two dates requested by the hon. Member are as follows: gross debt, £872.7 million on both dates; aggregate debt, £845.3 million on both dates; cash reserves, January £81.5 million, and February £70.2 million; net debt, January £763.8 million, and February £775.1 million.

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The balance in the General Sinking Fund on both the requested dates stood at £27.4 million.

The list of companies that the Government, the GDC, any Government Agency or any Government company acquired a shareholding in between 1st January 2018 and 31st January 2023 is as follows: Gibraltar Properties Eastside North Ltd, Gibraltar Properties Waterport West, Gibraltar Properties Europort Avenue Ltd, GUT Ltd, GSF Ltd, Gibraltar Estate Management and Administration Ltd and GIC Ltd.

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The Accountant General is, and as far as I am aware, has been since at least 1972, the public officer undertaking the function of Director under the Gibraltar Savings Bank Act.

The Government will not provide any further breakdowns additional to the extensive information on the Savings Bank investments already provided monthly.

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The gross value of Gibraltar Savings Bank debentures for which notice of early redemption was given in the period 1st November 2022 to 31st January 2023 was £3.67 million.

2245 The Government-owned companies for which filing of accounts are out of date with
Companies House and the penalties accruing for each are as follows – the majority of those
companies are companies which were overdue in the filing of accounts as a result of the non-filing
and, indeed, non-compilation of accounts in the GSD’s period in office: Construction Training
Company Ltd, £650,000 – that is *the penalty*; Economic Development and Employment
Company Ltd, £650; Employment Training Company Ltd, £650; ES Ltd, £50; Europa Incinerator
2250 Co Ltd, £1,550; GAR Ltd, £650; GBIC Ltd, £50; GCP Investments Ltd, £50; GEP Ltd, £275; GEWP Ltd,
£275; Gibraltar Air Terminal Ltd, £875; Gibraltar Car Parks Ltd, £425; Gibraltar Cleansing
Services Ltd, £50; Gibraltar Commercial Property Company Ltd, £500; Gibraltar Community
Projects Ltd, £725; Gibraltar Defence Estates and General Services Ltd, £800; Gibraltar Facilities
Management Ltd, £200; Gibraltar Freeview Ltd, £575; Gibraltar General Construction
2255 Company Ltd, £650; Gibraltar Home Loans Company Ltd, £500; Gibraltar Industrial Cleaners Ltd,
£275; Gibraltar Investment (Holdings) Ltd, £950; Gibraltar Joinery and Building Services Ltd, £350;
Gibraltar Land (Holdings) Ltd, £950; Gibraltar Manchester Property Company Ltd, £50; Gibraltar
Mechanical and Electrical Services Ltd, £1,100; Gibraltar National Exploration of Minerals, Gas and
Oil Company Ltd, £50; Gibraltar National Mint Ltd, £650; Gibraltar Properties Ltd, £125; Gibraltar
2260 Residential Properties Ltd, £950; Gibraltar Strand Management Company Ltd, £575; Gibraltar
Strand Property Company Ltd, £425; Graduate Research and Development Company Ltd, £650;
GSBA Ltd, £125; GSF Ltd, £275; GSTR Ltd, £125; KIYJ Parkings Ltd, £875; Kings Bastion Leisure
Centre Company Ltd, £125; Midtown Coach and Car Parks Ltd, £275; Skills Enhancement Training
Company Ltd, £650; and Supported Employment Company Ltd, £650.

2265 The following are the Government-owned companies which have not been audited since
incorporation: Europa Incinerator Company Ltd, GAR Ltd, GEP Ltd, GEWP Ltd, Gibraltar Air
Terminal Ltd, Gibraltar Freeview Ltd, Gibraltar Mechanical and Electrical Services Ltd, Gibraltar
National Mint Ltd and GSF Ltd.

2270 The listed €4 million bond owned by Credit Finance Company Ltd as at December 2021 was not
repaid on 5th September 2022.

Just like every other lender, the Government does not provide the identity of who CFC, as a
moneylender, provides loans to.

2275 The profitability of the investment in storage facilities at Eastern Beach by the private not-for-
profit company Community Supplies and Services is a matter for that company, as is what they
have spent to date.

Wonderwork Media Company Ltd does not have a role within the National Economic Plan.

2280 As regards the question on the hotel hospitality, if what the hon Member is asking is whether
I have gone on holiday paid by Etioca, the answer is I never go on holiday. I was asked by the
owner of the company to join him in the launch of the subsidiary company in Italy, speak at the
press conference held on that occasion and also address a meeting of investors on the project. I
agreed to do so provided it was at no cost to the Government. My travel with the owner, the stay
in the hotel in Italy, my meals there and the return with the owner and his family in his private jet
were met by the company. The events related to the promotion lasted two days and took place in
September last year.

2285 I cannot confirm what CSS does or does not do since it is a private entity, but to my knowledge
Etioca and its group of companies have not sought or obtained any funding or financial support
from CSS.

2290 The proposed Rooke site commercial and residential development is not a sponsored project
under the National Economic Plan.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answers, and I beg your
indulgence because there are 15 questions grouped together.

First of all, obviously Questions 261 and 262 require no follow-up, since there is no major
change there.

2295 In Question 263 there are number of entities that the Minister has mentioned. I know we have had this exchange across the floor in the past as to what the abbreviations of the companies stand for, where it is just letters – GUT, GSF and, I think, GIC. I assume that Gibraltar Property Companies are essentially what they say they are in relation to developments of property as suggested.

2300 There are one or two that struck me, if I may ask the Minister. What is the Europort entity involved in? Is it holding property? What is it doing? Also, GIC Ltd – what does that entity do? Could the Minister provide some clarity on those?

2305 **Hon. Sir J J Bossano:** Mr Speaker, the original question is which companies are behind with their accounts. There are a lot of companies. I do not run these companies and I do not know what they do in the majority. I only know the one or two that I am involved with, mainly in the trading area. I do not know how their names have been chosen, so I have not got any information on the companies beyond the original answer to the question.

2310 **Hon. R M Clinton:** I understand, Mr Speaker. Can I then move on perhaps to the next question, Question 264? I think his answer was ‘the public official who is appointed as Director under the Savings Bank Act’. That is exactly the question I am asking, as to who is undertaking that function of Director under the Savings Bank Act. He is more or less reading the Act back to me. I know that a person is appointed under the Savings Bank Act. I am asking who that person is.

2315 **Hon. Sir J J Bossano:** Is the hon. Member asking me the name of the Accountant General?

2320 **Hon. R M Clinton:** Mr Speaker, I am happy with either the function ... He just said Accountant General, and if that is the answer, can I then follow it up with a supplementary? I understand the position of Accountant General is currently vacant, in which case, who would be performing the function of Director of the Savings Bank?

2325 **Hon. Sir J J Bossano:** The Accountant General position may be vacant in the sense that there is not a permanent appointment, but it cannot be vacant, otherwise we are going to have a problem doing the Budget this year because it is a job that requires somebody permanently to be there, even if it is in an acting capacity. So the answer is the person who is acting as Accountant General is also acting as the Director of the Savings Bank. It goes with the job.

2330 **Hon. R M Clinton:** Mr Speaker, moving on to Question 265, I asked for an analysis of the interest income of the Savings Bank between that generated by government-owned and controlled entities and those that are totally third-party sources. I know his answer was no, but can the Minister explain why he is not willing to provide that information? It should not be too difficult a task for the Accountant General to supply that information.

2335 **Hon. Sir J J Bossano:** Mr Speaker, because as I have told the hon. Member before, the more information I supply, the more he takes it away, dissects it and comes up asking for more. This a never-ending exercise, and in any event, it is an exercise that ... He does not need me to tell him that the amount of money that is invested in cash and near-cash, which was their policy, provides very low returns and therefore the bulk of the returns comes, and would not be there otherwise, from the investments that are made in infrastructure or in the creation of capital assets in Gibraltar. That is where the main investment of the Savings Bank is, and that is why he came to the conclusion – and I agreed that that was correct – that, in effect, the role is that of the Gibraltar Development Bank. So the Development Bank role, which is the creation of assets in Gibraltar, provides the bulk of the income, and the amount of money that we have in the UK depends on the twists and turns of the Stock Exchange and cannot be guaranteed to be positive. Until very recently, the ones in the local banks were minimal because the bank rate is very low. They have

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improved recently, but the improvement has not been there long enough really to make any kind of impact on this. He knows that from the information I give him.

2350 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. I was really just after the exact numbers, but I understand what he is saying in terms that the bulk of the income comes from, effectively, government sources.

2355 Moving on to Question 266, in terms of notice of early redemption he, I think, gave a number of £3.67 million. Can the Minister give an indication whether that is, in his view or from previous experience, a higher number than usual?

2360 **Hon. Sir J J Bossano:** We have not got previous experience of me being able to persuade somebody to bring their headquarters to Gibraltar. This is the first one. I think my job for Gibraltar is to bring people here, and if I am satisfied from what they intend to do that this something that could be of benefit to the economy and also, particularly important, of benefit eventually when the company reaches maturity in terms of government revenues, then I will do everything that is in my power to make it a success.

2365 I have made public that this company was being sponsored from the day they arrived. I persuaded the owner to incorporate it here rather than doing it somewhere else. It has huge potential, but it is not something that is going to happen overnight. This was the first subsidiary being created in Italy, and since the commitment is to support the company but not to give it money, then in fact the only cost to the taxpayer has been that they were paying my wages for the two days I was there, but since I normally work seven days a week and I do not take holidays, I think I have enough credit in time in lieu to compensate for the two days.

2370 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer, but I think he was answering a question that, in fact, I had not just asked a supplementary on, in relation to Question 273. I was asking about Question 266 in terms of the early redemption amounts of £3.67 million and whether in his experience that was an unusual number or is higher than normal.

2375 **Hon. Sir J J Bossano:** This is a company that would have been, I think, very successful if it had happened earlier. I think the world in which we are at the moment and the direction in which we are travelling ... It seems to me that we are moving fast in a retrograde direction from what we were before.

2380 Part of the strategy is, in fact, to create subsidiaries of the company to feed local markets rather than have a mega factory and sell on a global stage. I think that is a decision the company has taken because more and more we are seeing people moving into repatriating production nearer to the consumer. I would not expect this to be yielding results between now and the next election, let's put it that way, and I think if it carries on at the rate it is doing at the moment it will probably be more or less halfway through the next term that we should be seeing some returns.

2385 **Hon. R M Clinton:** I am grateful to the Minister.

2390 Mr Speaker, I do not know how to put this in a way that will not cause offence, but I can see that although the Hon. Minister is answering questions, albeit not the supplementaries that I am asking ... the information he is giving is useful to the House, but not in relation to my supplementaries as I am asking them.

Mr Speaker: What are you suggesting? With respect, I am not –

2395 **Hon. R M Clinton:** I do not want to put the Minister under any pressure because he is recovering. I will continue.

Mr Speaker: Yes, of course.

2400 **Hon. R M Clinton:** Mr Speaker, if I can turn to Question 267, which is about the out of date companies, just a simple question: would the Minister happen to have a total of the penalties accruing? Would he have that on a schedule with him?

Hon. Sir J J Bossano: I have not been given a total, but I think there are around 30 companies. I have not got a total.

2405 **Hon. R M Clinton:** Mr Speaker, if I move on to Question 268, the entities that have never been audited, can the Minister advise what steps are being undertaken to ensure that they are audited?

2410 **Hon. Sir J J Bossano:** [*Inaudible*] do not exist anymore. That is to say they do not exist in the sense that nothing is happening. The incinerator company was started in 1996 or just before, and it never really worked, and the incinerator disappeared long ago. Action has to be taken, obviously, to rectify this, which is wrong because they are supposed to submit audits and we should be giving a good example to the private sector, as the Government, that we are complying with it, but I think the reality is that some of the things probably fall by the highway. The hon. Member has more than once discovered something that none of us knew existed, and it is only
2415 because he puts the question that it comes to the notice of people, and I suspect that some of these fall into that category. It is not by intent, it is just by ...

Hon. R M Clinton: I am thankful to the Minister for his answer.

2420 If I can move on to Question 269 – and this is in relation to Credit Finance – I asked the question whether the €4 million bond owned by Credit Finance was repaid in full on maturity, and if I heard the Minister correctly, he said it had not been repaid. Can the Minister advise then, has Credit Finance been forced to make a provision against this bond, which as at 31st December 2021 was showing a value of £3.4 million, or has this bond been extended in maturity? Or has some other arrangement been entered into with the borrower?

2425 Mr Speaker, I should add that from the characteristics of the bond description in the accounts, this bond I believe was issued by the owners of the Sunborn Hotel in Gibraltar.

Hon. Sir J J Bossano: We provided with this that the maturity date was extended to 24th March 2024. It is a further 18 months.

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Hon. R M Clinton: Mr Speaker, just one further question on this. Has the Minister been given any information as to the reason why they were unable to repay the bond on maturity?

2435 **Hon. Sir J J Bossano:** I am not directly involved in these things, so the question that I put is the one he puts to me and I give him the answer that I get. I have not asked them why it is, but I imagine that at the point in time when they had to provide the money they did not have it. That is what happens when people do not pay.

2440 **Hon. R M Clinton:** And just finally on this particular question, Mr Speaker, can the Minister confirm that it is, as I have suggested, in relation to the owners of the Sunborn Hotel?

Hon. Sir J J Bossano: I have no knowledge from the Department who the owner is, but I will ask if it is, since the hon. Member believes that that is who it is, but I cannot confirm it.

2445 **Hon. R M Clinton:** Mr Speaker, in relation to Question 270, where I asked for the identity of the party that borrowed £276 million from Credit Finance by way of issue of fixed-rate notes repayable on demand, the Minister's answer was no, but the Minister will know from the disclosures in the accounts that this is not a third-party entity but is, in fact, a related party to Credit Finance by virtue of common control, so the related party ... It is under the heading of

2450 'Government and other entities under government control', so this is not a third-party private entity, and I do not see why the Minister cannot tell us which government entity is borrowing £276.8 million from Credit Finance at call.

2455 **Hon. Sir J J Bossano:** Mr Speaker, it is not that I cannot do it; it is that I am not prepared to do it. Of course I can do it. I could tell him every person who borrows money from the bank, and I suppose we could get Mr Isola to produce a list of all the people who borrow from the Gibraltar International Bank. But I am not prepared to accept setting the precedent that because a lending institution is state owned we can be required in Parliament to disclose who the client is, whether it is a public sector or a private sector borrower.

2460 **Hon. R M Clinton:** Mr Speaker, very well. If he will not identify the government entity, is he satisfied that this government entity effectively has £276.8 million in a current account, which would be available to repay the loan at call?

2465 **Hon. Sir J J Bossano:** When the hon. Member asks these kinds of questions I need to remind him of the fact that we were fortunate to inherit from his administration a mechanism that pools all the money of all the companies. In that pool there are companies that are in the red and companies that are in the black. Therefore, there is the situation that is reflected eventually in the net level of cash that I give him every month.

2470 So the answer is that if Credit Finance, which itself is one of its companies, did not have a loan to a government company, by virtue of the fact that it is a participant in the pool the same thing would be happening. The nature of the pool that was invented, which was a very clever thing to do and which we would be constantly attacked for doing if I been the author of it, but I was not the author of it ... I can see the value of having it because in fact it maximises ... If every entity that
2475 the ... Remember, Mr Speaker, that I have already demonstrated that the companies that were criticised when I was the Chief Minister of Gibraltar by the then Opposition actually were increased when they took over. So they took over from us a number of companies and then, having criticised it in opposition, found the value of having those companies, kept the ones that were there and created more. Well, we never criticised the pool. We accepted that was the
2480 government policy. We did not quite understand what the mechanism entailed, but when we came into government we could see the value of it, because it would be much more difficult, I think, to run the part of the public sector that is ... Originally it did not exist because originally there was only one thing; that the Government asked the Civil Service was the only thing. But when you start creating different companies and different agencies and some of them have got
2485 revenue and others have not got revenue, it would be much more cumbersome and much more expensive because there would be more paperwork involved and more difficulties in how you make access to money, and therefore the pooling effect ...

This is there as a specific loan on call, but at the end of the day, if tomorrow we cancelled the call and repaid the loan, it would not go anywhere. It would stay in the same pool, whether it was
2490 in one company or the other. So the answer is that the company that has been provided with these funds, if they paid back, could simply have access without it being a loan. I think the loan is a historical thing that happened when the mechanism was not being used to the extent that we are using it now, and we had specific FRNs. At the beginning of 2012 when we were originally elected, we actually were lending money when we created Credit Finance and I think it comes
2495 from then, and this might have been a change that has happened in changing it from one form to the other.

So that is what is happening there. This is independent of not naming it, for the reason that I am giving him. I am trying to give him enough information for him to visualise how this thing is happening.

2500 **Hon. R M Clinton:** I am grateful to the Minister for his answer.

2505 If I move on to Question 271 now, Mr Speaker, this is in relation to the Eastern Beach promenade. He says it is a matter for that company, being Community Supplies and Services Ltd, but in this House the Hon. Minister has quite clearly identified this entity as being part of his National Economic Plan and as being sponsored under his National Economic Plan these particular projects. I would just like to know how he expects to generate a return. I saw in the press reports at the time that there were maybe 600 beach stores being created. What is it that he envisages has economic value in 600 beach stores?

2510 **Hon. Sir J J Bossano:** I am not building the stores. All the charitable companies in the group that is running these things are doing things for which the people involved have done an exercise and consider there is a market and a need. In some, they are expecting to make a big profit, in others they are expected to make very little profit. There are different companies dedicated to different things. At the end of the day, the profit they make or do not make does not come to the
2515 Government, and they are now all following his advice: each one of them is now a charity. That is the structure that is there.

I think the decision that was taken recently, which is the subject of another question at a later stage, means that the 600 are not likely to be done this year. It depends on the demand whether they are done after the summer, and if the demand is less, well then we will look to other locations
2520 on other beaches. People identified that there were people who were prepared to avoid the hassle of having to take all the stuff they take to the beach every day if something could be provided that was safe and they could leave everything there. They were prepared to spend some money on doing it and that is the basis of the plan that was done.

I think the number was essentially the maximum number that the space permitted. How much
2525 of that number is done depends on the extent that ... Like many other things where Members asked me questions, at the end of the day it is only when the product is finished and available that you can really see what ... Many people put their name down for something and then when the day comes they do not carry out the purchase they said they were interested in, so at the end of the day ... The numbers that are going to be ready for this year are going to be considerably less
2530 than this and I think if the market for those is not a strong market, then it is unlikely the remainder will be done, but the material is available to do it somewhere else.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. That provides a lot of clarity as to the thinking. I just have one question in respect of it. Is it the intention, as far as he is aware, that
2535 these beach stores should be available for purchase, or is it that they will be available for rental?

Hon. Sir J J Bossano: They are giving the potential interested party the option to either buy or rent.

2540 **Hon. R M Clinton:** Mr Speaker, he may not have the information but I guess he does not have any idea – if he has, I would be grateful – as to what the sale price might be per store.

Hon. Sir J J Bossano: I have some idea, but I do not think it is right for me to ... The people who are doing the selling, it ought to be left to them when they want to make public how much the
2545 price is. I do not think it is right for me to say publicly what I think the price is going to be.

Hon. R M Clinton: Mr Speaker, I would assume they will be advertised for sale at a fixed price, and all I am asking is does he know what that fixed price will be? I fully understand if he does not
2550 know.

Hon. Sir J J Bossano: My advice to them has been that they should wait until the product is nearly finished. We have the same thing with the elderly home at Rooke. To suggest that people can decide whether they want to go to a place that is still a building site, to me, is nonsense. I

2555 think if we want to say to somebody, on the building site that is there, 'Do you want one of these sheds?' ... If you go there, you do not see a shed, you see a building site. I have told them it is up to them to do what they think they should do but they should not start putting prices on things that are not finished, they should wait till it is finished and then say, 'This is the thing, this is the size, this is how it looks, and you can either buy it for so much or rent it for so much.'

2560 **Hon. R M Clinton:** Mr Speaker, I am grateful for that answer.

Moving to Question 272, the Minister has advised that Wonderworks Media Ltd has no role in the National Economic Plan, but he obviously must be aware that it is a wholly owned subsidiary of Community Supplies and Services, and if it has no role in the National Economic Plan, then why is it owned by Community Supplies and Services?

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Hon. Sir J J Bossano: This is a company that initially was involved with some of the things that were being done by the charitable companies, but we have never dealt directly with them, and they are not a charity, it was a company that existed. So they had no direct involvement with anything that I do directly. The charity may engage any number of private companies in the things they do. For a while they were using this company, I think, in some of the employment areas.

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Hon. R M Clinton: Is the Minister aware that there are two civil servants acting as directors of that entity?

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Hon. Sir J J Bossano: If they were directors, that is probably how the connection came, because the company was there, it was dormant, it existed, and therefore, when they were starting and the charities did not have their own facilities, they made use of them. I do not think they are having to access it anymore, because now they have replaced it with their own machinery.

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Hon. R M Clinton: If I understand the Minister correctly, effectively Wonderworks Media Ltd is, to all intents and purposes, as far as he is aware, dormant and has ceased to perform any function.

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Hon. Sir J J Bossano: Yes, in effect, it was dormant before and I think it has gone back to being dormant again.

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Hon. R M Clinton: Mr Speaker, in respect of Question 273 and the hospitality of Etioca that the Minister was provided with in attending this two-day conference in Italy – I believe that was in Turin, is that correct? Yes, Turin. Obviously I am pleased there was no expense to the taxpayer and I cannot fault the Minister for that, but if I could gently remind the Minister that his Register of Interests under section 6 has not been updated. If he could do that because, obviously, receiving hotel accommodation and travel on a private jet I think would qualify as being disclosable under section 6 of the Register of Members' Interests in that it has not been paid for by the public but by a private sector entity. If the Minister could confirm he will, in due course, update his Register of Members' Interests?

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Hon. Sir J J Bossano: I would have to take advice on that because I do not think ... I received no benefit and I saved the taxpayer money, so I do not see how that can be a registrable element. My understanding is that if a private entity pays for you to go on holiday in Italy, you have to declare it in case that private entity tomorrow puts in a tender and you are in a position to influence the tender. That is why it has to be there and it has to be known, to prevent that risk. But to go to work for the Government, on government work, and insist that the person who is being helped should foot the bill instead of the taxpayer, I would not have thought that that ... But I will take advice, and if the legal advice is that I am guilty I will correct it.

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Hon. R M Clinton: Mr Speaker, I am grateful. I think the intention of that particular section is precisely to see if there are any potential conflicts in terms of the private sector versus the Minister's duties.

If I can read out what it says on the registrable interests, it says:

overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds.

2610 This is just to capture those cases whereby the private sector may fund the expenses of the Minister for whatever reason, and he may have a perfectly legitimate reason – obviously it does not have to be a holiday – but nevertheless it should be disclosed as such. Of course the Minister will take advice and I think it is entirely up to whatever advice the Minister gets, but certainly I would have expected to see something in that section.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Code that we are dealing with is designed, as the Hon. Minister has said, to ensure that there is no attempt to give a Minister a personal benefit for the purposes of influencing him in respect of something the person may be seeking from the Government and the benefit given to the Minister arises from the fact that he is a Member of the House or a Member of the Opposition. That is exactly what the Code says, yes? So the person who enjoys this benefit enjoys it because the party giving it to him gives it to him simply because he is a Member of this House, but for his benefit, and in this case what the Hon. Mr Bossano is saying – rightly, in my view – is he got nothing for his benefit. The benefit was directly for the taxpayer. It was not that because he is a Member of this House he was given something for his benefit, it was that because he is a Member of this House he insisted that the people he represents in this House should not be put to the cost of the travel, which was because he was doing the job in this House.

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2635 Mr Speaker, I think we are all new to the operation of the Code. Being flown in a private jet is something that happens in man bites dog instances – in other words, it is something that happens very seldom – and I think the Minister has taken exactly the right position in saying, 'I will take advice on it, and if the rules would require that ...' We were under the impression that if somebody offered to fly you to a football match for you to enjoy, or if they promise to fly you to a beach, that is fine. You have to register it, and it is easy and it is straightforward, and they are only flying you because you are a Member of this House or because you are a Minister and they want to curry favour with you. But if you are working as a Minister and the transport is the train, the plane or whatever it is, and it is paid for by someone else, that is not registrable in the Register of *Members'* Interests because it is not the *Member's* interest that is in play.

2640 We will take advice, and if the advice is that in the United Kingdom – where we are inspired to take the code from – it requires registration, then we will look at it and make the necessary amendment.

Hon. R M Clinton: Mr Speaker, if I may, for the benefit of the House and also to respond to what the Chief Minister has said, this actually predates the Code. This is the Register of Members' Interests, which was agreed in 1979, and the actual formula and what goes into it is set out quite clearly. I think the Hon. Minister for Economic Development, the Father of the House, knows perfectly well what the clause is meant for, because in his declaration from 2019 under Registrable Interests section 6 he says 'None, other than CPA and Public Accounts travel', which are the same conferences we have both been to. So he understands that it is not where you are benefiting from a cruise or going to the beach, or enjoying yourself – I do not think these conferences are particularly enjoyable! – but it is just the principle of registering any kind of travel. It could be, for example, that there is a Russian company that pays for travel, and it may be in the public interest to know that a certain country is paying for the travel, or whatever, of Government Ministers on whatever business. I think that is what the intention of that particular section was. And again, it

2655 has nothing to do with whatever the UK has been doing; this is the Register of Members' Interests that was set down in this House in 1979.

Again, if the Hon. the Father of the House will take advice, I am entirely happy with that view, but I think if he is consistent with the way he has filled in these returns in the past, he will find that it would probably be disclosable.

2660 **Hon. Chief Minister:** Mr Speaker, I do appreciate I mentioned the new Code, but in fact, this is the old Code.

2665 I think the way in which the Hon. the Father of the House fills in his declaration is not to accept that the CPA travel issue is a registrable interest for Members, because indeed most of it is paid for by the Gibraltar taxpayer. Some of them are not, some of them are. They are paid for by the CPA ... For example, the United Nations pays for Sir Joe to go to the seminar every year. We have taken the view that that is not a registrable interest because they take him, in effect, to represent the case of the people of Gibraltar. That is why we are saying we would have to take advice, because it may be that inadvertently some things are registrable which we have taken the view – legitimately, I think, and the hon. Gentleman would agree that it is not a Russian company, it is the United Nations – is not something that is registrable because it needs to be done, and indeed we have said so in public statements before. It is not that we have hidden that it is paid for by the United Nations; we have said there is no cost to the taxpayer because it is paid for by the United Nations for Sir Joe.

2670 I am happy to look at that and to deal with it. Even then, I would have thought that there are no other instances that we can think of where we have had our travel expenses paid for – unfortunately, because it would be helpful, of course, for the taxpayer to be relieved of our travel costs – just these two instances in question. We will make an amendment, if necessary.

2675 The hon. Gentleman will recall that on the one occasion I had to travel in a private jet, we were in contact with them to say, 'This an extraordinary expense. We want you to know. This the reason why we are doing it, and we hope that we will account with your support,' because those are extraordinary things and we would not do them otherwise.

Mr Speaker: Has the hon. Member covered all the supplementaries to the questions? Fine.

Q283-86/2023

Elderly residential accommodation – Waiting list; number of units at Rooke facility and expert report; plans for Mount Alvernia site

2685 **Clerk:** Question 283/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many people are on the waiting list for accommodation for the elderly, broken down into age groups, whether they are in government rented or private accommodation; and, if in Government accommodation, details of the size.

2690 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2695 **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 284, 285 and 286.

Clerk: Question 284/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many units will be made available at the Rooke residential site for the elderly, broken down into number of rooms or beds in each?

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Clerk: Question 285/2023. The Hon. D J Bossino.

Hon. D J Bossino: Has the advice being sought from UK experts on whether the Rooke elderly residential block can adequately house individuals with dementia or other special needs been received; and, if so, what is it and which entity has provided it?

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Clerk: Question 286/2023. The Hon. D J Bossino.

Hon. D J Bossino: What plans does the Government have in respect of the Mount Alvernia site once it is replaced?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, the information I have been provided with by ERS is that there are 325 persons on the waiting list for accommodation for the elderly. The list by age is as follows: three over 100; 87 over 90; 164 over 80 – I am there, but I am not in that place (*Laughter*); 61 over 70; two over 60; and eight unknown – that is there are eight people who we assume are over 60, but they have not put an age. A hundred and eighty four of these are in government rented accommodation but the information on the size of the government dwelling in each case is not provided by the applicants, so they do not have the information.

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Once the Rooke Residential Home construction is completed and ready for occupation, the exact number of units available will be determined by the owners.

Once the UK expert arrives, I will ensure that the suggestion by the hon. Member is taken on board in respect of possible use by elderly individuals with dementia or other special needs.

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The Government will consider what to do with the Mount Alvernia site if and when the site is no longer used for its current purpose, which could be many years into the future.

Hon. D J Bossino: I will go straight to Question 285, only because I have not taken a very good note and I do not want to forget the answer.

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Just to put this in context, I think he has answered in this House before that he is seeking advice from a UK expert who I think he said he knows or the entity is a friend of his, or something like that. In relation to that, when he says ‘once he arrives’, is this an individual we are talking about, who he knows and is a friend of his? And if so, can he give some information in relation to that, as to what his expertise is, or if it is not an individual, if it is an entity, which entity it is? I do not think he has answered that. And what does he mean by ‘when he arrives’? When does he expect that to materialise and happen?

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Hon. Sir J J Bossano: He will not arrive while it is still a building site, that is for certain, because there would not be any point in having him here. This is somebody the company employs in a home in the UK. They have a lot of homes. They recently made a £500 million investment in the UK in elderly homes. Therefore, there is some interest in them becoming involved in Gibraltar. It may materialise, or it may not, but in any event they have been quite helpful. I am saying, ‘We are doing this for the first time and I want to make sure that whoever runs it would meet the criteria that you would apply in your homes in the UK.’ Rather than relying on what we have been doing here, I want to rely on what is considered best practice in the UK. What I am saying to the hon. Member is although I had not thought it might be possible to have a floor maybe dedicated to

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2750 people with dementia or something like that, when the person comes over ... I know in some cases in the UK, instead of having different homes, like we do here – we have a dementia centre and everybody who has dementia is in the same place – they have a certain number, a percentage with dementia, and the staff for that percentage are more intensive than the ones for people who are more able to look after themselves.

2755 I do not know whether the configuration of the building we have here lends itself to that situation. At the moment, the only plan is that there is one floor for double beds – that is for married couples, because in quite a lot of instances the applications on the list may be married couples; also, there will be different age groups, but you would expect them to be needing a bigger room rather than two separate rooms. I think we have provided for one floor of that being possible, based on how often it happens. They would look at the layout and advise us on whether it is suitable for people with dementia or other disabilities, and if that is so, we will bear that in mind because at the end of the day, given the size of the waiting list, there are enough people to fill two homes, not just one.

2760 Some of the younger people are at the very early stage, I think. You find that just like people tend to put their name down for a government flat at the age of 18, even though they may expect to wait 10 years and get it at the age of 28, everybody at the age of 18 puts his name down because then they start counting and getting points. I think in Mount Alvernia it has been quite regular that once people start getting into their late 60s they put their name down, but probably if you went to the people who are 70 years old, the 61-70-year-olds, the bulk of them would say, 'No, I am not ready to move yet. So there is that element on the list, and I think the list may not be up to date. It is that list that they have, but it may not be up to date.

2770 All those factors mean that we may finish up with spare capacity or we may finish up with people who we feel have a greater need than somebody who does not have dementia or disability, although my own personal view ... It is not something I have discussed with the Government and we have taken a policy decision, but I think, from everything we are seeing happening in the rest of the western world, dementia is only going to go in one direction. We have a longer lifespan. They still do not know how to prevent it. The statistics in the UK are that at 90 the chances are 50-50. That means, according to the UK statistics, if you have 87 90-year-olds, 43 are likely to get dementia. I think we need to be conscious that until somebody makes a breakthrough, dementia is an area that we need to be expanding and providing capacity ahead of time, in my view. But it is my own instinct after having become involved in this area, which I have not been involved in before, and talking to the people who are there, looking at the statistics and talking to people from the UK. It might be that we are able to accommodate people with dementia there, but I think in the future it will take more investment in purpose-built places for dementia.

2785 **Hon. D J Bossino:** In that reply – and there are questions that come to mind arising from that – he has not identified who the individual is. Is he able to do that? And if I may – because it was a long reply – as I understood it, the expert opinion he was seeking from this individual was specifically in relation to dementia and Alzheimer's care. Is that understanding incorrect? I think he is shaking his head, which is what I thought he was going to say, but I wanted him to confirm the position. Can he give me information as to who this individual/entity is?

2790 I have questions arising from the other questions that I have posed. Can I just say, if he gives away, just to make the point by way of ...? If I can assist him, he has also been quite clear in previous answers in relation to this development that the Rooke residential project will not be a nursing home, it will be a residential home. So how does that marry with the possibility and the things he has just said in his reply that that particular development will have to cater for people with dementia, which we all know will require certain nursing facilities?

Hon. Sir J J Bossano: Mr Speaker, the people who have dementia really are in residential accommodation. They are not receiving any medical treatment for a medical condition that is curable. They are being looked after, but the looking after is more intensive than it would be with

2800 somebody who is not ... You can have dementia and otherwise be perfectly healthy, so you do not have other things wrong with you that need nursing. I understand that there are homes in the UK ... say a home that has 60 people and may have 10 who have dementia, and there is a particular wing for those 10, as opposed to what we have here, which is a place for dementia only, so I think in that context ...

2805 I do not know the person who is coming because the person who is coming is somebody the owner of the business is going to pick and ask to come here, to help me make sure that, on his advice, we are doing things in the way that would be to the standards that the UK require. That is what he is coming to do. He is not going to come until the building is ready for him to say, 'Yes, I think this is right and you should do it this way or do it that way.' He will also, hopefully, advise us on staffing and the things that we want to make sure that the contractor that will operate this will have as requirements, things that would be required if this place was in the UK instead of being here. That is basically the objective.

2815 I have only given some thought to the dementia because he suggested it. I thought perhaps it is a good idea to find out if we can do it, because I am concerned that we are in a situation where ... Until very recently, for example, we were having people with dementia in the mental facility, which is not the best thing to be doing, but if the only place we have for dementia has no space and the people who have dementia need to be taken into government care because the family has a problem in providing the care themselves, then we have to provide a solution. Therefore, his question prompted the thought that maybe ... I thought you were promoting the idea in the question, and on that basis I thought I would take it on board and find out if it is a workable solution as what I considered to be a short-term solution if we have, in the near future, more people coming in with dementia and have a shortage of space. I think we should be planning in the longer term for more space here until hopefully somebody comes through – before I get to 90 – with an answer to this problem.

2825 I am sharing with the hon. Member my thinking on this. This not something where he can say 'Why haven't you done it yet' in the next House, 'because you promised in the last one?' because I am not going to give him dates for him to ask me in every House.

2830 **Hon. D J Bossino:** In all of that I think I missed whether he has identified the individual.

Hon. Sir J J Bossano: I do not know who the person would be, and even if I had a name it would mean nothing to me, or to him. The owner of the homes in the UK will select somebody from his employees who will have the ability to provide me with the assistance he has promised to give me. Who that person will be I will find out when the time comes, but his name would not be relevant because what does it matter what his name is?

Hon. D J Bossino: And which entity is the owner of the homes in the UK, if that assists to getting to some sort of reply?

2840 **Hon. Sir J J Bossano:** Mr Speaker, a group of homes. These people have an investment of over £500 million in elderly care, so they have a lot of homes and those homes have a good rating.

2845 If I have somebody doing us a favour and it is not going to cost anything to the taxpayer, I do not think I should be mentioning his name. What is the purpose? That the Opposition should know who he is or what the name of the company is? What the Opposition should be interested in is ... If we are getting something for the benefit of Gibraltar that is not costing money, they should be happy that it is happening. Or maybe they want us to spend money so that they can criticise us for having a bigger deficit.

2850 **Hon. D J Bossino:** Finally in relation to this question, is there not any mileage to also seek advice and expertise locally from those who currently provide the clinical management of places like Mount Alvernia and Hillside in relation to this issue? He is shaking his head.

Hon. Sir J J Bossano: We stopped having a residential home many years ago. When Mount Alvernia, the Jewish Home and the Church of England Home were run by the Macintosh Trust, they were run as residential care homes, and when people needed medical care they moved out of the residential home and were looked after by the Health Service. What has happened in Mount Alvernia is that increasingly the Health Service has moved into Mount Alvernia, and therefore the model of Mount Alvernia is that they have doctors, physiotherapists and matrons. If you take that model, you are creating a hospital or a nursing home. This is not a nursing home. This not displacing the obligation of the Health Authority to provide healthcare. What the Macintosh Trust did was provide elderly residential care. Elderly residential care is provided in the UK and nursing homes exist in the UK, but they are not the same thing; the manning levels are not the same thing, the skills sets are not the same things. We are not going to be a privately run health service in this home. What we are doing is residential care.

The reality is that in the journey through life there are people who get to the stage where they cannot cope with a big house and need to move into rented accommodation that is manageable. Now, with the new initiative we are taking with the charity in creating the equivalent of Bishop Canilla for home ownership, it means that homeowners who previously did not have that opportunity will have it. Then, whether you are buying the home or renting the home, the time will come when you need carers coming in to help you. And then the next stage is you go into a care home, because at the end of the day you would need so many carers ... When you start to have care almost round the clock, it becomes so expensive that it is better to have somebody in a home, where all the care is there. From the home, if you finish up with an illness that requires permanent nursing, you go into a nursing home or into a hospital.

The slot that disappeared from Gibraltar many years ago is the slot that is going to be restored, which is a privately owned, privately run residential home. We think there is a need for that and it is going to be provided. It is no longer there. So if I ask the people we have in Mount Alvernia how do I do it, what they will tell me is how they are doing it now and how they have been doing it for many years. We are not doing that, we are not going to be doing that and we do not want to be doing that.

Mr Speaker: Can we move to supplementaries on the other answers? Thank you.

Hon. D J Bossino: Yes, Mr Speaker, but this supplementary, I think, links in also with the response we have had. This is in relation to the plans in respect of Mount Alvernia. He says that, as I understood it, there are no immediate plans to close it. As I have understood the responses in the past, Mount Alvernia residents and those on the housing waiting list – and I will go on to that specific question in relation to that, where he has provided, I think, a useful breakdown – are going to be, basically, the feeders of the Rooke site, as he has said on many occasions ad nauseam, and I think there were letters that went out to the residents of Mount Alvernia. They are going to be having complete free will to decide whether they move down to the Rooke, or not. If they say no, that will be respected and he is on record as saying that – and he is nodding his head. If there is a percentage – I do not know how many, but a percentage of people – as he has set out in his reply, who require nursing care, surely there will be that number, that group of people, who will never move down to Rooke because that is not the facility that Rooke is providing. He is saying yes. Can I ask him to confirm that position?

And does he have an idea – he can do it one of two ways, and he may not have the answer – of how many people fit into that category of the, I think, 144 who currently reside at Mount Alvernia? I take this from previous answers he has given to this House. I can check my notes as to what precise answer he has given – 140 I think he has said. Alternatively – it is really the same question put in a different way – how many people he thinks are eligible to make the move, and is the choice being given to that group of people exclusively? So in other words, letters will not be received by those individuals who require nursing care because nursing care will not be provided at the Rooke.

2905 **Hon. Sir J J Bossano:** Mr Speaker, the decisions and the numbers will be looked at when the home is ready, not when the home is a building site. The people in ERS have put a questionnaire to everybody, irrespective of their state of health. The question is whether they would like to move, so they are doing something that is not consonant with what I am saying here because I did not do it, they did it. So the answer is when we are ready with the home, when we have the advice that we need and when we have the operator ready to start, then we will say to people who are
2910 in a position to move with the facilities that we are providing, 'Are you interested in moving? If you are not interested in moving, even if you can run around the block because you are very fit, you will stay where you are because nobody is going to be moved from their home or from the list or from anywhere against their will. This is not the way we work.' From the beginning, that has been the position.

2915 I am not going to give the hon. Member details, because at the end of the day those decisions will be taken when we are ready to move, and from the way he has dealt with other people's detailed questions, I am not going to fall into the trap of having him saying to me, 'Yes, but you said this number; this is what you are doing and it is different.' We live in a world where every day is different and new. He may not be in that world but that's the one am in. Therefore, what is
2920 possible today may become impossible tomorrow and what is possible today will be something that is no longer viable. The situation at the moment is we are doing something we think Gibraltar needs, we are doing it in a way which is, from the point of view of our finances, sustainable, and therefore the results will show whether we are right in the judgement we have made. We are paid to make decisions and take judgements. This one of them and it is important. It will be very
2925 important for a lot of people who may find a better quality of life than they can get in their houses, if they are isolated, or in Mount Alvernia, where they are further away from their children who are living in the estates here. So the location is an important attraction, but of course we would not be putting people there if we were not able to look after them properly. That would not would not be an intelligent thing to do.

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Hon. D J Bossino: Let's agree that I will not press him for an answer. I appreciate that he has given reasons as to why he is not going to provide that information, and fine, but I do not understand why he cannot say that, given the answers he has given to this House, not just now but before, that Rooke is not a nursing home. Why can't he say that as a matter of principle those
2935 individuals at Mount Alvernia who do require that assistance will not even be asked whether they will be moving? I do not understand why an answer to that specific question requires the construction to be finished.

Hon. Sir J J Bossano: Well, it is simpler than that, and he should understand it. I am not going to say what he wants me to say because he says I should say it. If I wanted to say it, I would not need any prompting. He wants me to say something and I do not want to say it, and I am not going to say it. Okay?

Hon. D J Bossino: Mr Speaker, in terms of the replacement of Mount Alvernia on closure, going
2945 back to the formal answer he gave, the way I understood it is that whilst there are people residing there, the place will not close. That must make sense if one joins all the dots in terms of the replies he has given, because there will be a complete, cast-iron respect from this Government in relation to those individuals who do not want to move. That is understood. But in terms of those individuals who are on the waiting list – in other words, new individuals who come on stream –
2950 will those individuals be given the choice to move to Mount Alvernia? Those 300-odd on the waiting list, will they have the choice? Not the residents currently in Mount Alvernia, but those individuals who are not yet resident anywhere, will they be given the choice to go to Mount Alvernia so that it is possible that the resident numbers in Mount Alvernia will increase?

2955 **Hon. Sir J J Bossano:** That is a decision that we will take when the time comes.

Hon. D J Bossino: Mr Speaker, in relation to Question 283, where he kindly provided the breakdown, that information, with all due respect to him, does not quite coincide with the information that he has provided to this House in the past. I would not say necessarily information, but certainly his analysis of the information, because I think I have asked him before that if you
2960 add ... In terms of supply, as I understand it, there are 200-odd flats being provided at the Rooke, 140 individuals at Mount Alvernia ... I say that with the caveat that he says all these decisions are still to be made, but potentially 140 individuals could move over to the Rooke. Then I said if you add the 140 plus the 325, there will not be sufficient supply at the Rooke if they all said yes, and he said in relation to the 325 ... He made the comment historically that he made now, that there
2965 are people on the housing waiting list who simply jot their name down at a young age – I do not know why, but I have the number of people of my age, in their 50s – as a placeholder, just in case, for the future, so they go up the list. This does not quite tally because there are, I am sure, very healthy over-70-year-olds, but you are talking about over-70s, so that is a big decade. Between 70 and 80 there are 61 individuals – I do not know whether the majority are 79, let's say, or 78 – who
2970 may already require assistance, residential care, a residential home. But if we add those numbers to the 164, to the 87 and to the three who are, happily, over 100, again it is quite a big number. So does he have a more detailed comment to make in relation to the overall figure of 325 and whether it tallies with what he has told his House in the past, that many of them are just there to be on the housing waiting list to bide their time to eventually go, but they are not really going to be a demanding presence there?
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Hon. Sir J J Bossano: Mr Speaker, the list I have is something that I have not compiled and that I have requested to answer his question. That is the list I have been given. I have told the hon. Member I do not know how accurate it is. I can tell him that it does not mean, for example, that
2980 there are only 184 80-plus in Gibraltar. That is not what it means. It is that of the many hundreds there are, 184 have indicated an interest in going to Mount Alvernia at some point in their lives. That is what this means. That is the information I have because I requested it for his benefit, so I could answer his question.

Mr Speaker: I think we need to – (*Interjection*) That is right. It is getting quite complicated, so why don't you focus on a couple of questions and then –?
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Hon. D J Bossino: [*Inaudible*]

Mr Speaker: Okay.
2990 The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, in his answer the Hon. Minister said he did not know exactly the configuration in terms of the spread of the individuals and their maladies, for lack of a
2995 better word. My question is, if we do not have the information ... I would like to ask him if they didn't, why didn't they? Why haven't they conducted a deep study into the acute versus the residential individuals in order for us to understand trends in the community so that then we can adequately provide the support or the structure in these buildings in order to prepare the building for the needs of the people? Shouldn't we have this information and these workings-out before
3000 the building is ready, because what if we have many more acute individuals than residential?

Also, as he quite correctly says, people are living longer. Once they start needing care, as opposed to residential, they will keep needing the care. So to say that we will look at the spread of these needs when the home is ready could turn out to be very costly and very impractical and have an effect on the quality of care. Doesn't the Minister agree? Has he any information that he
3005 has sought with a team of medical professionals or people in the field in Gibraltar to understand what the spread currently is, in terms of the needs of individuals and how to cater for them before the building is completed?

3010 **Hon. Sir J J Bossano:** The building will not be a nursing home, the building will be a residential care home, and therefore the facilities that are there will not be changed in any way for people who need medical attention and who should be in a nursing home or in a hospital. This is not what is going to be provided.

3015 What is going to be provided is what used, historically, to be the Jewish Home, the Anglican Home and Mount Alvernia Home, owned and operated by the Mackintosh Trust, who did not employ doctors and did not employ ... They had elderly care homes, and elderly care homes exist in the UK. In some cases you have elderly care homes that are just for people at a certain level of mobility and health, and nursing homes that are only nursing homes. And in some cases you have a wing that is a nursing home, another part that is for dementia and another part that is for people who are healthier and more active and can do a lot for themselves. That is what exists in the United Kingdom. Whether we can ... other than nursing, which I think is not something we are going to get involved in because nursing is a responsibility of the Health Authority. People pay Social Insurance for that care and that is where they should get it from; it is already paid for. There are many people who have no medical conditions other than dementia and no physical impediments other than dementia, and therefore it may be possible to incorporate the dementia home, as I have told the Hon. Mr Bossino, who I thought was promoting the idea, but I am not sure now whether he is promoting it or opposing it, but anyway, I thought it was a good idea when he said it, so I am going to see if it can be done. But that is the only thing that we will have. We will have people who, as they get older and have more physical problems in cooking and looking after housework, need to have carers and get to a stage where the carers cost more than putting them in a care home, and then it makes sense to have a care home. That is there, that population. 3020 The census, when it comes out, will show, as every other census before has shown, that the over-70s are growing faster than any other segment of the population here, as they are in the rest of Europe.

3025 We are trying to not wait for the problem to hit us and then try to find a solution. The dementia home was started because the problem was already there, and then when we came in we found that, in fact, some of the rooms were so small that they could not be used and we had to bring somebody from the UK and spend a lot of money undoing what the GSD had done because they tried to put in more people than the building could cope with when you had people who needed help, carers and wheelchairs.

3030 In this home we do not expect to be providing medical care, but we will have a place where doctors can come and see patients – very near to the Hospital, obviously. The location is, I think, very good because the nearness to the Hospital means that people can go to the Primary Care Centre if they are mobile, or a doctor can come quite quickly and see a number of patients in the place, where there will be a room for doctors to attend to the people in the home. But that is the only provision we are making, and that is the only one that is going to be made. Therefore, the model with the manning levels and the skills level we need is not something that I can look elsewhere in Gibraltar to find, because that disappeared a very long time ago. So what I am looking to see is what advice we get to make sure that when the owner of the home starts discussing with us the contractual arrangement, the condition that we put is that they have to ensure that the person they hire to run this place will be able to tick all those boxes that I hope I will be able to put here, as if the home was in the UK. The best way to do that is to look at best practice in the UK. I am fortunate that I have a contact who has promised to bring me a person from his outfit because he has a lot of homes that will be able to provide that and it hopefully will not cost us any money, which is part of the thing I always try to do: get others to pay. 3040 3045 3050

3055 **Mr Speaker:** One final question from the Hon. Damon Bossino.

Hon. D J Bossino: I am grateful. Maybe this will be a short reply. Can I give him an opportunity to perhaps even correct the record or explain himself further? In a *Gibraltar Chronicle* report some time ago he was quoted ... but he may have been misquoted; that is a possibility. The article said:

Sir Joe said that the new Rooke site will 'eventually replace Mount Alvernia'.

Hon. Sir J J Bossano: [*Inaudible*] replace Mount Alvernia, but not in doing what Mount Alvernia has become, which is not what it was intended to be in the beginning. There are people in Mount Alvernia who are getting the level of medical treatment they would get in the GHA, in St Bernard's. Those people, in future, will be in St Bernard's, which is where they need to be. But as I have said in my last answer, that is many years in the future, and if you want me to tell you what I will be doing many years in the future, then I welcome your faith, in that I will be in my 90s and possibly in my hundreds, still here and still in government.

The reality is I think decisions have to be taken nearer to when you implement them, and taking decisions too far away, in the kind of world in which we live today, where we never know what is going to hit us tomorrow, does not make sense. So as a matter of policy, I do not commit myself to telling you things that are hard black and white, because the reality of it is that there are too many variables affecting a lot of our lives, although here in Gibraltar we all behave as if we are immune – Ukraine is on another planet and climate change is on another planet, and we are in a place where we are not affected by anything. Unfortunately, it is not true. I wish it were.

Hon. K Azopardi: Mr Speaker, just on this point, because I was waiting for my own, but given the matter that has been raised by the Hon. Minister now, when he says they are looking to transform Mount Alvernia to the original form of it and he has indicated during a number of supplementaries that he is taking advice and he is going to take on board the possibility of taking advice on the dementia aspect, can I urge him also to take advice on this issue? The comment he has just made, that those people should be in St Bernard's is an error, if I can put it that way, because part of the reason Mount Alvernia transformed itself into this other function is that there is a need for a facility that provides a hybrid that is not just a residential home and is not just an acute facility, because previous Governments ... I am not just talking about the Members opposite, but when I was Health Minister and I was liaising with Mount Alvernia, and indeed when they were in government in their first incarnation they would have found that the rates of hospital occupancy ... that there were percentages that were being told by clinicians and experts in the field were people who needed care; they could not be in a residential home, but really were not suitable for an acute facility like a hospital. I would just urge him to consider also taking advice on this question in the whole context of the assessment of people who will go to Rooke, may also need to go to hospital, but that there will be a place in Gibraltar that can provide that degree of care, a bigger degree of care than perhaps in the Rooke facility, so that it does not end up in St Bernard's being occupied by persons who do not need acute care but need some care. Can I urge him to do that when he considers, as he has said, that he will take advice on that question? Does he agree that this an issue that needs to be looked at?

Hon. Sir J J Bossano: Mr Speaker, I have already said I believe in taking the decisions when the time comes to take them, because nothing is written on tablets of stone.

I am telling the Members opposite, in reply to the questions they are putting to me, how I see the scenario. At the end of the day we have had, for many years, a lot of people in St Bernard's who were supposed to be in Mount Alvernia. Therefore, I think the new home will meet what is now an unsatisfied demand, which is creating a situation of putting pressure on beds in the GHA and Mount Alvernia. Once it is open and it starts working, we will review the situation as it develops, and whoever happens to be employed to run Gibraltar then will take the decisions that are needed when the time comes.

3105 At the moment, the way I see it, the dividing line between St Bernard's and Mount Alvernia is not as clear-cut as it used to be. There are wards in St Bernard's that are manned by Mount Alvernia and there are lots of health ... The people in Mount Alvernia are working in the building called Mount Alvernia but they are GHA employees, GHA grades, paid GHA wages and providing a GHA service already.

3110 **Mr Speaker:** Next question.

Q287/2023

**Eastern Beach and promenade –
Expected works completion date**

Q288-89/2023

**Transfer of ERS residents to Rooke residential home –
Number of requests for expression of interest sent; number of residents interested**

Q290/2023

**Burner phones –
Registration of personal details**

Q291/2023

**Statutory pension –
Rates for married and unmarried people**

Q292/2023

**Statutory redundancy –
Rates of entitlement**

Clerk: Question 287/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, when are the works currently ongoing at Eastern Beach and Eastern Beach promenade expected to be completed?

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Clerk: Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

3120 **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 288 to 292.

Clerk: Question 288/2023. The Hon. the Leader of the Opposition.

3125 **Hon. K Azopardi:** Mr Speaker, and there I was thinking that this treatment was only handed out to Mr Clinton.

How many letters or forms asking residents to express an interest in respect of a possible transfer from ERS to the Rooke residential home were sent or delivered to residents at ERS?

3130 **Clerk:** Question 289/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many residents of ERS have expressed an interest to be transferred to the Rooke residential home?

3135 **Clerk:** Question 290/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, will Government consider introducing regulations or legislation to provide for the registration of personal details of purchasers of reload or so-called burner phone numbers?

3140 **Clerk:** Question 291/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Is Government considering any changes to the pension rates of married couples or unmarried couples given the difference in pensions in either case?

3145 **Clerk:** Question 292/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Does the Government agree that the level of statutory redundancy entitlement for workers should not depend on the age and gender of the person?

3150 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, the works ongoing at Eastern Beach are expected to be completed by the end of April and resumed after the close of the bathing season.

3155 I am informed by the ERS management that the questionnaire they drafted was given to 204 residents.

The information I have been provided with by ERS is that there are five persons who have expressed an interest in moving to the Rooke residential home.

3160 I will take advice on the hon. Member's suggestion on reload cards, and the Government will then take a policy decision on the matter.

The Government is not considering any changes to the statutory pensions until the position with regard to what the eligibility of non-residents will be if there is an agreement on Schengen access and in the context of introducing pension entitlement from the age of 60. Any changes that increase the cost of the benefits will need to be reflected in higher contributions, as the policy of every Government to date has been that the Statutory Benefits Fund should be self-financing from contributions.

3165 The level of statutory redundancy entitlement for workers depends on a calculation based on the person's age and length of service, irrespective of gender, as introduced by the GSD administration in 2006.

Hon. K Azopardi: Mr Speaker, let me just take these in turn, if I may. In respect of Eastern Beach, he says it is going to be finished by April and then resumed after the end of the bathing season – I think that is what he said. Last time I went to Eastern Beach, just a few days ago, the whole stretch of the beach was fenced. We are about a month or six weeks away from the end of April. When he says the works are going to finish by the end of April and resume – so there will be a gap for people to enjoy the summer season – what exactly will be finished by the end of April? They have started the works but they are quite well away from any kind of major works, so all I would envisage could be done in the next few weeks presumably is some kind of beautification and refurbishment. Can the hon. Member assist us with what phase he understands the works to be in by the end of April?

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3185 **Hon. Sir J J Bossano:** My understanding is that they will have finished the sheds that can be either rented or sold after April, but that would not be the numbers that were originally intended, which would have taken much longer and gone into the bathing season. As I said in an answer to one of the supplementaries to a previous question, whether they then do more will depend on the take-up of the ones they finish now. That is the information I am given by the people doing it, and that is what I expect to happen.

3190 **Hon. K Azopardi:** When he says there will be a lower number, does he have a number in mind? Has he been advised of the kind of number we are going to have, of sheds, by the end of April? Presumably the plans are being designed in a way that it does not encroach too much on to the beach because obviously it is a busy beach and people will want to enjoy their summer.

3195 **Hon. Sir J J Bossano:** I would have to see it myself, but the area that they are occupying and the part of the beach is what they put when they put it in for planning. I think probably less than half of the number they intended will be finished. They have a team of people working on finishing the ones that were already started and a team of people clearing up what would have been phase 2, which they are not going to try to do until after the summer season – and they may not do, if in fact the take-up is not what they expect.

3200 **Hon. K Azopardi:** Mr Speaker, can I just ask finally on the Eastern Beach: the allocation of these sheds will be also done? Whatever is constructed will also be done before the summer season starts in big furore?

3205 **Hon. Sir J J Bossano:** I do not think anybody is going to buy or rent something until it is practically finished, so the allocation, I imagine, would be when ... They have a list of people who have expressed an interest, they tell me, and then when the things are reasonably near to being usable is when people will either decide to rent or buy, or not do either.

3210 **Hon. K Azopardi:** And the allocation itself will be done by some kind of government process? Or is it also going to be done through CSSL? Is it an official process?

3215 **Hon. Sir J J Bossano:** [*Inaudible*] allocating or anything else. I think they just put a list with people, first come, first served, and that is what they are going to do.

3220 **Hon. K Azopardi:** When the Minister says 'we are not involved', I have seen on Twitter that there has been a sort of invitation that people should enquire to a specific email address, and the email address does not suggest it is a government address but it seems to have been tweeted by a quasi-government entity. So I am just asking who is going to determine these things?

Hon. Sir J J Bossano: I do not use Twitter, so I do not know who ... If there is something there, I would not know.

3225 They have been promoting this and they are doing it, and they tell me that they already have people who have put their names down, but of course everybody who puts their name down is not ... This is not like a house that you put a deposit on, and then, if you do not complete, you lose your money. People have put their names down, but without putting in any money and they will make a final decision depending on what the product is when they see it finished, or practically finished. I do not know whether there is an excess of names compared to what is going to be available, because what is going to be available I suspect is going to be less than half of what was intended. We just do not know.

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Hon. K Azopardi: Mr Speaker, on ERS and Rooke, and the letters that were sent out, he has given me a figure of 204 letters sent to residents. Is that all the residents? Did all the residents

3235 receive a letter or a form? I think it is a form, really. I have seen a form. Did all the residents receive a form?

3240 **Hon. Sir J J Bossano:** I think I need to make clear that this was a decision taken by the management, and I discovered it when the hon. Member mentioned it on television, so I did not really know it was going on. I do not know exactly to whom they have given it. I think they may have given it to people who should not be getting it all, because they have given it to some people who are in places operated by Medoc, who are not involved in this. I am just providing the information that I have been given, and the information I have been given is that it appears that 199 do not want to move.

3245 **Hon. K Azopardi:** Mr Speaker, obviously it may be because Mount Alvernia has been very successful. At the end of the day, given the statistics that the hon. Member has given to my learned colleague Mr Bossino, your heart must go out to those people who are over 100 and are still on the list. They have been waiting a long time, I guess.

3250 Mr Speaker, does the hon. Member indeed agree that that initial reaction by people suggests that either they simply do not want to move and are quite firm in their view, or that there is quite a long way for the Government to go in seeking to try to persuade people to move to this new home, despite the pictures that we have seen on GBC about the internals?

3255 **Hon. Sir J J Bossano:** Mr Speaker, the Government is not trying to persuade anybody to do anything. There may be people trying to persuade them to stay, but there is nobody trying to persuade them to move. The people will be given the option when the place is ready and they can see what is the alternative. That is why this spontaneous survey carried out by the management and staff of the place is probably accurate, because I am surprised that there are five who want to move without knowing what there is.

3260 In any case, if nobody wants to move, then that is fine. That is their choice. It has always been like that, and I have always made it very clear that we are not going to put pressure on people who are now at a stage in life where they are comfortable where they are and want to stay there. We are not going to move them against their will. This is not on. It would be wrong to do it and it is not going to happen.

3265 **Hon. K Azopardi:** Mr Speaker, obviously this not an exercise that he was involved in; he has explained that it was done by the management. Given the result and so on, is it intended for there to be another exercise to ask them again? Presumably residents and families have not been able to go on a visit to the new home, so they have formed that view based on, I suppose, what is in the public media. Is it intended for an opportunity to be given to them to go and see the site and be asked again? Or is it that the Government considers the exercise as being conducted and it is a fairly conclusive result, and therefore it is not necessary to do that?

3275 **Hon. Sir J J Bossano:** This has not been conducted by the Government, and therefore ... Okay, so five people, without knowing what is available, have said yes. To me, that does not send a message that there are five people who want to be in Rooke, it sends a message that there are five people who want to get out of that place without knowing where they are going. (**Hon. Chief Minister:** Into containers.) Yes.

3280 When the time comes and the place is ready, then the people will be asked officially if they are interested in finding out what is available as an alternative, seeing it and discussing it with their relatives, being told that they are under no pressure, they do not have to say, 'I am going.' Nobody is going to push them in the direction of going. I can understand that there may be people who would prefer not to go because there is this fear that it is going to affect their jobs or not going to affect their jobs. When the time comes, we will do things properly and then we will see how many
3285 want to come.

Hon. K Azopardi: The hon. Member says it has not been carried out by the Government, but obviously it has been carried out by the management, and the management are a public entity. Without making the distinctions, I accept the hon. Member's explanation that this not an exercise inspired or instructed by the political Government in that sense, carried out officially in that way, but he is making the distinction, as I understand it, that at a given point in future, the political Government will then say, 'We will carry out a new exercise.' That is how I understand what he is saying. Is that right?

Hon. Sir J J Bossano: The questionnaire, which he has seen, placed the deadline of 7th March. Why 7th March? I do not know, but if you put a deadline you are more likely to get a no than a yes.

Hon. K Azopardi: Yes, Mr Speaker, I certainly could not figure out the deadline. I had hoped that the hon. Member might help me with that, but he has explained that he was unaware of it until I spoke about it on television. There you go.

Mr Speaker, can I move on to the question on burner phones? The hon. Member says he is going to take advice. Can I just explain in a bit more detail the purpose of the question, so that when he takes advice it is in the context of this? The issue has been pointed out to me that insofar as you have a contract number, obviously there are details of who owns that phone, but when burner phones or reload numbers are used for the purposes of, for example, offensive texts or social media bullying, it is impossible to trace that number to a person, and that in certain cases there have been situations where there have been very offensive texts and so on, they have been reported to the Police, but the Police have not been able to trace them because of the nature of burner and reload numbers. And so I would urge the Government, if the hon. Member now understands the point a bit more in detail, that when he takes advice and consults also ... I would ask him not just to take advice but to perhaps consult the enforcement authorities as to whether they consider this an issue.

Does he agree that if the Government can consider introducing regulations that would have the effect that phones are not used for social media bullying, we should all do something about it?

Hon. Sir J J Bossano: I will make as thorough an investigation of what are the repercussions of doing it or not doing it as I can. I will take on board all the things the hon. Member has said.

Hon. K Azopardi: Mr Speaker, on the pension rates of married couples – and I take on board what he says, that it is a delicate moment in the negotiations for an EU treaty, so I will not overextend myself in the question, but it was merely to note to the hon. Member, when he says there will not be any changes until ... and he has explained when, but they will perhaps, presumably in future, consider changes which would be necessary were there to be alterations in the eligibility age and/or any consequential effect of the treaty.

But more specifically, the question was focused on the kind of disparity that you would find if you have married couples living together and unmarried couples living together. Unmarried couples living together obviously would be getting a higher household pension than married couples living together. Would that be part of the consideration in future?

Hon. Sir J J Bossano: I do not want to commit myself on this because at the end of the day we have to look at many aspects, but remember that the statistics I provided in terms of the growth of beneficiaries show more rapid growth of non-residents than of residents. It is very difficult to know what is happening with people who have worked here and are no longer here, what they claim and how we can check. The connection with where we are with the negotiations is that we do not know whether the liability we inherited from the membership of the EU is going to continue growing or is static and closed. Given that, the decision making on whether we should or should

not change will be determined by an analysis of potentially who could be affected by a change and in what numbers and in the context that at the same time we will be moving to introduce equal pensions from the age of 60, whereas everybody else is going in the opposite direction.

Hon. K Azopardi: Mr Speaker, can I move on to the last question I have on the paper, given that issue? On the redundancy entitlement I am not clear precisely on the answer the hon. Member gave because I was taking a note in respect of others, but I had understood him to say that the calculation of statutory redundancy is in respect of age but not gender. Is that what he answered? I cannot recall.

Hon. Sir J J Bossano: The question, Mr Speaker, is not on the entitlement but on the level of the statutory redundancy, and the level of the statutory redundancy is based on age and service, so that you get so many weeks according to your length of service and so many weeks if you are over the age of 40. The regulation does not say whether you are a man or a woman, so the level of redundancy is not determined by the gender.

Hon. K Azopardi: Yes, Mr Speaker, I accept that. In the phraseology of the question it really should have said eligibility, but is the hon. Member going to deal with the eligibility question so as to disconnect that in terms of the differences in gender?

Hon. Sir J J Bossano: The eligibility question, which was introduced in 2006 and has not been changed, has a distinction because a distinction comes from the Social Insurance pension. That is to say the woman cannot, at 60, claim redundancy because she has a pension, and the man at 65 cannot claim it because he has a pension. So there is discrimination against a woman in one and discrimination against the man in the other. When we cure the discrimination against the man, then the discrimination in the entitlement will disappear. If you have pensions at 60 for men and women, then they will both be at 60.

Hon. K Azopardi: That is precisely what I was coming to. To the extent that we then land on a situation where the differences are equalised in some way – without saying in which way, but equalised – the Government is also committed to equalise it in respect of redundancy pay. Is that correct?

Hon. Sir J J Bossano: That would be illogical because if we equalised it in the other area, then there would be discrimination only in one way, and it would have to be put right, yes.

Mr Speaker: Next question.

**Q293/2023
Mount Alvernia –
Owner of building**

Clerk: Question 293/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who, or which entity, owns the building where Mount Alvernia is situated?

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 am informed that the Care Agency holds a lease on the building.

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Hon. Ms M D Hassan Nahon: Mr Speaker, does that mean that a committee within the Care Agency decides if the building ever gets closed down, sold or repurposed ...? Who is the authority with, in terms of those decisions?

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Hon. Sir J J Bossano: During the term of the lease, like any other lease, unless there are specific clauses that prohibit the use of the building for something else ... I have not seen the lease, but the lease is from the original trustees of the John Mackintosh Trust, so it may be that it says the building can only be used for an elderly residential home and there could be something that prevents any other use. In practice what has happened since they have had the lease is that the Care Agency has been treated as the owner of the building, but of course the lease is only at a nominal – I think £5 – rent. To all intents and purposes, it has always been treated by the Care Agency as a building that belongs to the Care Agency.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if the residents of Mount Alvernia all decant to the Rooke, the Care Agency will no longer have an interest in the building for that purpose, so would that mean they might simply relook at scenarios where the purpose of the building could be repurposed? Is that a possibility?

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Hon. Sir J J Bossano: At the moment there is no question of the building being used other than for what it is at the moment. In the context of how many people want to stay there and how many people move, nothing is going to happen with the building whilst there are people who want to stay there. It is just that the building will require more maintenance the longer it is being used, because it is an old building and it takes quite a lot of maintenance.

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I have said it could be a few years in the future, but if and when you get to the stage that the building is no longer being used for the purpose that it was used for ... and it is quite clear that the lease was the result of the Government taking over Mount Alvernia from the trustees of the Mackintosh Trust, so it is quite possible that the building was leased to the Care Agency for the Care Agency to continue doing what the Mackintosh Trust was doing before. But it is not something that is going to change imminently. Nothing is going to change in the ownership of the building or in the use of the building any time soon. We are talking well into the future. I have just asked what was the title of the ownership, but I do not have access to the wording of the lease, which may say, for example, if you stop using it as a residential home you have to give it back. For all I know, there may be something like that. So the options for the Care Agency with Mount Alvernia would depend on the conditions that are attached to the lease, but in any event, nothing is going to happen anytime soon. We are talking about maybe two or three years down the road if we are seeing less use of Mount Alvernia and a building that is costing more and more to keep fit. It is not something that is imminent, not something about which we need to take decisions now.

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Hon. Ms M D Hassan Nahon: Thank you. Can the Minister just tell us whether he believes that the two entities will be needed to hold individuals who need care into the future, or is he thinking we only need one building to hold all our elderly who are in care?

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Hon. Sir J J Bossano: We are going to be needing, in the future, more care because there will be more elderly people, and I think we need to be guided by what is happening in other places.

I see the situation from what we have today in the steps that I have explained, where people initially have bigger homes, the children tend to leave home earlier and younger and set up their own home, so the place becomes very big. They need to move into something smaller. They

3435 cannot cope in the small place, so they need to be in a place where we have wardens and carers coming in to help. And then, depending on their state of health, they can go into a dementia home, a nursing home, a hospital or a residential place. We may need facilities independent of each of those, or we may need a facility that has segments for each of those people.

3440 It is a question of monitoring the situation, and I think seeing the trends and planning for the future is likely to deliver, but it is not something that you can say, 'I know enough about the pattern to be able to take decisions now.' We have identified now that because we no longer have a residential home, there is a vacuum in that area, where people who do not need the more intensive care are actually being put in the place that is providing them with more care than they need, because what used to be provided is no longer there. That is the stage we are meeting now.

3445 Hopefully, by July or August this year the building will be ready for occupation and people can then express an interest in moving or not moving or taking a space on the waiting list. Then we will see what pattern develops and then we will have to be adapting our planning for what we do next, what we build next, whether it should be another place for dementia or a floor.

3450 We cannot plan for the future as if we had a crystal ball. What we have to do is recognise the nature of that future and then make sure that we are pre-empting what we are going to need and provide it so that we are ready with the supply when the demand surfaces. That is the way I think we should do it.

Procedural

Mr Speaker: May I, just before the Chief Minister moves the adjournment, remind the Hon. Minister that he needs to be here tomorrow because he has to answer questions from the Hon. Daniel Feetham? Also, that applies to the Hon. Samantha Sacramento. Thank you.

Adjournment

3455 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 3 p.m. for the beginning of Chief Minister's questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 16th March at 3 p.m.

3460 I now put the question, which is that this House do now adjourn to Thursday, 16th March at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 16th March at 3 p.m.

The House adjourned at 8.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 7.58 p.m.

Gibraltar, Thursday, 16th March 2023

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The Gibraltar Parliament

The Parliament met at 3.01 p.m.

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

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

Tribute to Louis Triay KC

Clerk: Meeting of Parliament, Thursday, 16th March 2023.

Mr Speaker: The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, with your leave, I ask to make a Statement today in the memory of Louis Triay KC, who was a Member of the Legislative Council. I did not do so yesterday because I had a Statement to make yesterday.

10 The sad news reached all of Gibraltar two weeks ago that Louis had passed away. We were reminded, in the various eulogies, of a man born in Gibraltar, educated by the Christian Brothers, who read law at University College in London and who was called to the Bar at the Middle Temple – good choice – in 1950. He passed away having been at the Bar for 73 years. He took silk in 1982 and by the time he passed away he had already long been recorded as the world’s longest-serving lawyer on record.

15 All of that is quite remarkable, but apart from all that, he was also a Member of this House. He formed part of the Legislative Council from 1964, to which he had been elected under one of his slogans, which was ‘New broom sweeps clean’. Then he became Minister for the Port and Trade from 1965 until 1969, where he was able to give effect to that other slogan that he had run in the 1964 election, which was ‘The independent who stands for action’. That could very easily have
20 been the motto of Louis Triay’s life, let alone his politics. In every discipline that he was involved in, they benefited from his commitment, whether it was the politics, the law or sailing. In the law, of course, one of his most significant contributions was the work that he did from the Bar in the development of a world-class finance centre in Gibraltar, which stemmed from the work he had done in this House, taking the exempt companies legislation through its stages as a Bill when he
25 was here in 1967.

Apart from the family and the law, Louis’s well-known third love was the sea. He was an accomplished sailor who enjoyed the respect of his fellow sailors in Gibraltar and, indeed, beyond Gibraltar, on a number of occasions – as he enjoyed telling most of us, no doubt – sailing together
30 with the now King Emeritus of Spain. I am sure that on all of those occasions when he had the opportunity to share a boat with the now King Emeritus of Spain, Louis would not have missed an opportunity for talking about his beloved Gibraltar. Indeed, one of the areas that brought together all of Louis’s skills – his sailing, his legal training and his political background – was the work that he did in trying to get Gibraltar recognised by the International Olympic Committee.

35 Mr Speaker, perhaps the best epitaph I can give Louis Triay is that in making this Statement and in thinking of him, whether it was when he was alive and I had reason to contact him or call him, or now that he is gone and I have reason to speak of him, speaking of Louis Triay always brings a smile to my face and gives me a tiny bit of that *joie de vivre* that he personified.

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

40

Hon. K Azopardi: Mr Speaker, it is a pleasure to associate myself with the remarks of the Chief Minister on this occasion.

Louis was, I have said before, an absolute legend in so many ways – sailor, politician, lawyer, Member of this House. As the Chief Minister has said, he left his mark over seven decades in the law, left his mark in all areas of society. He could connect with people. When he spoke to people with his natural charisma, at any level of society he could reach people and did so in the most charming way. He was not just a friend and colleague. He had so many anecdotes and so many human touches that you saw on a daily basis. The man lived life to the full. One of the things he used to say often was that if it hurts, work it, and it showed in every facet of his life.

Louis was not just a Member of this House, he was also a colleague of mine and of my learned friend Mr Bossino to my left, too. In our chambers, one of our boardrooms, which I informally call the political room, has lots of photographs and posters of those days of the 1960s, of the late Mr Stagnetto and Louis, and that poster ‘New broom sweeps clean’ hangs there proudly. I like to use that room because it at least keeps me in touch with that political reality and our hybrid life.

He reached dizzy heights in the law, but also in humanity, and he leaves a deep mark in this society of ours. Our condolences go to his family, as the Chief Minister says in that summary of his life.

It is so difficult to do justice to someone who has lived life to the full in the way that Louis did, but he left his mark across a variety of fields, not just in politics but also in sport with his campaign for Gibraltar to be admitted to the Olympic Association, the financial services issues and everything else he did. Up until the end, he had an incredible interest in everything that went on in Gibraltar. I said publicly when I was asked by GBC about this, that he would often come up to my room – he had his office on the second floor – and we would talk about politics, and up until the last days he kept asking me, ‘Are we going to get that treaty with the EU?’ with an interest in Gibraltar, its sustainability and its life as a community.

Our hearts and minds are with his family, and our condolences to them.

Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, thank you.

I was very sorry to hear about the death of Louis Triay. He was not somebody with whom I had regular contact, like hon. Members on the other side would have had in their own chambers, but he was somebody I met occasionally, and whenever we met it was always a pleasure to speak to him. He had, as Members have said, a remarkable career in the law, he was a man who broke records, and it was always very positive, very encouraging to speak to him. You ended up feeling very upbeat after having had that conversation because that was the personality he radiated.

He was also, in my view, a Gibraltarian patriot, somebody who was a firm believer in the rights of the people of Gibraltar to determine their own future, a believer in our continued connection with the United Kingdom and in resistance to the Spanish claim.

I was very sad and very sorry to hear about his death. My most sincere condolences to his family. May he rest in peace.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the passing of Louis Triay leaves a big gap, a void that runs through this community and beyond. Here, in this House, he is a member of our political family, but he was also so much more. I will not repeat all his achievements, which have already been duly echoed today by the Chief Minister and the Leader of the Opposition, a record to be proud of and which makes us, as a people, proud to call him one of our own.

90 It is also well known, as has been said, that this man knew very well how to live life to the fullest, and I am sure that this fact will be of so much comfort at this time to his family and friends – a life very well lived until his last days, when in his 90s he would be seen whizzing round town on his motorbike. This is something we can all aspire to for ourselves.

I take this opportunity to pass my and my party's condolences to the family of Mr Louis Triay, and his close friends. May he rest in peace.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I think it is appropriate that, with your permission, I read from a prepared speech, for reasons that will be made clear as I go through it.

Pure grit, determination and force of character. These are the words that come to mind when I think of Louis. I had the honour to work with Louis for almost 30 years, and those character traits came very much to the fore every day until his last day in the office, which incidentally was the Friday before the Monday when he died. That fact in itself speaks volumes of the person Louis William Triay KC was.

Members will understand how, in the long period of time I shared an office with him, there will be very many anecdotes that I can think of, all of which reflected a very interesting and colourful life, which he lived to the full until, almost literally, his dying day. I will share only a few of the many experiences and pearls of wisdom he would impart, drawn from the very rich life that he lived.

My participation and interest in politics provided the basis for many conversations in this area. In relation to that, I must say that he certainly had the common touch and a way with people. He used to proudly recount how, with no previous political experience, he decided to contest the 1964 elections to our predecessor organisation, the LegCo. With a small budget and little more than an old Jeep and a loudspeaker system, he managed to get elected as an independent Member, later holding ministerial office as a result of the emergence of the Coalition National Government as a result of the pressures that we were suffering from the Francoist regime in Spain.

During the 1967 riots, he used to tell me, and in typical Louis fashion, he rolled up his sleeves and took to the streets with the tiny Mini he owned at the time, went straight to what was Shepherd's Marina to personally inspect – at the time, as the Hon. the Chief Minister rightly points out, he was the Minister for the Port – the damage done to privately owned yachts, then taking matters further into his own hands and reporting the incident, barging through Convent Place and demanding to speak to His Excellency the Governor and report what was happening at the Port. As a result of that, troops were deployed, thereby successfully calming the political temperature somewhat.

Louis had that forte. He could speak to the high and mighty at their level, as well as his compatriots in all walks of life, as the Hon. the Leader of the Opposition has just said. He used his persuasive skills and contacts in the highest – and we know that they were the highest – echelons in Spain to, for example, restore telephone links during the time of the restrictions by speaking directly to Adolfo Suarez, then Spanish Prime Minister, a meeting which had been arranged by the king himself, King Juan Carlos. In 2014, more recently, he had a direct conversation over a lunch with the former King of Spain, Juan Carlos, at his palace at La Zarzuela, to discuss some other flashpoint that was impacting Gibraltar at the time.

That he did have a close relationship with the King Emeritus Juan Carlos was not an exercise in name dropping, it was real. Testament to that is the fact that they would exchange cards and emails on birthdays and Christmas. One year, Members will be interested to know, our receptionist at the firm received a call from a gentleman with a refined Madrid accent asking to speak to Louis. The receptionist, who happened to be my aunt, enquired as to who the individual was, as she was meant to do as a courtesy. You can well imagine the surprise and shock when the reply given was '*Su majestad el Rey de España*', His Majesty the King of Spain.

As is well known, he was an established lawyer as well. It seems almost bizarre to say it, but this gentleman was called to the Bar in 1950 and continued to practise until a few weeks ago. He was, as the Hon. the Chief Minister said, a Guinness world record holder as the longest-serving lawyer. He was an accomplished criminal defence barrister during his initial years, again putting
145 his razor-sharp mind to effective use in what I am sure must have been absolutely brutal cross-examination; Louis would not take any prisoners. He then developed a very strong and lucrative private practice base, which he fostered by working up the coast in the 1960s, when Marbella and Sotogrande were non-existent and Estepona was mere fishing villages, but were attracting high net-worth individuals from outside Spain. He even opened an office there. In his inimitable style,
150 charm and charisma would act as an irresistible magnet, which allowed him to clinch the client and the deal.

All of this, sadly, came to an abrupt end when he entered the political scene and then with the closure of the Frontier. At around that time, he took the opportunity to meet and then marry the beautiful Valerie and start a family. He was, nevertheless, able to continue to develop his practice
155 in the following decades, growing his sole practice with the addition of one lawyer in 1979, James Neish QC, followed by his son Louis and Charles Lavarello in 1989, me a few years later, and with the merger of Stagnetto & Co. in 2001 we joined up with the late Guy Stagnetto QC and his son Guy, eventually becoming the much larger firm that we are today.

Always finding the opportunity in adversity, one achievement which many attribute to Louis is
160 the creation, through favourable tax regimes, of Gibraltar's finance centre, which became essential when Gibraltar had to adapt once again and create wealth in a closed-Frontier economy.

One cannot, when talking about Louis, fail to mention the absolute love and passion he had for sailing. Anyone who has sailed with him, and that does not include me, can tell you that he was – how can I put it in the most diplomatic terms possible? – a demanding captain and would exact
165 the beyond-best performance of his crew in order to secure the win. In the wider sports field, he continued to persist in his campaign, as the Hon. the Chief Minister mentioned, to achieve international recognition for Gibraltar.

He worked hard and partied even harder, an eager participant at office parties, attending our Christmas party, which happened to be his last, only last year. He faced ill health with the same
170 attitude. He would endure physical pain with the determination to get through it. 'Mind over matter', he used to say. When he went through open heart surgery in his late 60s, he would tell me that he was ready to meet his maker; his maker clearly was not ready for Louis. He embraced and loved life. When the time came, it was quick and efficient, as he would have liked it.

In sum, Louis was a remarkable man, Gibraltarian to the core and with a significant
175 international hinterland, a legend who will be sorely missed.

I take this opportunity, Mr Speaker, to extend, once again, my condolences to his wife Valerie, his son Louis, his daughter Sophie, and each and every one of his grandchildren.

Hon. Chief Minister: Mr Speaker, I am grateful for all other Members' contributions, although
180 I must say it is not often that I associate with the words of the Hon. the Leader of the Opposition when he said 'Mr Bossino to my left'. The way I see it, he is always to his right.

Indeed, Mr Speaker, if I can say to the hon. Lady that when we are 90, two-stroke motorbikes will not be allowed anymore because the Minister for the Environment will have done for them,
but I get the spirit of us whizzing around on electric bikes, like Louis, would be a lot of fun.

I do not want to break Mr Azopardi and Mr Bossino's hearts by telling them how often Louis
185 would be in touch and how supportive he was of our politics, but I will tell Mr Bossino that I was sworn to secrecy about the meeting at La Zarzuela. It was at a particularly difficult time and I am very pleased that he has felt able to refer to it. It is on the record, and I was very much consulted by Louis at the time before going and when he came back with all the information that he brought
190 back, told as he told it, with all of the additional anecdotes that he brought to it.

Mr Speaker, in that happy refrain, can I invite the House to now keep a minute's silence in Louis Triay's memory?

The House observed a minute's silence.

Questions for Oral Answer

CHIEF MINISTER

Q306/2023

**Bob Peliza Mews and Chatham Views –
Construction cost**

Clerk: We continue with answers to questions.
Question 306/2023. The Hon. the Leader of the Opposition.

195

Hon. K Azopardi: Mr Speaker, what is the current estimated projected construction cost of Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the contracted construction cost and the tendered construction cost, if different?

200

Clerk: Answer, the Hon. the Chief Minister.

205

Chief Minister (Hon. F R Picardo): Mr Speaker, the tender processes for Bob Peliza Mews and Chatham Views are still active and it is not, therefore, possible to provide figures for the construction costs for these at this moment. I can, however, advise that with regard to Chatham Views, a preferred bidder was declared on 8th March 2023 and an award is expected to be made during this month. In relation to Bob Peliza Mews, the tender assessment process is at an advanced stage and a Tender Board meeting has been set for 24th March. The final figures will, therefore, be available for the next meeting of the House and I would have no issues with the question being put again then, if Mr Speaker agrees.

210

Mr Speaker, the House will also want to know that I have, today, written to purchasers in both these estates, further updating them on progress.

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Hon. K Azopardi: Mr Speaker, with your leave and in light of the answer, I would be grateful to be able to file a question short of the six-month rule.

Mr Speaker: You have my approval.

220

Hon. K Azopardi: I am grateful, Mr Speaker. Can I just ask, in relation to the answer given, is the Chief Minister willing to say who the preferred bidder is, or does he want to wait until the award is made on Chatham Views?

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Hon. Chief Minister: I would prefer to wait for the award to be finalised. I expect that we will be issuing a public statement once it is finalised, but if we have not issued it by the time the hon. Member puts his question, we will confirm it to him in the House. I am quite happy to tell him later who it is that we are negotiating with, but we always have to be conscious of the fact that the negotiation might not go as we expect.

230

Hon. K Azopardi: And did I understand the tail end of his answer, that he has written to prospective purchasers on progress in respect of both Bob Peliza Mews and Chatham Views? Is that right?

Hon. Chief Minister: Yes, Mr Speaker.

235 **Hon. K Azopardi:** Without, obviously, wanting to see a copy, that letter to purchasers informs them in respect of the prospective awards, but also in relation to the possible timescales of the development – is that right?

Hon. Chief Minister: Yes, Mr Speaker, they have also been included in the press release that the Government has issued. I am quite happy to let them have the copies I have.

240 **Hon. K Azopardi:** I am grateful to the Chief Minister for giving me copies of that, which I see as dated today, so I assume it has been made public. If Mr Speaker bears with me for 30 seconds while I skim read it ... I see that in relation to Chatham Views – and obviously this has been issued today, so people will not necessarily have seen it – it ends with the comment ‘Your home will take two and a half years to complete from the award of the contract.’ So in relation to Chatham Views,
245 obviously the contract has not been awarded yet, but it will be, hopefully, this month, so I guess the timescales will run from that award, as he says. And in relation to Bob Peliza, it says between two and three years, depending on the phase of the project.

I am sure the prospective purchasers will be happy to get an update. They will be concerned, because the information reaches me regularly, and the Chief Minister ... I ask: is the Chief Minister
250 aware – I assume he is, but is he aware – that obviously there are people who, as a result of the delays in these projects, are suffering financially? They have obviously bought a house off plan but thought that they would have it already, and in some cases clearly may not get it for another two to three years, so we are talking about 2026 – maybe 2027, because sometimes there are further delays despite all the goodwill in the world. Those people, some of them, are having to rent in the
255 private market at very high prices and yet their families are growing and so on and so forth, so they may have bought something which they then have outgrown by the time they get it. Is the Chief Minister aware of those concerns? And is he talking to purchasers about all those issues?

Hon. Chief Minister: Mr Speaker, I am painfully aware of those concerns, but when you sit on
260 the government benches you deal in reality, and the reality is that people are going through those very difficult moments and we have not been able to build sooner. If we had been able to build sooner and had not, it would be unforgivable, but we have not been able to build sooner. That is why I update the purchasers regularly. That is why I am in touch with many of them. That is why many people who were purchasers will no longer be purchasers because they have had to go into
265 government rental accommodation and forgo their purchases. And that is why the Government is going to honour the original purchase prices from 2019 and not include the increases in the cost of construction, so that the equity that individuals will have when they complete on their homes will be even greater than that which they would enjoy because they were buying affordable homes if they had bought off plan.

270 So everything is a balance. In life, everything is a balance. As I have said today on *Direct Democracy*, people need to be wary of those who promise them things which are unrealistic. The idea that anybody could have built these homes sooner, the idea that by changing the Government these homes are going to be built sooner, or the idea that the Government has done anything to delay the building of these homes is just not to deal in reality. What we must do in the
275 context of people who are going through the difficulties that the hon. Gentleman has referred to – many of whom, of course, come to me as well as going to him – is at least give them the decency of honesty in the responses we provide.

Hon. K Azopardi: Mr Speaker, people will form a view on all those remarks, including the
280 remark that the Government could not have built sooner, especially when it is framed in terms that the idea that you could not have built sooner is some kind of remote and somewhat preposterous idea, because there is a backdrop and a history to this, and the backdrop and the

285 history is that it is the Government itself that promised to have these projects some time ago. In
respect of Bob Peliza Mews, it was in the 2015 manifesto on the basis that it would be completed
in 2019, so it is that the Government itself suggested publicly that it would be completed in 2019.
It then moved the programme forward, which I understand, and while the Government talks
about COVID and it does so in these letters also, and there is obviously some impact on delay in
COVID, the Government needs to understand ... Does the Chief Minister not agree that when he
290 suggests in some way that no one could have built earlier, the problem is that the Government
itself suggested that they were going to build in a faster way, so that also has to be thrown into
the mix?

Hon. Chief Minister: No, Mr Speaker, I do not accept that, and I do not accept it for a reason. I
do not accept it because there has been what we call a new intervening act. The new intervening
295 act was COVID. Yes, we were expecting to start sooner, but there had been also new difficulties
with Brexit. Hon. Members appear to want to forget the Withdrawal Agreement, whether or not
we would continue to enjoy the benefits of the transition period, how that would affect contracts
for delivery of product into Gibraltar, whether you could legitimately sign a contract to have a
fixed price or whether you would be overcharged for that price. All of these things, all of these
300 realities which hon. Members wish to now gloss over and forget, are relevant. The world, I am
more alive to than most, is divided between those who say, as Mr Bossino said yesterday, COVID
is just an excuse and Brexit is just an excuse, and those who understand that COVID and Brexit, in
its two phases, is a reality.

The hon. Gentleman will not find it convenient to accept, but I put it to him that if he had been
305 sitting in my chair and he had been faced with the decisions that I have had to make about when
to sign contracts, or indeed if any of the purchasers had taken my chair, they would have made
the same decisions that I have made about when to sign contracts, why not to previously sign
contracts, if they were thinking with their Gibraltar hat on, on behalf of all of the taxpayers of
Gibraltar and not writing an open-ended blank cheque to developers who could then have ridden
310 roughshod over the Government and our exchequer, and where we would have been giving a
subsidy even in excess of the one that we will give now, which these purchasers, in my view, are
now entitled to, but not because we have failed to build one day earlier than we could have when
all of those factors are brought into the equation.

All of this is detail, and the hon. Gentleman can just make an easy, spinnable remark about
315 delay but he has been a Minister and he knows that when decisions have to be made, they have
to be made in the round and they have to be made in the context of all of the issues I have put
out there. He might like to go back and think about where we were in 2019 and in 2018 when he
was calling me Theresa May's cheerleader because I wanted the Withdrawal Agreement to be
finalised sooner and the transition period to start sooner. He might care to reflect that it was only
320 once we had the transition period agreed and we knew we were in that we could sign the Hassan
Centenary Terraces agreement phase 1, which then enabled us to have a fixed price for the
delivery of goods. And then COVID happened. So lots of factors, Mr Speaker, and that is the reality
of government decision making.

Hon. K Azopardi: That is all very well, Mr Speaker, but of course again the Chief Minister tries
325 to repackage the narrative, because Brexit had already happened when they moved the timescale
in 2017 and had that press conference and issued that press release in August 2017 that said
hundreds of homes would be delivered by 2019 and 2020-21. So when they issued that press
release and called that press conference, they already knew that Brexit had happened, they were
330 negotiating, but they still made that announcement and they made that announcement in the
context of the 2019 election. If the Chief Minister is now suggesting that somehow this was
impossible to have achieved, they should have said that before the 2019 election and not
suggested to people otherwise because they were trying to get votes. That is a repackaging of the
narrative, with all due respect, and COVID – (*Interjection*) I am getting to it – did not seem to stop

335 luxury housing being built, but it did seem to have an effect on this, and now there is going to be an added cost. He said so in his original answer.

Let me ask about that. In relation to the additional cost that he says he is not going to pass on to purchasers ... I understand that they have not awarded the tenders yet, but does he have a figure for what the additional costs are? He has mentioned them a couple of times now.

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Hon. Chief Minister: Mr Speaker, I gave the figure to the Hon. Mr Bossino in the last House. It is nonsense that the hon. Gentleman has – *(Interjection)* Yes, I gave the Hon. Mr Bossino the figures in the last House in respect of additional costs in relation to Hassan Centenary Terraces. Yes? *(Interjection)* No, I do not have these yet, because I have not got a final price yet.

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Mr Speaker, how can the hon. Gentleman say that I should have said before the 2019 election that we would not have started building Chatham and Bob Peliza even in 2023? How can he say that? When a person who I have, as I have for the Hon. the Leader of the Opposition, deep intellectual respect for, gets up and asks you something which is demonstrably foolish, because I have deep intellectual respect for him I can only suggest that he is being mischievous. How could I have known before the 2019 election that in 2020, instead of sitting down to sign the contracts for Bob Peliza and for Chatham, I would, exactly three years ago today, be standing in front of an autocue in 6 Convent place saying that I was confining everybody over the age of 70 to their homes, instead of continuing the work we had been doing to grant the tenders to have them built and be handing over the keys now, months before a general election? What does he think I would have preferred to be doing: defending, not building, months before a general election, or handing out keys months before a general election? But I had to do the responsible thing. I went to the General Election in 2019 with the Withdrawal Agreement done, ready to have a transitional period and ready to start the work on building these homes, ready to start negotiating the new relationship with the European Union. And what did I end up doing? The last thing I ever expected I would do: telling Gibraltarians that they had to stay at home to save their lives. That is why, before the 2019 election and in the 2019 election, I did not tell people that their homes would be so delayed: because I did not know. I did not know they would be this delayed. I believed we would have started building in 2020. We would have been ready to start building in 2020.

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And why were luxury properties being built through COVID? For a simple reason: because they had signed contracts. They had signed contracts and they were building and putting pressure on us to permit the building to continue. And what happened in many of those instances? In some instances – in one instance in particular – there is an attempt to change contracts in respect of private properties that have been bought off plan through the COVID period because of additional costs. We are not going to do that.

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But to the straight question of why didn't you say before the 2019 election that this was going to be so delayed, I say to the Hon. the Leader of the Opposition I have too much deep intellectual respect for him to think that that is a question worth asking in this House.

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Hon. K Azopardi: The last question, Mr Speaker. I accept that I put a long preamble to my question, but my question specifically in relation to 2019 was actually it started because they moved the timescale in 2017 and they had said to people ... They had asserted in 2015 first that they were going to build these houses, Bob Peliza and Hassan Centenary, and they were going to finish them by 2019. They then said, in 2017, hundreds of homes would be ready, and before the 2019 election, it is clear. So none of what the hon. Member has said explains that situation. He has talked about Brexit and so on, but the point is that Brexit had already happened when they made the announcement in 2017, and none of what I am talking about is explained by the answer he has given. Can he not see that?

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Hon. Chief Minister: Mr Speaker, the intellectual respect I have for him is associated with what I believe must be a memory. These estates were announced in our 2015 manifesto, but in June 2016 the Brexit referendum happened, so that put the cat amongst the pigeons in respect of any

timetable we had committed to in 2015. After the referendum, having secured the Withdrawal Agreement that he was no fan of in 2019 and having got two thirds more votes than him in the General Election, we believed that we were ready to sit down in 2020 to do the tenders to build the homes. *(Interjection)*

The 2017 announcement in 2019 is recognised by the Government as not having been able to be met and we explained to people that we were going to start immediately – ‘As soon as the election is over, we are going to start immediately.’ And look at what happened after the election. And what did people think about the 2017 announcement and our explanation in 2019? What did they think? Thirty two per cent, fifty-odd per cent – so we explained to people what happened and they gave us the benefit of the doubt. And then COVID happened.

I cannot say more openly, more honestly and more genuinely that I wish these homes were ready, but it is not for want of trying or failing every day since the last General Election of wanting to do the work to have these homes finished as soon as possible. I want young Gibraltarians in Gibraltar living in affordable homes provided by the Government. That is what I want. That is what I work for every day. I have not been able to keep the timetable that I intended for reasons which are, I think, objectively fair, but the statements from the Hon. the Leader of the Opposition are not objectively fair. Neither should they be; they are partisan and designed to deliver him a partisan advantage because this is a partisan Chamber of political debate. Fair enough, but let no one think that he is making an objective analysis that should stand up to any scrutiny.

Mr Speaker: Does the Hon. Marlene Hassan wish to ask a question?

Hon. Ms M D Hassan Nahon: No.

Mr Speaker: I thought she had signalled. Fine.
The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I rise – *(Interjection)* No. Mr Speaker, I have responsibility for housing. Doesn't the hon. Member accept ...? . I cannot put it in any other way, but in terms of the reasons – so as not to call it an excuse, which I know bothers him – he flip flops between citing COVID and citing Brexit. From the quick read that I think the Hon. the Leader of the Opposition has had of the letters, I do not think Brexit is even mentioned. And does he not accept that the point that my hon. Friend to my right, Mr Azopardi, has made drives a coach and horses through the points that he has made?

Let's accept that the promises he made in the 2015 General Election manifesto were unable to be delivered because of Brexit. Let's accept that the promises that he made once again – a hat trick, I think it was probably the third time – in 2019 were unable to be delivered because of COVID. But the reality is that we had the press conference in 2017. So can I ask this: does he not accept that people can exercise their judgement when putting those up to 10 crosses on the ballot paper, to which we are all subjected in a general election? Can he not accept that they be expressing dissatisfaction at the broken promises by Members opposite? **(A Member:** Hear, hear.) Can he not accept that? And can he comment – finally, Mr Speaker – because that anger, it has come to our knowledge, is poised to be expressed in a demonstration that Bob Peliza Mews purchasers want to effect at No. 6 Convent place? Does he not accept that people are angry because of broken promises?

Hon. Chief Minister: Mr Speaker, it is really quite remarkable to see a man who failed to win the leadership of his party stand up to defend the man who won the leadership of his party, because I cannot imagine that this is anything other than an attempt to reinforce the former question by the Leader of the Opposition by the man who is the putative Leader of the Opposition.

But to see him accuse me of flip flopping because I am using two excuses ... The hon. Gentleman and I have known each other for many years. I regard him as a friend, not just as a political

440 opponent. He must know how much it hurts my soul that somebody might think that what we
have been through in dealing with COVID would ever be deployed as an excuse. It is, frankly,
beneath the hon. Gentleman to get up and suggest that we are flip flopping on excuses. I put it to
him that if he had been in my chair, he would not have done what the Leader of the Opposition
might have done and what I did. I put it to him that if he had been in my chair, he would have
445 been struck by his legendary indecision and we would have seen none of the serious governing
that Gibraltar has required in this period. And, Mr Speaker – *(Interjection by Hon. D J Bossino)* No,
Mr Speaker –

Mr Speaker: Let's hear your point of order.

450 **Hon. D J Bossino:** Mr Speaker, the hon. Gentleman is casting aspersions. He has done it once
before and I let it pass. He is casting aspersions on my character by talking about legendary
indecision. Where does he get that from? That is a negative slur on me personally.

Hon. Chief Minister: How dare he?

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Hon. D J Bossino: It is a negative slur on me personally –

Hon. Chief Minister: Excuse me, how dare he?

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Hon. D J Bossino: – and he should have been called to order, Mr Speaker, by you.

Hon. Chief Minister: How dare he?

Hon. D J Bossino: He should have been called to order without requiring me to put a point of
465 order.

Hon. Chief Minister: How dare he?

Hon. D J Bossino: It is shocking.

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Hon. Chief Minister: The hon. Gentleman has said that I have used the death of Gibraltarians
as an excuse, and is that not casting an aspersion on me? To say that I consider him to be indecisive
is what one cannot say in this House, but you can get up and allege that the senior elected political
representative of the people of Gibraltar would use the death of Gibraltarians as an excuse is
475 perfectly fine?

Mr Speaker, the hon. Gentleman can obviously give it but not take it, *(Interjection by Hon. D J
Bossino)* and he needs to learn that if this is a political Chamber –

Mr Speaker: I would like the Chief Minister to resume his seat, and now we are going to move
480 on to the next question.

Q307-08/2023

Graduates –

Numbers employed in Civil Service and Gibraltar Development Corporation

Clerk: Question 307/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, this will not be so controversial.

485 What is the total number of graduates employed in the Civil Service at 7th March 2023, and will the Government provide a breakdown of the deployment of these by department, agency, wholly owned government company or other entity?

Clerk: Answer, the Hon. the Chief Minister.

490 **Chief Minister (Hon. F R Picardo):** How dare he, Mr Speaker?
I will answer this question together with Question 308.

Clerk: Question 308/2023. The Hon. the Leader of the Opposition.

495 **Hon. K Azopardi:** How many graduates are employed by or within the Gibraltar Development Corporation at 7th March 2023?

Clerk: Answer, the Hon. the Chief Minister.

500 **Hon. Chief Minister:** Mr Speaker, there are a total of 805 graduates employed in the Civil Service as at 7th March 2023, for which I now hand over a schedule with the information requested.

There are a total of 42 graduates employed within the Gibraltar Development Corporation as at 7th March 2023.

Answer to Q307/2023

Department	Civil Servant
Borders and Coastguard Agency	1
Care Agency	1
Civil Status & Registration Office	1
Department of Employment	2
Department of Environment	11
Department of Social Security	3
Digital Services	5
DVLD	1
Economic Development	1
Education Department	540
Financial Secretary's Office	4
Gambling Division	1
GFRS	3
GHA	4
Gibraltar Audit Office	15
Gibraltar Courts Service	6
Gibraltar Financial Intelligence Unit	1
Gibraltar Law Offices	1
Gibraltar Maritime Administration	4
Gibraltar National Archives	3
Gibraltar Sports & Leisure Authority	1
Government Law Offices	13
Heritage	1
HM Customs	45
HM Prison	4
Housing Department	2
Human Resources	8
Human Resources Department	1
Income Tax Office	13
Information Technology and Logistics Department	21
Ministry of Business, Tourism & The Port	2
Ministry of Culture	2
Ministry of Equality	4
Ministry of Housing, Employment, Youth & Sport	1
Ministry of Justice	2
Ministry of Transport	1
No 6 Convent Place	11
Office of Fair Trading	2
Office of the Chief Technical Officer	2
Office of the Deputy Chief Minister	3
Royal Gibraltar Police	3
Statistics Office	3
Technical Services	14
Town Planning and Building Control	9
Treasury Department	18
Upper Rock & Beaches	1
Youth Service	10

505 **Hon. K Azopardi:** Mr Speaker, obviously people at home are not seeing the schedule, so I will just ask ... I think the answer is yes, but I can see immediately from the schedule that the 805 graduates include 540 in the Education Department, presumably teachers, so if you net away the teachers we are probably looking at about 250 graduates. Does the Government think that is a sufficient number of graduates to be working in the core Civil Service?

510 **Hon. Chief Minister:** Mr Speaker, the numbers in the Civil Service on the same day, 7th March, were 2,280. If you take away the 540, you are closer to 1,700, so you would be left with about 30%, I believe. It is not a number that I think should cause us concern. In the past, there were no graduates in the Civil Service at all, and then the question was should we recruit graduates to the Civil Service to have some graduates in the Civil Service. We have graduates in the Civil Service, and indeed we have a lot of them in the Department of Education, not all of them teachers; there are other graduates in the Department of Education. There are 45 graduates in Customs, for example. There are 11 graduates in the Department of the Environment. There are 21 graduates in ITLD. The numbers are not just bloated with the teachers. There are 14 in Technical Services, 515 18 in the Treasury, 10 in the Youth Service and nine in Town Planning, so I think there is a very interesting spread of graduates throughout the departments, and I think it is an attractive mix.

520 **Mr Speaker:** Next question.

Q309/2023
Eastside development –
Payment of premium

525 **Clerk:** Question 309/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the premium for the Eastside development been paid in whole or in part; and, if so, when and in what amount, and by whom?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, no premium has yet been received. An announcement will be made as soon as negotiations have been finalised.

535 **Hon. K Azopardi:** Mr Speaker, when does the Government expect that negotiations will be finalised and it will be ready to make an announcement, given that the initial announcement that was made in relation to the Eastside development I believe was October 2021?

540 **Hon. Chief Minister:** Mr Speaker, because there are negotiations ongoing, if I venture a date I make it a hostage to fortune and then make it harder for the Government of Gibraltar to continue the negotiations, if we feel we have to, because the other side will know we have given a date that we will want to meet. I do not think it is in the interests of the taxpayer to shoot the negotiators in the foot in that way.

545 **Hon. K Azopardi:** Well, obviously we would not want that to happen, but it is also right that when the Government made its original announcement back in October 2021, almost 18 months ago, it was quite specific about the value that it ascribed to the development, and the issue of the payment of the £90 million premium was specific. It was put in the public domain and it is not subject, presumably, therefore, to any kind of negotiating impact. Certainly that has not been suggested before. Indeed, it was provided for in the Budget book for last year.

550 Really what I am asking is why is anything that the Chief Minister has just said in the previous answer going to impact on the payment of the £90 million premium, which we had understood on this side of the House, and indeed publicly, had been sealed in terms of the negotiation and it was just subject to planning?

555 **Hon. Chief Minister:** Because I have not said any of that, Mr Speaker, and I am not suggesting that the £90 million is at all in play. What I am suggesting is that there are negotiations ongoing and if they want a termination clause that is worse for the taxpayer and they know that the taxpayer's representative wants the whole thing completed next week, they will press on that termination clause, where we might think that we want to go for another termination clause. For
560 example, we are not talking about negotiating the premium, we are talking about negotiating the contract. We made the announcement because the premium and the land in respect of which it was going to be paid had been agreed, and we set out the heads of terms so that people knew what was happening. We are now negotiating the actual transfer of the land, which includes contractual clauses on termination and it includes leases and draft leases and building leases, all
565 of those things, and we want to get, obviously, the best deal for the taxpayer in the suite of documents that is being agreed. That is why I do not think it makes sense to set up a date.

Hon. K Azopardi: Mr Speaker, for me to be clear, was the £90 million that was already agreed payable on the grant of planning permission, or is it payable once they sign the development licence and hence the relationship with the negotiation he is involved in?
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Hon. Chief Minister: Mr Speaker, I have not got the document with me, but I believe it was on execution of the contracts and the planning permission – in other words, the agreement. Both had to be done, so I think the outline planning permission has been granted some time ago with
575 some appeals that were outstanding, and the final parts of the contract negotiation are ongoing now.

Hon. K Azopardi: Just to be clear, Mr Speaker, no part payment has been made in relation to the £90 million – is that correct?
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Hon. Chief Minister: No, we have not offered the site out for hire purchase.

Mr Speaker: Next question.

Q310 and Q331/2023
Treaty talks re future relationship with EU –
Update; Airport

Clerk: Question 310/2023. The Hon. the Leader of the Opposition.
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Hon. K Azopardi: Mr Speaker, will the Chief Minister update the House on the state of talks aimed at finalising a treaty with the EU for a future relationship with Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.
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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 331.

Clerk: Question 310/2023. The Hon. Ms M D Hassan Nahon.

595 **Hon. Ms M D Hassan Nahon:** In the context of negotiations between the UK, Gibraltar, Spain and the European Union on Gibraltar's future relationship with the EU, can Government explain in detail what it considers to be the difference in definition between 'joint use' of the Airport and 'enhanced use' of the Airport?

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

Hon. Chief Minister: Mr Speaker, the negotiations to arrive at a treaty between the United Kingdom and the European Union on the future relationship are ongoing.

605 The term 'enhanced use' of the Airport refers to its greater usage through flights between Gibraltar and the European Union. This was first used in the Cordoba Agreement. The term 'joint use' has traditionally been taken to mean shared or joint control over the Airport and is associated with the 1987 Agreement, which was rejected unanimously by our predecessor House of Assembly.

610 **Hon. K Azopardi:** Mr Speaker, I will ask the question. I understand that the hon. Member is involved in ongoing negotiations and it is up to him how he wants to answer it. I appreciate the delicate moment and on our side of the House he knows that we have often said, despite our disagreement on issues, that we all want to achieve a safe and beneficial agreement for Gibraltar. Is there a forthcoming round of negotiations planned? There have been statements in the recent
615 past about parties coming close, and it has been suggested, by the hon. Member before – indeed, in the press – that parties were very close. Are we at that moment, or are we anywhere closer to a deal? And can he perhaps clarify a bit more?

Hon. Chief Minister: Mr Speaker, there is ongoing and continuing daily contact between
620 negotiators. We are, I think, all, in good faith, trying to ensure that we achieve the best deal that each of the parties considers is essential. We are all setting out to secure something that is safe, secure and beneficial for each of the sides. This is not easy. If it were, it would be done already.

I have made many statements in this House about the state of negotiations. I am not making one now for a reason, and I think the hon. Gentleman will understand that if I am not saying more,
625 it is not because I do not want to say more, it is because I consider it prudent not to say more.

Hon. K Azopardi: I accept that, of course, and hence the basis on which I am asking the questions, but can I just ask you one more thing? It did jump out at me from the page when I read a recent report of the discussions, that ... There are a number of items that are being discussed
630 from time to time, but the one item that I was slightly surprised at was that there was a throwaway remark in a Gibraltar paper that one of the issues that was now also being discussed was so-called nuclear security. Is that a new item? Is that even being discussed? And if so, does the Chief Minister want to say anything about that? And if he does not, then in the context of the negotiations I will understand, but it seems to me to be a new thing.

635 **Hon. Chief Minister:** Mr Speaker, no, I do not want to say anything about the negotiations. I do not want to suggest that that is not being considered or to suggest that it is being considered, because the amount of nonsense that I have read in the press about the issues that are alive in the negotiation ... and unfortunately, some of it apparently inspired by people who are in the negotiation, although they know that, being in the negotiation, those things would not be
640 accepted even if uttered from a corner of the room in the negotiation.

I think we all want to see an outcome here rather than a running commentary. It is the outcome that has value, not the commentary, and I think that is how we have to approach answers in this House at this moment in respect of the matter.

Q311-12/2023

Airport tunnel –

Noise and air pollution mitigation measures; measures to accommodate heavy traffic

645 **Clerk:** Question 311/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what noise and air pollution mitigation measures are being considered by the Government in respect of the proposed opening of the airport tunnel and residents of the immediate area?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 312.

655 **Clerk:** Question 312/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in preparation for the opening of the airport tunnel, what modifications or enhancements does the Government propose will be made to our roads to accommodate heavy traffic and different modes of transport?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the tunnel project includes the installation of environmental noise barriers alongside residential areas immediately bounding the tunnel approach ramps.

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The tunnel and its approach roads from the Frontier to Winston Churchill Avenue have been designed to cater for the volumes of traffic entering and exiting Gibraltar. The conversion of Devil's Tower Road into a dual carriageway was part of that planning at the time the decision was taken to build the tunnel. There is also a separate cycle and pedestrian subway following the tunnel route, although, as has already been publicly stated, pedestrians, cyclists and e-scooters will be able to continue using the runway, as is currently the case. This will assist in promoting active travel and sustainable forms of transport in the area and beyond, linked into the Active Travel Strategy for which works along Bayside Road are already under way.

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Hon. E J Phillips: I am grateful to the Chief Minister for the answer, and particularly in relation to the measures which appear, on their face, to focus on noise volume and creating subways for particular modes of transport, which he says in his answer would encourage active transport, which he knows, as well as the Minister for Transport knows, we support insofar as the cycling initiative is concerned.

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Just one thing that jumps out of the answer to the question is that it was specifically focused also in combination with the answer he gave in relation to air pollution reducing measures. The Minister will know, of course, of the sad death of a nine-year-old child, which the Inner South Coroner's Court ruled was due to air pollution, and in the UK they are really focusing on that insofar as young lungs are concerned. Given the fact that we are moving a lot of traffic down that way to the Airport, does he have any other specific measures to reduce not only the volume but also air pollution more generally? I know it is a big concern for his Government and it is a big concern on our side, but also for members of the public who are now residing in this more populous area of Gibraltar and the concerns that they have shared with me about air pollution more generally.

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Hon. Chief Minister: Mr Speaker, we have to understand what we are dealing with. The traffic that is now going to go down Devil's Tower Road is the traffic that goes down Winston Churchill Avenue. In other words, it is the traffic that goes through, bisecting Glacis Estate and Laguna

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695 Estate. All of that traffic is there today and will still be there tomorrow because the access to the
tunnel will continue to be along Winston Churchill Avenue. You just turn right as you go north, left
as you come south, instead of going across the runway. So the traffic that is going to be in the area
of Beach View Terraces, E1 and Hassan Centenary Terraces etc. is the traffic that is now at Laguna
and Glacis. What we want to do is not say, 'What are we going to do now that this traffic is going
to go past Beach View Terraces?' What we want is to have less traffic, and that is what the
700 Sustainable Traffic Plan is about. I am very pleased that they are now supporting it and I am very
pleased that we are working together on these issues, because I think this is an area where we
should not have party political division. We should not allow one interest group to use one of us
against the other to think that, by doing that, we can garner votes one way or the other. This
should be a House approach, which is why I supported the Hon. Minister for Transport when he
suggested that he should get in touch with hon. Members opposite when he was announcing the
705 beginning of the implementation measures.

The ability to continue to see the runway crossed by pedestrians, scooters and bicycles is a
highly important part of how we reduce traffic. The advice we had was that the deal we had
inherited from the GSD, which did not permit pedestrians and bicycles to cross the runway, was
going to cause much more vehicular traffic because faced with the need to walk all the way down
710 to Eastern Beach and walk back, those people would bring their cars, would come on their mopeds
or would come in taxis; at that time there was not such a thing as an e-scooter – an e-scooter is a
more modern iteration of transport. So we persuaded the MoD that it was in their interest
because of Devil's Tower Camp and Four Corners, which you no longer have to go around, and in
the interest more widely in terms of concern for the planet, that we should continue to be able to
715 cross the runway, because that means people will take the route they take today. Many thousands
of people should be lauded for the fact that they do not get in a vehicle and they cross the runway
on foot, some of them in the most inclement of weather. I try to walk, but in inclement weather I
am a bit of a wuss. I laud the fact that people walk in inclement weather and cycle in inclement
weather as well.

720 So by keeping the runway open, which is a measure that we have now been able to announce –
I am going to sign an MoU with the MoD in coming days – we think it that will have a huge effect
in keeping the traffic as it is and not making it worse, and other measures will assist in reducing
the traffic as we reduce it more widely.

725 **Hon. D J Bossino:** Mr Speaker, in relation to the final point he made, in terms of using the
runway and that that has been permitted by the MoD – because ultimately, at the end of the day,
it is an MoD runway – does it result in a cost to the Government to have obtained that easement?

730 **Hon. Chief Minister:** Mr Speaker, was he the gentleman who was accusing me yesterday of
becoming involved in other people's questions? No, that hypocrisy cannot have been manifest
from him, given how he involves himself in asking questions in other people's questions.

Yes, Mr Speaker, it does involve a cost. I do not have the exact numbers with me. It involves
the Government of Gibraltar funding the cost of maintaining the guard, because the MoD no
longer needs to maintain the guard; they would close it. We are not going to provide the guard,
735 they are going to provide the guard, but we are going to fund the costs of providing the guard.

Hon. D J Bossino: Is that information which presumably he does not have now, but he would
have with some notice?

740 **Hon. Chief Minister:** I told the Hon. Mr Phillips a moment ago, Mr Speaker, that we are about
to sign an MoU with the MoD. The final calculations are being done for that MoU, and when that
MoU is signed there will be a press statement, I imagine before the next meeting of the House
given that the next month is the Easter month and I would not want to bring him here in his Easter
vigil. Therefore, he can expect that the amounts will be in the press release, and if they are not,

745 because the press release drafters decide that it should not be there, then he can ask the question and I will provide it, but certainly in the Budget it will feature.

Hon. E J Phillips: Mr Speaker –

750 **Mr Speaker:** No, we need to move on. Next question. *(Interjection by Hon. E J Phillips)* No, please resume your seat.

Hon. E J Phillips: Mr Speaker, what about five, six, seven and eight?

755 **Mr Speaker:** Oh, I see what you mean. I see what you are getting at. Right. You may ask a question, Mr Phillips.

Hon. E J Phillips: I am grateful, Mr Speaker. Just one question. Just curiosity, because the response the Chief Minister gave in relation to my hon. Friend's question about the Frontier itself and the small cost that might be incurred by the Government ... Are there any issues about powers and rights and obligations and who will be performing that function at the runway crossing by Winston Churchill Avenue, because there is a technical ...? I think the Minister for Justice actually had an issue with this last time we debated it very briefly.

765 **Hon. Chief Minister:** Mr Speaker, I do not understand the point that the hon. Gentleman is making. The point I made was that we are going to pay for the guard but the MoD is going to continue to provide the guard. That is why I phrased it that way. I do not know whether he meant what is going to happen on the runway. The runway jurisdiction remains with the Royal Gibraltar Police. They have jurisdiction, too, but it is ...

770 **Mr Speaker:** Next question.

Q313/2023

Law firms making introductions to Government Ministers – Legality of charging fees

Clerk: Question 313/2023. The Hon. R M Clinton.

775 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that it is unacceptable for law firms to charge their clients a fee for making introductions to Government Ministers?

Clerk: Answer, the Hon. the Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government agrees that it would be unacceptable for any law firm or professional or person to purport to charge a fee or seek any advantage for making introductions to Government Ministers or officials. Government Ministers respond to all queries from all members of the public without the need for any introductions, paid or otherwise.

785 If any person has been asked to pay such a fee, they should seek restitution of their capital and should alert the relevant Minister and my office of any such goings on.

Mr Speaker: Next question.

Q314/2023

**UK guaranteed £500 million facility –
Update re extension**

Clerk: Question 314/2023. The Hon. R M Clinton.

790 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update on negotiations for the extension of the UK guaranteed £500 million facility whose termination date is 3rd December 2023?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no update can be provided at this time. Discussions are ongoing and the House will be updated once these are finalised.

I can tell the House that discussions have progressed very well. I will, of course, update the House during my address at the Budget on the state of play then, if I have not been able to make an announcement before then.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's comment as to negotiations that are ongoing. As I understand it, I believe the facility of £500 million – I am happy to be corrected by the Chief Minister – would be at about £425 million as at 1st February if the numbers that I had yesterday were correct. Does he agree that having only £75 million left to 3rd December is perhaps cutting it a bit fine in terms of the overall public finance position?

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Hon. Chief Minister: Mr Speaker, of course the numbers that he got yesterday are correct, but I do not agree with his analysis.

Q315/2023

**Spanish tax haven blacklist –
Expected date of removal**

810 **Clerk:** Question 315/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the exact date upon which Spain's commitment to remove Gibraltar from its tax haven blacklist within two years of the coming into effect of the Tax Treaty expires?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar, more commonly referred to as the Tax Treaty, stated that the agreement 'shall enter into force on the date of the later of the parties' notifications that they have completed their internal procedures'. The date in this respect, therefore, relates to the end of March.

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I am happy to be able to confirm that the relevant Spanish officials have confirmed through diplomatic channels that they are commencing the process of complying with their commitment to remove Gibraltar from the list in question. More details on the timings for the completion of this process will be announced as soon as they are available. Should the process not progress

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within a reasonable timescale, we will, more in sorrow than in anger, withdraw from the application of the treaty.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's response. I am sure my hon. colleagues will have something to ask further, but if I can just ask for concrete clarity on a date. The unilateral declaration by the government of Spain on delisting referred to – I have a copy of the statements that the Chief Minister gave us at the time – 'within two years of its entry into force'; in Spanish, *'dos años desde su entrada en vigor'*. Given that language, what is actually the date? Is it 31st March, or is there another date between now and 31st March? I am just trying to get some clarity as to when is the actual end date.

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Hon. Chief Minister: Mr Speaker, I think I have given the hon. Gentleman that clarity. I have said the end of March and I have also told him – which I would have thought he would have wanted to start his supplementary with, but of course that is a matter for him – the very welcome news that we have had confirmation from the relevant officials in Spain that they are starting the process of our removal from the blacklist. That, I think, is the headline we should all want to go away with in respect of this matter.

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Hon. Azopardi: Mr Speaker, let me just ask, because I think my hon. colleague, when he said he wanted a bit of clarity ... I had read before that the entry into force in Spain, which was the last party for it to be entered into force for, was 4th March 2021. The hon. Member is suggesting that it is not 4th March, so to the extent that it is out there ... When you google this, that date comes up as a confirmation date. It is not 4th March. The precise date is 31st March, or is it any other date at the end of March?

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Hon. Chief Minister: Mr Speaker, I do not want to be held to a particular date on this subject. I want to be clear that the information we have had is that having hit March, we have been told by the Spaniards that they are starting the process of removing us from the blacklist. Starting a process can be something that then gets stretched out, and therefore I am saying, 'Thank you for confirming that you are starting this process. Thank you for confirming that we are all seeing each other in compliance. That process has to be dealt with in a reasonable period of time, otherwise we will consider that you are not acting in good faith and then we would withdraw.' But let's be clear. We have had confirmation from the relevant Spanish officials through diplomatic channels that the process has begun. I will only be happy when the process has ended if it ends within a reasonable period of time, that is to say short and not designed to avoid the obligation that Spain acquired in writing to act in this way.

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Hon. K Azopardi: Of course it should be done in a reasonable period of time but I thought that that is what had already been agreed – in other words the reasonable period of time had been defined as ... Spain had said it would be done within two years of the entry into force by the last party, which I had understood to be early March 2021, and therefore that we are now on borrowed time already. The reasonable period of within two years having been set, if we are wrong and it is not the beginning of March and it is the end of March, it should really be done by the end of the month, and if there is going to be any added leeway, it is leeway beyond the commitment given. Does he not agree?

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Hon. Chief Minister: No, Mr Speaker, because what he has done there is set himself up as the arbiter of reasonableness without knowing the legal system of the place he is talking about and how long their processes might take. But if we were to indulge them in that debate, we might be giving them more leeway than they deserve, so what is in the interest of Gibraltar is to say they have confirmed it is happening, let's see it happen within a reasonable time, let's see what they

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880 say now is the reasonable process they have to go through that the pressing of the button takes them to.

Mr Speaker, we have to be very clear about one thing. Gibraltar entered into this commitment in good faith. We entered into this commitment on the basis of representations made to us, I can only believe in good faith, to remove us within a certain period. We are now being told that they are delivering against that commitment. I will believe it when it is done.

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Hon. K Azopardi: Mr Speaker, I am, with all due respect, not setting myself up as the arbiter of what is a reasonable period of time, nor am I setting myself up as an expert on Spanish law or administration. I am reading from the declaration of the government of Spain that is headed '*Declaración unilateral del gobierno de España sobre delisting*', which says, '*dos años desde su entrada en vigor*', within two years of its entry into force. We can have a disagreement about whether it is the beginning of March or the end of March, but the government of Spain, setting itself up as the arbiter of what is reasonable in accordance with Spanish procedure, has said within two years, and it is either at the beginning of March and we are on borrowed time, or at the end of March and we are not on borrowed time. Has the government of Spain indicated to the hon. Member what it considers is the time it needs for the delisting, given the *declaración* they issued at the time of the Tax Treaty?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has referred to the unilateral declaration. The unilateral declaration talks about a timeframe. It does not talk about the period to give effect to the thing which is the thing that we are saying, maximum, is a reasonable period. This is when it has to happen. How it happens is what we are talking about must happen in a reasonable period of time. This has to happen. The effect of it has to now happen within a reasonable period of time.

I will not be happy until Gibraltar is removed from the blacklist. This is clear as to what the Kingdom of Spain has to do. We are not giving the Kingdom of Spain any way out in respect of what they have said they will do, because if we are going to enter into new arrangements with the Kingdom of Spain, we will judge the credibility of those new arrangements based on the credibility of the arrangements we have already done. What matters here is outcome, and it matters that that outcome should come and it should come within the timeframe that was agreed, because otherwise nothing else will be credible.

Mr Speaker: If the Leader of the Opposition wishes a further supplementary, then we will ... No. We will move on then.

915 **Clerk:** Question 316 – (*Interjection*)

Mr Speaker: Just a second, Mr Clerk. The Hon. Roy Clinton has a quick supplementary.

Hon. R M Clinton: Thank you, Mr Speaker, for your indulgence. A very quick question. Did I hear correctly that the Chief Minister stated that if, in his view, the Spanish government does not move quickly enough to remove us from the blacklist, he would take steps to rescind the tax agreement?

Hon. Chief Minister: Yes, Mr Speaker, I have repeated what I have said in that respect. I have said it before.

Mr Speaker: Next question.

Q316-17/2023
Tax Office and ITLD premises and staff –
Plans to relocate

Clerk: Question 316/2023. The Hon. D J Bossino.

930 **Hon. D J Bossino:** Does the Government have any plans to relocate the Tax Office and its complement of employees?

Clerk: Answer, the Hon. the Chief Minister.

935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 317.

Clerk: Question 317/2023. The Hon. D J Bossino.

940 **Hon. D J Bossino:** Does the Government have any plans to relocate the offices of ITLD and its staff?

Clerk: Answer, the Hon. the Chief Minister.

945 **Hon. Chief Minister:** Mr Speaker, as I mentioned at the last session of Parliament, plans for the relocation of some government departments are ongoing. An announcement will be made publicly if agreements with a new landlord can be finalised.

950 **Hon. D J Bossino:** Mr Speaker, I think the reference that he is making is to the question that I asked specifically in relation to the private landlord in the New Harbours area where the Bassadone Group have a building, and I understand that they are also building office space.

955 The information I have received is that as far as these departments were concerned, there was consideration being given to moving them. Is he able to state any further at this stage whether ...? He talks about 'some' government departments – is he able to say whether it is these government departments which he is considering making the move to the Bassadone premises?

Hon. Chief Minister: No, Mr Speaker, I cannot make a statement about that now.

960 **Hon. D J Bossino:** Is he able to provide the House with an update as to when he thinks he will be in a position to provide that information? If he recalls the particulars that I asked of him, presumably it is going to have a rental price tag attached to it ... when he expects to be in a position to provide that type of information to the House?

965 **Hon. Chief Minister:** Mr Speaker, I am unable to update the House on when I will be able to update the House.

Mr Speaker: Next question.

Hon. D J Bossino: Is there any particular reason for that?

970 **Mr Speaker:** Please, no. *(Interjection by Hon. D J Bossino)* No. Next question.

Q318/2023
Waterport fountain –
When to be fixed

Clerk: Question 318/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the Waterport fountain be fixed?

975

Clerk: Answer, the Hon. the Chief Minister.

980

Chief Minister (Hon. F R Picardo): Mr Speaker, the repair of this fountain will involve public expenditure. Given the current issues surrounding public finances as a result of the spending on the COVID pandemic, this repair is not considered a priority over other spending.

985

Hon. D J Bossino: Mr Speaker, we had a relatively lengthy exchange in relation to roundabouts yesterday – the Sundial – and he was able to provide, I think, in relation to that question, quite a lot of answers and replies around the fringes of it, in terms of the developments that were going to go ahead. Is it something that he is considering? It is genuine complaints that people have made to me within the context of tourism, and in fact I would have expected that the Hon. the Minister for Tourism would be answering it, but the Hon. the Chief Minister is answering it because of the expenditure that this would incur to the public finances of this place. Is he able to state whether it is his intention, and if it is his intention to refurbish it, when that is likely to happen? I would ask whether he has an idea of the cost of that.

990

995

Hon. Chief Minister: Mr Speaker, I am, of course, delighted to provide such information as I can to the hon. Gentleman in respect of this eponymous fountain that he is asking after and say that the Government will continue to take the view that if it is possible to ask those who are developing in the area to provide enhancements for the area, we will be seeking to do that in the context of negotiations. There is one particular project in that area that is coming, that would no doubt benefit from this being repaired, perhaps even updated, modernised etc. and in such a manner that its colloquial reference might change from Capullo to something else.

1000

Mr Speaker: Next question.

1005

Hon. D J Bossino: Mr Speaker, if I may – I think I have only asked one. In relation to that – we are talking about the fixing of it – is it within the realms of possibility, or does the Government have absolutely no cash available to it, to pay for the connection so that we have water spouting out from the relevant tubes of the fountain and it works as a properly functioning fountain?

1010

Hon. Chief Minister: Mr Speaker, if the issue were connection we might have been able to fix it, but it is not. And it is not about not having cash, it is about prioritising the use of cash, which is what I told the hon. Gentleman yesterday. Yesterday, I told him it was about prioritising. Today, he says, 'Today, you have absolutely no cash available,' which mischaracterises the public finances in a way that I can only associate with his desire to spin everything.

1015

Mr Speaker: This is the last supplementary.

Hon. D J Bossino: I am grateful, Mr Speaker. If it is not a matter of connection, what is it?

Hon. Chief Minister: Another type of repair.

Mr Speaker: Next question.

Q319-20/2023

**Stronger links with Morocco –
Dates of Chief Minister’s visits; announcement**

1020 **Clerk:** Question 319/2023. The Hon. D J Bossino.

Hon. D J Bossino: On what dates has the Chief Minister visited Morocco in order to establish stronger links, since the last election?

1025 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 320.

1030 **Clerk:** Question 320/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will announcements be made in relation to the establishment of stronger links with Morocco?

1035 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, in relation to Question 320, an announcement will be made as soon as possible.

1040 Additionally, as I have already told the hon. Gentleman in this House, it is not in the public interest, at this stage, for me to say any more in relation to this issue given the very live and complex political context we currently find ourselves in. When it is, I shall look forward to making the relevant announcement.

1045 **Hon. D J Bossino:** Mr Speaker. We had this exchange in this House back in October, I think it was, and I am going to refer the hon. Member to the answer he gave at the time. It was not him, actually, it was his colleague the Minister for Tourism. There was already, at that stage, disclosure provided in the prepared answer to my question, not even in response to a supplementary, and the answer was this, and I quote:

the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and announcements which show those links bearing fruit are expected in coming months.

1050 This was in November. Given that it is already in the public domain that the hon. Gentleman has visited on a number of occasions the Kingdom of Morocco, why can't he provide me with the dates?

1055 **Hon. Chief Minister:** Mr Speaker, for the reasons I have referred him to a few moments ago. We are all in politics to try to make Gibraltar better, I hope. We are all in politics to try to improve Gibraltar. If somebody I have known since we were 12 years old hears me say, 'It is not in our interest that I give you any more information,' I hope he knows me well enough that I would not be trying to hide behind that to avoid giving him an answer. So even though it might appear to him to be innocuous, can he take it from me that it is not in the public interest that I should say more?

1060 **Hon. D J Bossino:** Mr Speaker, I am happy to take it from him to an extent, but I would like to understand the premise for the rationale of that position. His colleague, a Member of his Cabinet and Government, has already stated in this House – on public record, it is in *Hansard* – that the hon. Gentleman has visited the Kingdom of Morocco on a number of occasions. I am asking him

1065 to simply state the dates. Why is it that that has an impact on the public interest of Gibraltar in the negotiations? I simply do not understand it.

Hon. Chief Minister: Mr Speaker, who has mentioned the negotiations? I said in the complex political context we currently find ourselves in. He has mentioned the negotiations. Why is he making that link?

1070 Mr Speaker, in the Gibraltar in which I was brought up, if the Chief Minister of Gibraltar or a senior Minister said, 'Look, it is not in Gibraltar's interest that we talk about this,' people would say, 'Fair enough, we are all in it together.' Here, I am being pressed to explain the public interest. If I explain the public interest, I am going to give the game away. It is not in the public interest that I should explain the public interest. The hon. Gentleman is pushing me to give him answers which
1075 are right out of the script of *Yes Minister*. I would have thought that somebody who has been following and involved in politics from the age I was would understand what I am trying to say to him and that if we are all in it together, the nation is not going to fall because I do not give him this answer across the floor of the House today. Why press?

1080 **Mr Speaker:** This will be the final supplementary.

Hon. D J Bossino: Mr Speaker, so be it. Simply to put to him that I have not plucked that interpretation of what he has given the House on this occasion from thin air. I made a direct reference to the negotiations with the EU not because I have invented it, but because the hon.
1085 Gentleman himself said so in the context of his reply in November when he said, and I am quoting:

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.

He says that by asking that question I may disadvantage Gibraltar, simply asking him to provide me the dates in relation to visits that the Hon. Minister said he had made to Morocco. I ask him to accept that the premise of my question was relevant in the context of the EU negotiation, because he himself said it could have an impact on the EU negotiations, but now he is saying it
1090 could have an impact on other things.

Hon. Chief Minister: Mr Speaker, I ask that you rule that the hon. Gentleman's remarks are out of order, given that they were not ended with a question.

1095 **Hon. D J Bossino:** I am asking –

Mr Speaker: Would you add a question on to what you have just said?

Hon. D J Bossino: Mr Speaker, I have asked him to make a comment in relation to the point I
1100 have just made. It was a question.

Hon. Chief Minister: Mr Speaker, I have absolutely no intention of further commenting in respect of this matter, and I refer the hon. Gentleman to the answer I gave a few moments ago.

1105 **Mr Speaker:** Next question.

Q321/2023
Drug dogs –
Location of teams

Clerk: Question 321/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does HM Customs still have a drug dogs team, and have any dogs been transferred between HM Customs and the RGP; and, if so, how many?

1110

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, HM Customs has two drug dogs with their respective handlers, who are both customs officers. Both teams are trained to search for controlled drugs and cash.

1115

Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Chief Minister – I do not believe he answered my question – the part about have any dogs been transferred between HM Customs and the RGP?

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Hon. Chief Minister: Mr Speaker, in fact the opposite happened. The drug dogs at the RGP I think at one stage were transferred to HM Customs.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. And if that is the case, has that left the RGP without any dogs, or have they replaced them?

1125

Hon. Chief Minister: Mr Speaker, the RGP came to me, through the Minister for Justice, to say that they no longer wanted to have a drug dog capability. They did not believe that Gibraltar needed to have two drug dog capabilities and two explosive detector dog capabilities. GDP have explosive detector dogs and Customs have drug detector dogs. This was entirely driven by the Commissioner of the RGP, who approached us on that basis.

1130

Mr Speaker: Next question.

Q322/2023
COVID memorial –
Completion date

Clerk: Question 322/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: When will Government hold the promised memorial for those who died during the COVID pandemic?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the COVID memorial is currently at an advanced stage in the construction process. The Government will make an announcement as to the exact date of the memorial as soon as it is able to do so after confirmation of completion of works, which are likely to take another six weeks or so.

1145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, has Government identified ...? Perhaps I have not seen it. Have they shared with the public where this memorial will be?

Hon. Chief Minister: Mr Speaker, I believe we have.

1150 **Hon. Ms M D Hassan Nahon:** Can I ask him to repeat this information here?

Hon. Chief Minister: Not with any certainty, because I do not think I have it here, but I think there has been an announcement of which the successful design has been. Yes, in fact I do have it here, Mr Speaker. It is a press release of 16 June last year: Press Release 415/2022.

1155

Hon. Ms M D Hassan Nahon: Mr Speaker, is the Chief Minister telling us that if the design of the works is finished within the next six weeks, there will be a memorial ceremony and this will be taking place in the next couple of months, for example?

1160 **Hon. Chief Minister:** Yes.

Mr Speaker: Next question.

Q323/2023
COVID inquiry –
Details

Hon. Ms M D Hassan Nahon: When will the Government inquiry into the handling of the COVID crisis take place, and does Government have a structure prepared for who and how it will be run?

1165

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, final arrangements are being made for this important inquiry to be convened. The Government has an eye on the UK inquiry, to deliver the best inquiry for Gibraltar, to learn the lessons of this pandemic before the inevitable next one, although I sincerely hope it will not come for many decades and generations.

1170

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, and I thank the Member for the answer. Will that mean that he is looking at holding this inquiry into our next legislature regardless of who wins the next election? His sights are on the next term of office when this will be taking place?

1175

Hon. Chief Minister: I do not know what the hon. Lady is implying in her answer. The Government will convene the inquiry. It is my view that that inquiry will be convened during the lifetime of this Parliament. The inquiry will run for a considerable period of time. Inquiries are not in any way linked to the lifetimes of parliaments. It could run for the lifetime of two parliaments, it could run for a quarter of the lifetime of a parliament, but it is very likely that the inquiry will run through from the lifetime of this Parliament to another Parliament.

1180

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. I was asking because if the Chief Minister was saying that he was waiting on certain information or things to be in place before holding the inquiry – and there are, I think, objectively, a maximum of six or seven months left of this legislature, the lifetime of this Parliament ... That is why I was asking if it was likely to take place in the next legislature.

1185

1190 My question would be whether the Chief Minister is involved or making arrangements and
preparing structures for this inquiry in terms of who is going to be running it, so that we can
guarantee maximum independence.

1195 **Hon. Chief Minister:** Mr Speaker, yes, sir, but given that the election is not going to be called
tomorrow, as apparently there is a strong rumour that it would be, there is plenty of time to do
it.

Mr Speaker: Next question.

Q324-27/2023

ID cards –

**Number of printers; printers operational on 7th March 2023;
days when printers not operational in 2022-23; current waiting time**

Clerk: Question 324/2023. The Hon. Ms M D Hassan Nahon.

1200 **Hon. Ms M D Hassan Nahon:** How many ID card printers does the Government possess?

Clerk: Answer, the Hon. the Chief Minister.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 325 to 327.

Clerk: Question 325/2023. The Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** How many ID card printers were operational and fully functioning
on 7th March 2023?

Clerk: Question 326/2023. The Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Please list the number of working days on which the Government
ID card printers have not been operational in 2022 and 2023?

Clerk: Question 327/2023. The Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** What is the current waiting time for an ID card?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Hon. Chief Minister:** HMGoG possesses three printers with the ability to print electronic ID and
civilian registration cards. Two of these are located at the Civil Status and Registration Office and
one at the Driver and Vehicle Licensing Department.

All printers were fully functional on 7th March 2023.

The electronic card printers at the CSRO have not been operational during the following dates:
from 13th October to 19th October 2022 inclusive, and from 30th January to 28th February 2023
inclusive.

1230 The current average waiting time for an identity card is 10 working days, and 25 working days
for a civilian registration card.

Mr Speaker: Next question.

Q328-29/2023

Public sector workers –

Cost of living adjustment to salaries; heads of department salary increases

Clerk: Question 328/2023. The Hon. Ms M D Hassan Nahon.

1235 **Hon. Ms M D Hassan Nahon:** When is the Government expected to review its policy on granting civil servants a cost of living adjustment to their salaries, given that the cost of living has increased dramatically in the last four years?

Clerk: Answer, the Hon. the Chief Minister.

1240

Chief Minister (Hon. F R Picardo): I will answer with Question 329.

Clerk: Question 329/2023. The Hon. Ms M D Hassan Nahon.

1245 **Hon. Ms M D Hassan Nahon:** Can Government provide a list, within the last four years, of Civil Service, public service and government-owned company heads of department who have received a salary increase, with a breakdown of each individual post, the original salary and their salary after the increase?

1250

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as the hon. Lady should know, any announcement related to the Government's recurrent expenditure will be made at the debate on the Appropriation Bill later this year. This allows for the Government to properly cost and plan for the next 12 months having had sight of its revenue and expenditure for the past financial year, which ends later this month. The Government has created a forum with all of Gibraltar's public sector unions to consider these issues with the representatives of our colleagues in the public sector.

1255 All civil servants, public servants and government-owned company heads of department received a salary increase on 1st August 2019 in line with the IRP, which was the last relevant date before the pandemic plunged us into deficit from the previous historic surpluses we had achieved. In addition, over the last four years any officer who was not on the maximum of their pay scale has also received the applicable annual increase until they have reached the maximum scale. The salary increases any individual officer might have enjoyed in the past four years are reflected in the Estimates Book and are therefore available to the hon Lady.

1265

Hon. Ms M D Hassan Nahon: Mr Speaker, if I ask a question and I ask Government to provide a list for this House and the Government does not, or points me somewhere else, is that all right?

1270 **Hon. Chief Minister:** What I have said is that the information she has asked for is public. It is not that I am not providing the list, it is that she has the list. She has it in her Estimates Book. If she goes to one Estimates Book she sees the list of every single public officer, and if she goes to the next one she sees the same list, and every single one of those salaries increased. What she has asked me for is to pull out the pages at the back of the Book and give them to her. I have my Book, she has hers.

1275

Mr Speaker: The Hon. Roy Clinton.

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

1280 In relation to the hon. Lady's Question 328, I think I heard the Chief Minister refer to the creation of a forum with the trade unions. I believe Unite announced this on 13th March and

described it as a recent breakthrough, with the Government committing to engage with the unions via an employer/trade union public sector negotiating forum. Can the Chief Minister provide more information to the House as to the remit for this forum? And how long does he expect it to be in existence for?

1285

Hon. Chief Minister: Mr Speaker, what I have said about this forum is that it is a forum to hear the union's views in respect of public sector pay in years when we are expecting to be in deficit. In years when we have been in surplus, the unions have been very happy to come and see me. They have asked me for a 2% pay rise. I have said I hear what they say, I have come to the House and I have given them a 3% pay rise. They have walked out of the House very happy and everybody has been very happy because there is a surplus.

1290

If there is a surplus, we must ensure that we share that surplus with working people, whether we do it through increases in the Minimum Wage – because we also pay people the Minimum Wage – or we do it through increases in the salaries of those in the public sector, or other benefits that we provide more widely in the community, but when we are in deficit ... I accept that the unions want to be able to influence the Government's decisions in respect of public sector pay and therefore they want a negotiation rather than just a discussion, so I am committed to having this forum for the period when Gibraltar is in deficit, and I am very happy to start that process of talking to the public sector unions this year.

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1300

Mr Speaker: Next question.

Q330/2023

Morrisons pay dispute – Discussions held

Clerk: Question 330/2023. The Hon. Ms M D Hassan Nahon.

1305

Hon. Ms M D Hassan Nahon: What discussions, if any, have there been between the Government, Morrisons and Unite the Union regarding the current pay dispute?

Clerk: Answer, the Hon. the Chief Minister.

1310

Chief Minister (Hon. F R Picardo): Mr Speaker, I have written, as Chief Minister of His Majesty's Government of Gibraltar, to the parties involved in the current pay dispute between Morrisons and Unite the Union to offer the services of my office, in particular our industrial relations machinery, to assist in finding an appropriate solution to the dispute. I wrote on 8th February. Unfortunately, we have not been able to assist, but we stand by to help if we are able.

1315

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his answer. Is Government able to share with this House any information on what has been discussed or whether he believes that there is any solution coming any time soon?

1320

Hon. Chief Minister: Mr Speaker, the only thing I can share with the hon. Lady is that I have written to both parties, I have offered to help and my offer has not been taken up – but we are third parties to that dispute.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q294/2023

Housing waiting list –

Applicants remaining pre-November 2011

Clerk: Question 294/2023. The Hon. D A Feetham.

1325 **Hon. D A Feetham:** Mr Speaker, of those individuals who were on the housing waiting list in November 2011, how many are still on the housing waiting list today and how many are divorced or separated fathers waiting for a one-bedroom flat?

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

1330 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, 76 applicants on the housing waiting list with an application dated pre-November 2011 remain on the list. Many may have been offered allocations they have refused. As far as the Ministry for Housing is aware, from the information available about each applicant, none are divorced or separated fathers waiting for a one-bedroom flat.

1335

Hon. D A Feetham: Mr Speaker, he said that many have been offered and refused. How many is 'many'?

1340 **Hon. S E Linares:** Mr Speaker, I have not got the exact number of how many is 'many', but I would suggest it is near the 76.

1345 **Hon. D A Feetham:** He is responsible, obviously, for the accuracy of answers he provides to this House. May I drill down on that answer that it is close to 76? Has he seen any statistics that would allow him to come to this House and answer the question that I have posed, using the using the word 'many'?

1350 **Hon. S E Linares:** Mr Speaker, quite frankly, this is extra information that I gave him from the question. He had not specifically asked that question, and therefore the official has put that many *may* have been offered allocations they have refused. I could go back and ask specifically that question, which he has not done.

1355 **Hon. D A Feetham:** Yes, I would like him, if I may, Mr Speaker – I would like the Minister; I apologise – to provide me with that information. I have to say that I am surprised that the Minister, when he saw the answer, which referred to 'many', did not ask the question. I have sat on that side of the House and it is a natural question to ask the public servants: how many is 'many'? But yes, I would appreciate it, Mr Speaker. He is absolutely certain that none of the 76 are divorced or separated fathers? He has asked about that and he is absolutely certain about that?

1360 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, what the answer says is from the information available in their filed application. It is impossible for us otherwise to know, and that is why it is prefaced with those words.

1365 **Hon. D A Feetham:** So in actual fact, the answer is that it is really impossible for the Minister, on the information that the Minister has, to provide any answer to that question because he just really does not have the information. That ought to be the answer.

Hon. Chief Minister: No, Mr Speaker, the answer is what the answer is, that from the information available about each applicant none of them are divorced or separated fathers waiting for a one-bedroom flat. If they were, that should be on the application because one of the things that you are asked is about your family composition, your marital status etc. The information that we have about these people suggests that they are not, because they have filled in those things contrary to the information that they should have provided to suggest it. So we do have information about the status, and from that information none of them appear to be, but they could, since filling in the form, have got married, got divorced and now want a one-bedroom for that reason, for all we know. That is why we cannot give more certainty and we have to ensure that we provide it in this way, so that what we are saying to the House is entirely correct.

Hon. D A Feetham: Mr Speaker, the reason why I am asking this question is because I know of several individuals who are on the housing waiting list for a one-bedroom flat, who have been on the housing waiting list going back to 2011 and still have not have not been allocated a flat.

I will pose my question in a moment, but the reason why I am asking is because I have asked in the past, and the point that I have made in the past is that actually divorced fathers do really get a very raw deal in a variety of ways, this being one of them, because invariably they are the ones who have to leave the matrimonial home. Let's assume that it is a government rental, for example. When they try to get onto the housing waiting list, they are told, 'You are only entitled to a one-bedroom flat,' even though they may have, for example, three or four children. This is a government policy going back to the GSD years. I never agreed with it, I have to say, but I could never persuade anybody to change policy in this regard. The argument is why should a child have two rooms, one with the father and one with the mother? The problem, of course, is that you end up, as a father, not being able to have meaningful overnights. *(Interjection)* I am going to ask a question. I am just explaining, so that I can – *(Interjections)*

Mr Speaker: Chief Minister, I allowed the Hon. Daniel Feetham to make a short preamble. I am allowing him to do that.

Hon. D A Feetham: Mr Speaker, thank you very much. It is my only question because, as he knows, I have agreed to take other questions in writing.

They get a raw deal, and some of them have been on the waiting list since 2011. If I provide to the Minister the details of the individuals in question, will he at least look at these individual cases to see whether something can be done about them? They really are, in my view, getting a raw deal.

Hon. S E Linares: Firstly, Mr Speaker, I do not agree with the premise of the hon. Member's assertion that we do not help divorced or separated parents – or fathers – because sometimes it is also mothers, not only fathers. But we have helped loads of them.

I am assuming that of the 76 on whom I am getting information, because this is the question ... He is saying it is before 2011 because those are the ones who are probably more pressing. I do appreciate that he does give me a list of those, so that we can look into what the issues are, and I am sure we probably have already, but we are willing to explore that. I do not have an issue with that. But we do help parents and we have to look at exactly what the fathers' rights are in relation to the children as well, because some fathers claim, 'I want to have my children with me' – and I can tell the hon. Gentleman that some of the children are 26 and 28 years old – because they still think that it is their children. Of course they are their children until they die, but the point is that, at times, divorced fathers and mothers want to have their 'children' – and I say children in inverted commas because a person ceases to be a child at a certain age ... they want to live with their children. That means the son or the daughter can go and sleep in their house.

Also, there are many divorced fathers who we have looked at and analysed, who do not have court jurisdiction for their children, and they have to obtain that. And we have done that many

1420 times, where they go to court, they say, 'Who has custody of the children? Is it 50/50? Is the father
able to see the children because of certain things that have happened during the family
composition?' We look at all that. That is important because if the father comes and says, 'I have
1425 been a good father. I married and divorced and I want my children to stay with me and they are
young,' usually we do try to accommodate that father as best we can. We might not be able to
give them, say, a three-bedroom flat where they have one room for each child. We might be able
to give them a lower composition, but we definitely do, and I can honestly ... For me, the most
important people here are not the divorced mothers or fathers, it is the children. That is the
concern, and I can honestly say that whenever ... With everything that I look at, it is always what
1430 are the consequences to the children, and that is what I prioritise. For me, it is not the divorced
father, it is the children of those divorced fathers.

Mr Speaker: Next question.

Q295/2023
Government housing estates –
Rules for tenants

Clerk: Question 295/2023. The Hon. the Leader of the Opposition.

1435 **Hon. K Azopardi:** Mr Speaker, does the Government intend to rationalise the rules for tenants
in the various government housing estates?

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

1440 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

Hon. K Azopardi: Mr Speaker – *(Interjection)*

Hon. S E Linares: Apologies – it is yes, sir! *(Laughter)*

1445 **Hon. K Azopardi:** Well, I am glad that we got a U-turn after three seconds.

Mr Speaker, I can I just ask is the rationalisation in the context of the review of the Housing Act
that that the Hon. Minister has been speaking about on previous occasions? And is the
rationalisation to the extent that the aim and objective would be that each housing estate should
have a common set of rules?

1450 **Hon. S E Linares:** Yes, Mr Speaker, it is a combination of being in the Housing Act and also on
each individual tenancy agreement, which will be a general tenancy agreement for all households
in the government stock. So it will not be different from one estate to the other, everybody will
get the same, which is the agreement that we are writing out, and that will be reflected within the
1455 Housing Act and will be reflected in the tenancy agreement.

Hon. K Azopardi: And does the Minister have any kind of idea of the kind of timescale for the
rollout of that rationalisation?

1460 **Hon. S E Linares:** Mr Speaker, I hope I am not bound to, but I am trying to do it even before
the summer. But please do not hold me to that because I have been pressing all my staff that we
have all the list of things to do with housing to be ready. That is the Housing Act, the booklet, the
tenancy agreement, the housing allocation scheme, all these to be rolled out. I have said it before:

1465 it is probably rolling out the Act first – I am looking now at putting it maybe just after Easter, the whole of the Housing Act – and then the things later will follow behind, because the Act is the basis on which all the others follow.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q256/2023

**Parental alienation –
Update on Government plans**

Clerk: Question 256/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please update the House on its plans to tackle parental alienation?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I refer the hon. Member to my previous answer on the subject. He may recall that on that occasion I explained that following the consultation process we undertook, it became apparent to me that the change that is needed is wider and not on one specific point of family law. For this reason, in my Budget address last year I announced a review of family legislation. The changes, therefore, will be wider reaching and will go beyond this single net issue. We have already established a working group for this purpose and the work is ongoing.

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Hon. D A Feetham: Has the drafting of new legislation commenced yet?

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Hon. Miss S J Sacramento: Mr Speaker, the drafting itself has not commenced. We have, however, had a lot of stakeholders who are involved in the whole process involved in working together to advise me on the exact changes we need to make, because really the outcome that I want will probably be better than the initial outcome I sought when I started the consultation process on this. That, in fact, is the beauty of consultation when it is done properly. We had feedback from almost 50 individuals on the parental alienation exercise. I myself, I think, saw about 35 of these, and after having spent probably between half an hour and an hour with each of these individuals and hearing their stories, by the end of that process when we started looking at what we needed to do, we came to the conclusion that to make it better, our changes needed to go beyond this point and be wider reaching. That itself will entail a lot more work and therefore it will take longer than we envisaged when we set out, but hopefully we will have a much better product and a much better outcome at the end.

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Hon. D A Feetham: Mr Speaker, when the hon. Lady talks about a wider remit, can she inform the House as to what issues are contained in that wider remit?

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Hon. Miss S J Sacramento: Mr Speaker, parental alienation is one of the matters that is contained in the Children Act. It pretty much arises upon the breakdown of a family relationship. So the focus that I have is on trying to streamline and better enhance and improve the process for marital breakdown. This is in the context of a wider review of the Children Act, which goes beyond family breakdown. The Children Act, as the hon. Gentleman will know, has different parts to it and

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1510 it deals with private law and public law, so we are looking at this piece of legislation to see how we can bring it up to date. It has been a considerable period since this was passed. Things have changed, family dynamics are changing, and I want to bring it in line to reflect more the modern situation that we find ourselves in, which unfortunately is, each time, more and more complex.

Hon. D A Feetham: Mr Speaker, I am just not clear. I can understand that there might be merit and that the Minister might want to update the Children Act because that may be a worthwhile task in itself. It was a good piece of legislation when I introduced it, I have to say in our defence, 1515 but I can understand that –

Hon. Miss S J Sacramento: I was not –

Hon. D A Feetham: No, and I know that it is not a criticism. I am just not clear why the 1520 consultation process would have given rise to issues that are associated with parental alienation that causes a delay in attempting to deal with parental alienation as a, as she has described it, net issue.

Hon. Miss S J Sacramento: Mr Speaker, for the avoidance of doubt, this was not a criticism of 1525 the Children Act, which I know the hon. Gentleman worked very hard on in his time as the Minister for Justice. But this piece of legislation is 2009 legislation, so a considerable time has passed and family dynamics have changed.

To answer the latest supplementary from the hon. Gentleman, what transpired and what became apparent to us as part of the consultation process was that a lot of people came to see us 1530 at the invitation of people coming to see us for parental alienation, but a lot of the complaints that they had, once we had spoken to them, were not actually of parental alienation. Parental alienation is very specifically defined in law and parental alienation will only crystallise when children stop seeing the other parent. What we found, and it was predominantly from fathers but not exclusively, was that they were not seeing their children as much as they wanted to see them. 1535 So, whereas we started off with one intention, by the time we finished, really the picture that we got was a different one. There was a constant trend that people found the procedure difficult to manage and people's expectations at the end of the procedure were difficult to manage.

What we want to do is have a more formulaic system of dealing with the situation of family breakdown, so that it becomes easier on the parties. The aspiration, of course, is that if it is easier 1540 for the parties and it becomes less acrimonious, then it will have a better outcome for the children, because ultimately the fundamental basis of the Children Act is that the welfare of the child be paramount. I know that the hon. Gentleman attempted this when the Children Act was commenced in 2009 and the hon. Gentleman produced some booklets as guidelines. We have, in fact, spoken about this across the floor of this House in previous questions that the hon. 1545 Gentleman has posed to me. Whereas I think back in 2009-10, when that was certainly a good intention on the part of the hon. Gentleman, it was not really something that took off, so I want to deal with it with the same intention but in a different way, and probably by way of secondary legislation so that the framework and the parameters are, in reality, more effective, and particularly in the context of where we find ourselves with an increasing number of marital 1550 breakdowns. So the whole intention is to make the whole process much better for all the parties involved and more streamlined.

Hon. D A Feetham: Could the hon. Lady perhaps inform this House as to how close we are to a white paper, for example, on new legislation? 1555

Hon. Miss S J Sacramento: Mr Speaker, realistically, I cannot see us having a draft ready for this for a number of months, at least – I would say two months, three months. I think my last meeting on this may have been last week or the week before, before the question was posed.

1560 Because it is so far reaching, I want to make sure that I have all the stakeholders involved. If we are going to make all these changes, and they will end up being quite big and quite significant, I need to make sure that I hear from all the parties.

Mr Speaker: The Hon. Elliot Phillips.

1565 **Hon. E J Phillips:** Mr Speaker, I am grateful. It will be very short. The Minister will know that, like the hon. Gentleman to the left of me, I have been a passionate advocate, as she has as well, insofar as parental alienation, and she will know, of course, that two months after I was first elected to this House in 2016, I attempted to promote the issue of parental alienation and training for our judiciary, family lawyers and, indeed, Social Services. Can the Minister confirm that that
1570 training has now been conducted? Principally, the best way of dealing with parental alienation is dealing with that behaviour at the very beginning, to drive it out, because it can be a toxic development in the relationship of children with their parents.

Hon. Miss S J Sacramento: Mr Speaker, save for the point I made earlier, which is that what
1575 we found when we spoke to people who came for part of the consultation process ... We found that the issue was actually not parental alienation. People perceive not having 50% contact with children once they separate as parental alienation, but that is not parental alienation. This is the advice that I get from social workers. Social workers, by virtue of their profession, are trained in this. There has not been additional training for the judiciary on this because, actually, parental
1580 alienation is not an issue that has arisen. It is more of a perceived issue of parental alienation than an actual situation of parental alienation as defined in the law.

I am happy to give the hon. Gentleman a more specific breakdown and we can look at the legislation on that on another occasion, because it is more of a technical discussion that we need to have.

1585 Mr Speaker, I have dealt with all the questions this afternoon.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q296/2023 Semaglutide – GHA prescribing

Clerk: Question 296/2023. The Hon. E J Phillips.

1590 **Hon. E J Phillips:** I welcome the Hon. Minister back home.
Mr Speaker, can the Government state whether the GHA is prescribing the weight-loss drug semaglutide?

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

1595 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Yes, Mr Speaker, I am informed by the GHA that it is prescribing semaglutide. It is prescribed in line with current NICE guidelines for its use. These will be reviewed as and when appropriate.

1600 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Just one additional question that arises from that. There have been some concerns post the approval of this drug in the United

Kingdom, given the significant implications for muscle wastage as a result of taking the weight-loss medication. Can the Minister explain whether or not this particular drug is also used in the context of type 2 diabetes, for which I understand it is being used and licensed in other countries?

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Hon. A J Isola: Mr Speaker, yes, primarily. If I can give him more information, there are currently some eight patients being prescribed this medication, five of them are for diabetes and three are for weight loss, so it is a very small number and there is clearly no abuse of that nature.

**Q297/2023
GHA surgery –**

Cancelled and rescheduled operations in last 12 months

Clerk: Question 297/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the number of cancelled or rescheduled operations in the GHA in the last 12 months?

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 have been a total of 1,670 cancellations between March 2022 and February 2023. All cancelled procedures are rescheduled as soon as possible unless there are reasons to not reschedule. For example, a patient may choose not to go through with the procedure or a patient may be not deemed medically fit to go through with that procedure.

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The reasons are as follows: patient unwilling to proceed, 686, which is 41%, so a very big chunk of the 1,670 are actually patients not wanting to proceed and there may be a whole series of reasons for that – it may not just be that they do not want to, there may be a good reason; operational, 396, which is 24%; no longer required, 325, which is 19% – so that is 60% that are patient or no longer required; patient not fit for surgery, 175, which is 10%; and COVID-19, 88, which is 5%. In terms of the GHA, it is 24% of those numbers that are cancelled operations.

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Hon. E J Phillips: Mr Speaker, I am grateful for that answer, and actually these types of very helpful statistics dispel many of the rumours in our community. I am grateful to the hon. Gentleman for providing the detailed breakdown that he obliged us with just now.

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Just in relation to the percentages, does he have any visibility on previous years and how they correspond to this particular year that he has referred to?

Hon. A J Isola: No, Mr Speaker, I do not, but obviously the difficulty with comparing the last couple of years with COVID is that it would be completely unusual to compare to such an exceptional couple of years. To do a fair comparison it would have to be pre-COVID, and I have not got those numbers with me.

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What I can tell the hon. Member by way of further information that I have available to me is cancellations on the same day are 30.84%, so almost 31%, and within seven days are 29.54%. So it is 60% cancelled seven days before, which causes big problems for the hospital in terms of the use that could have been made of those facilities did they have time.

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Obviously when I talk about operational reasons, some of those could be, for example, that there are emergencies that require to take precedence over planned operations. So there are a whole load of reasons as to why operations are cancelled, but the largest chunk by far is patient decision.

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1650 **Hon. E J Phillips:** Mr Speaker, one final question. Of course you can understand why the GHA might have operational reasons for cancelling or rescheduling appointments, but insofar as that very large chunk of patients not willing to proceed, what measures are the Government taking to try to avoid that happening? The disruption must be very significant on resources at the GHA, and as I said before, I think these are very useful data points to explain to the public the importance of keeping their appointments. There may be reasons why they do not want to have the operation, there may be many reasons for that, but what other steps are the GHA taking to avoid that scenario, which wastes our resources in that way?

1655 **Hon. A J Isola:** Mr Speaker, it is a very difficult one. Obviously, the GHA cannot force people to turn up for an operation they do not want to have. As I said before, there may be some very good reasons as to why people wish to cancel the operation at a particular given time. I think, for us, the hardest thing the GHA have to cope with is the lack of notice when preparations are made, goods are ordered. Parts may be needed, if I can call them that, which are ordered in advance and everything is prepared for a given day, and then it has to be pulled seven days before in 60% of those cancellations. It is difficult.

1660 I think the GHA takes every precaution to ensure that people are ready. I know one particular individual who would come under patient not fit for surgery, and that is not the patient's choice. Something may have happened to them – maybe too much weight to risk, or other conditions that have arisen between the operation being placed and the operation happening.

1665 Like a lot of the things we talk about when it comes to the GHA, it is very difficult to look at these as pure numbers, because every single number has a story that is different to the other. And so I always urge caution, not inferring things which are well intentioned but could be very misleading in how we interpret some of these numbers.

1670 **Mr Speaker:** Next question.

Q298/2023
GHA –
Number of sponsored patients

Clerk: Question 298/2023. The Hon. E J Phillips.

1675 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of sponsored patients broken down to medical issue or discipline?

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

1680 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule to the hon. Member with the information requested.

Answer to Question 298/2023

Allergy	1
Cardiology	214
Colorectal	63
Dental	8
Dermatology	7
Endocrinology and on call medicine	30
ENT	155
Gastroenterology and on call medicine	45
General and On-call Medicine	1
General Surgery	156
Geriatric and On-call Medicine	61
Gynaecology	84
Haematology	39
Maxillofacial	9
Nephrology and on call medicine	35
Nephrostomy / Thoracoscopy	3
Neurology	69
Oncology	38
Ophthalmology	110
Orthopaedics	119
Paediatrics	213
Pain Clinic	15
Psychiatry	7
Radiotherapy	2
Respiratory and On-call Medicine	79
Spinal	78
Transgender Surgery	2
Urology	74
Vascular	81

1685 **Hon. E J Phillips:** Mr Speaker, we will obviously digest these numbers, but does the Minister express a view in relation to paediatrics? That seems fairly significantly high in the context of all of these numbers. I would say that in the context of all the glowing reports that I receive from many constituents about paediatrics generally, given the team that we have there. I wonder, has he got a view as to why they are so high in relation to sponsored patients outside of Gibraltar for paediatric care?

1690 **Hon. A J Isola:** Mr Speaker, no, I do not, but I will happily get that information to the hon. Member before the next sitting, if there is in fact any reason or if it is disproportionately high or higher than it should be. I am not aware of it, but I will certainly come back to him.

Obviously these are for both the UK and Spain, so there may be some tertiary centres in Spain that we send children to who need help and the expertise is available across the way. But I will get that information over to my hon. Friend.

1695 **Hon. E J Phillips:** And insofar as cardiology is concerned, just one question in relation to that. The Government has made very recent announcements in relation to a partnership – loosely I characterise it as that; I am sure he will correct me if I am wrong insofar as that characterisation is concerned, but that is clearly intended to drive down that number where we send people abroad so that they can be treated at home. Is that right?

1700 **Hon. A J Isola:** Yes, it is, Mr Speaker. We believe that will make the experience far better for patients. The access will be far quicker available to people in time – it is an issue in cardiology – and we hope to be able to reduce the numbers of sponsored patients we have significantly by having these services available here in St Bernard’s.

1705 **Hon. K Azopardi:** Mr Speaker, can I just ask, in terms of transgender surgery, what protocol is the GHA operating when it considers these issues? Is there a specific protocol criteria being drawn up with the clinicians involved? Does it involve input from across specialities when these services are being offered? Does the Minister have information on that?

1710 **Hon. A J Isola:** Yes, Mr Speaker. There is a tertiary referrals board that considers every single application for clinical assistance outside Gibraltar, and they are the ones, on clinical grounds only, who make a recommendation as to whether a patient should be referred for any of the specialities that are listed on the schedule. That tertiary referral board can be large. It is multidisciplinary, so it covers every single area – and it changes too – of the Hospital. So yes, it is a purely clinical decision.

1715 **Hon. K Azopardi:** I appreciate it is a purely clinical decision; I was not suggesting otherwise. I was trying to probe into whether there was a specific protocol in these areas – we are all aware of the debate going on in other jurisdictions about the availability of services in this very delicate area – and whether there are age issues involved and so on, in terms of the patient. I am just asking whether the GHA specifically operates a particular protocol in these areas. Is it something that is being debated within the GHA, or not? Is the Minister aware of the age of the particular patients, for example?

1725 **Hon. A J Isola:** No, Mr Speaker, I am not, but I am happy to get that information and let the hon. Member have it.

1730 **Hon. K Azopardi:** Is the Minister aware whether beyond there being a tertiary board there is a specific clinical protocol being adopted in these cases? That is what I am asking. *(Interjection)* Yes.

Hon. A J Isola: Mr Speaker, I am not aware, but I will find out from the GHA what that is and how that operates and let the hon. Member have that information.

1735 **Mr Speaker:** Next question.

Q299/2023
Removal from FATF grey list –
Update

Clerk: Question 299/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the removal of Gibraltar from the FATF grey list?

1740 **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 answer to the question is in the Government Press Release 100/2023 dated 24th February 2023. This explains that only one action point of the original two remains outstanding, being that relating to the pursuit of more financial confiscation judgments and that a further report will be made to the FATF Review Group in May of this year ahead of the FATF June plenary.

1745 Those are the facts. I am happy to speak behind the Speaker's Chair and perhaps give some more detail, but I think that is what I should limit myself to here.

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Mr Speaker: Next question.

Q300/2023
St Michael's Cave –
Water delivery issue

Clerk: Question 300/2023. The Hon. D J Bossino.

1755 **Hon. D J Bossino:** When will the issues impacting on the delivery of water by the St Michael's Cave site be resolved?

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

1760 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the St Michael's Cave area is provided potable water by the Ministry of Defence network in the Upper Rock and salt water by the AquaGib network. AquaGib is not aware of any salt water issues and currently has no network in the area to be able to provide potable water to St Michael's Cave. I am also informed by AquaGib that they have received no live customer reports of any issues in the area.

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1770 **Hon. D J Bossino:** As far as the first limb of his reply is concerned, I am aware that the potable water provision is conducted by the MoD whilst the salt water is provided by AquaGib. But as far as the second one is concerned, that is not the information that I have been receiving. I am told that it is an embarrassment when visitors to that particular site face this issue. His reply is what it is. He is saying that whoever has prepared the reply for him – I imagine it is AquaGib – has told him that there are not any issues, but I would ask him, please, to fact check that a bit further. There is no reason to doubt that the information that I have received is correct, which is that it is an issue and it is a cause of embarrassment because people who visit the area are having to use the facilities that the only business that is there is able to provide in order to alleviate the issue.

1775 It is quite an embarrassment as far as Gibraltar PLC is concerned, so I would ask him whether he would consider looking at that a bit further and trying to resolve it. I am appreciative of the fact that this is an MoD responsibility, but I think the MoD needs to be spoken to.

1780 **Hon. A J Isola:** The hon. Member has just thrown me by the last bit. Is he telling me that there are complaints in respect of salt water and potable water?

Hon. D J Bossino: Mr Speaker, as I understand it, it is the MoD that provides potable water – yes? – and the complaints relate to potable water only. (*Interjection*) No, I understand it is potable water.

1785 **Hon. A J Isola:** Mr Speaker, therefore the information I have given him is correct, that AquaGib is not aware of any live customer reports of any issues in the area. (**Hon. D J Bossino:** Okay.) Okay. So the information that I have been given is correct.

1790 I am not aware of any issues in respect of potable water. I would ask the hon. Member to ask the individuals concerned to write to me and I will certainly take it up with the MoD myself. I am not aware of those issues. Nobody has corresponded with my office or indeed with AquaGib, who are not aware either, in respect of the potable water issue. If they would write to me and give me the details, I would be very happy to press that with the MoD.

1795 **Hon. D J Bossino:** And indeed, Mr Speaker, it may very well be that I am the one who needs to do a bit of fact checking. I will do so. Once I have clarified that the position as I have explained it to him across the floor of the House is correct, I will write to him and present to him the relevant facts.

Mr Speaker: Next question.

Q301/2023
St Bernard's Hospital –
Redesign of reception area

1800 **Clerk:** Question 301/2023. The Hon. the Leader of the Opposition.

Hon. D J Bossino: Mr Speaker, are there plans to redesign the reception area at St Bernard's Hospital; and, if so, how?

1805 **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 can confirm that the GHA has plans to redesign the reception area at the entrance to St Bernard's Hospital. These plans are at the inception stage.

1810 **Hon. K Azopardi:** I see. Can the Minister give us a bit of an idea of the nature of those works?

1815 **Hon. A J Isola:** Mr Speaker, not at this stage. As I said, they are at inception stage. They have not yet been considered by Cabinet, and in anticipation of that I would not like to give any more details which may subsequently prove to be inaccurate.

1820 **Hon. K Azopardi:** Presumably the same would apply if I asked about costs and things like that. There is no idea on that until there is approval. Is that correct? And when he says it has not been discussed by Cabinet, is it the intention that it should be discussed so as to form part of the forthcoming Budget? Or has that boat been missed, so it would not be for the 2023-24 Budget?

1825 **Hon. A J Isola:** Mr Speaker, I think to talk about cost is just ... We have very approximate costs which are pre-costing costs, if I can say that, which I could not possibly give because that would just be commercially daft. I think all I can say is that at the time that an announcement is made – if it is approved, because I do not know if it is going to be approved by my colleagues – it will become clear as to why this is yet to be ... We cannot say anything at this stage. It will become more apparent once we have some sort of approval from Cabinet to go forward and make a public announcement in respect of what the ideas are, both in respect of funding and in respect of what is proposed.

1830 **Hon. K Azopardi:** Is the Minister able to say why this is even necessary even at the inception stage? It is a fairly modern building. You have the health centre next door. It seems to have a usable reception. What is the underlying reason why you would want to redesign the reception area?

1835 **Hon. A J Isola:** I think if the plans were made public, it would answer all of those questions. There are good reasons. It is not just aesthetic. There are good reasons which have been looked into by the GHA in respect of the better management of the estate, the better use of space within the estate. As you know, we have different rooms all over the Hospital that are waiting rooms. It would be far easier to centralise within one area and make better use of space. So it is about space and providing a single point of entry into the facility, which I think will work very well.

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Hon. K Azopardi: I am not going to probe the hon. Member too much if he is not ready, but it was suggested to me when the rumourology ... as these things trickle down to the Members on this side, that ... I went for a check-up today at the Hospital. Every place has its own little waiting areas and administration. You check in at different counters, on different floors and so on. Is this an idea for there to be one waiting room, one entry point only, a mega one, and then you would do away with all these other facilities? And if so, is the conceptual discussion involving whether that is going to have an impact on staff?

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Hon. A J Isola: Mr Speaker, no. I think we are running a bit too fast to talk about those things before any form of determination is made. I have no doubt that there will be some areas that will need less space as a result of the new entrance and the new facilities being put there, but I think to go into any more than that at this stage – it is purely a conceptual stage – would be a mistake, so if the hon. Member does not mind, I will defer from doing that.

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1855 **Mr Speaker:** Next question.

Q302/2023
GHA restructuring –
Update

Clerk: Question 302/2023. The Hon. Ms M D Hassan Nahon.

1860 **Hon. Ms M D Hassan Nahon:** The Director General announced a new restructure as part of the GHA's Reset, Restart and Recover initiative. Following the new Medical Director and Deputy Medical Director appointments, have we got any updates on the restructuring of the organisation?

1865 **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 restructure of the organisation is ongoing. The consultation phase of how the organisation will be set up moving forward will concentrate on strengthening clinical focus across the diverse range of services it provides and tighter financial and managerial accountability.

1870 The above is being progressed by the current Director General and further updates will be provided when the GHA is in a position to do so.

1875 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell us whether it is true that the clinical nurse managers will be abolished, adding a layer of management while these individuals are effectively demoted after 10 years and more of service from some of them?

1880 **Hon. A J Isola:** Mr Speaker, no, sir. Obviously, as I have just said, the restructure of the organisation is ongoing. As and when we are in a position to be able to publish that strategy, which will include, by the way ... obviously when the new Director General is appointed and he has had an opportunity to have some input into the proposed strategy. So the answer to the hon. Lady's question is no.

1885 **Hon. Ms M D Hassan Nahon:** Mr Speaker, these consultations and discussions, are they being based on any particular model that the GHA might be following?

Hon. A J Isola: Mr Speaker, the only model being followed is what the experts are advising us should be happening at the Hospital.

1890 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when the Minister says 'experts', can he give us any more details on who these experts might be?

Hon. A J Isola: The GHA senior management team, Mr Speaker.

Q300/2023

St Michael's Cave water delivery issue – Supplementary question

1895 **Mr Speaker:** Would the Hon. Minister be prepared to take a supplementary to Question 300 from the Hon. Damian Bossino? He has further information about the matter of delivery of water to St Michael's Cave.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Yes.

1900 **Mr Speaker:** Please proceed.

1905 **Hon. D J Bossino:** Mr Speaker, simply to tell him that I have fact checked what I related to him across the floor of the House a few minutes ago, and that the position is that (1) there are huge issues in relation to potable water, which we understand is an MoD responsibility; (2) AquaGib provides a bowser and takes it all the way up there to try to alleviate the issue – the individual who provided him with the answer should have been aware of that; and (3) Mr Cortes, presumably under the guise of a different responsibility, has had meetings with the business in the area, aware of the issue, and I understand that the issue is that the MoD piping is rather antiquated and the Government is doing what it can to resolve that issue.

1910 I would ask him, please, to confirm what I am telling him. As I said earlier, it is a huge embarrassment.

1915 **Hon. A J Isola:** Mr Speaker, I thank him for that. Clearly, I stand by what I said earlier, that I have not been aware of any of these issues, but if the hon. Member's contact person who is at the receiving end of that suffering writes to me or writes via the hon. Member, I would be very happy to take it up with MoD.

1920 The fact that AquaGib have been supporting by providing bowsers from time to time as a way of support should be welcomed and I am grateful to them for having done that, but they have no responsibility for that, so I would not expect them to have reported that to me. In any event, as far as they are concerned, in respect of the areas that they provide, which is the salt water, they have had no issues at all, and obviously the hon. Member has just confirmed that.

Thank you.

Mr Speaker: Next question.

Q303/2023
Cost of HRT to the consumer –
GHA policy

1925 **Clerk:** Question 303/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the GHA looking to review its policy on HRT prescription medication costs to the consumer?

1930 **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 does not have a HRT policy, but it has prescriber guidelines set out in the GHA formulary policy. There are no plans currently to review this.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I might have to declare a potential interest here, but on to the issue – in Gibraltar, it is capped, from my understanding, at £15 monthly for a series of three medications, which is the typical amount that is taken, two to three, and in the UK it is capped at £20 per year. So you can see the difference. Practically what we are paying monthly is what we would pay yearly in the UK. Considering that it is an essential treatment and that in the UK the government is cutting the cost of treatment – and we do often aspire to the UK system for so many of our of our policies, and in these departments especially – would the Minister be willing to take some advice or launch a consultation on this? Would he welcome any correspondence from me that might furnish him with more information to perhaps persuade him to consider this a viable new policy for the GHA and for our women in menopause?

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Hon. A J Isola: Mr Speaker, I am always happy to receive correspondence from the hon. Lady and whatever she sends will be considered and discussed with the senior management team at the GHA.

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Every prescription is clinically given. It is not that the prescriptions that everyone else gets are by choice and these are not. So I think the comparison, for me, becomes difficult, but I am very happy to consider whatever representations the hon. Lady makes and to look at them carefully.

I would say that in the United Kingdom, from the information I have, the cost for two single prescriptions is currently £18.70, and that is just for two, so I do not understand where the 12-month cost of £20 comes from, but I am happy to look at it. I do not have enough detail in front of me to be able to have a discussion, so I am very happy to receive correspondence from the hon. Lady and look at it further.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. If I may – just a short comment, not a question – just thank the Minister. I will be writing to him because my information is that it is

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capped at £20 per year and the disparity between that and the £15 per month in Gibraltar is quite stark. I thank him again and I will be writing to him to discuss this further.

Mr Speaker: Next question.

Q304/2023
Individuals with complex needs –
Continuity of care

1965 **Clerk:** Question 304/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How does the Health Minister justify the chopping and changing of carers to individuals with very complex needs who depend on the bond, consistency and familiarity that they build with their individual carers over time?

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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 Care Agency ensures continuity of care through implementation of care plans and positive behaviour support plans that form the basis of how all staff should work with each individual. Core staff who have established a bond with the service user and the gradual introduction of new workers to build the same bond over a period of time allows for resilience in staff teams to ensure there is always cover in the event of an absence by team members. No dependency is developed on any one carer, as this may cause a negative impact on service users in the event that they no longer work for the Care Agency. Measures taken and changes implemented intend to ensure that effective and efficient care is delivered from the existing resources within the services.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. There are many individuals who tell stories of how many carers they get in the space of a month, six months or a year, and how that affects their quality of life. In fact, a couple asked me to put this question here in this House because they wanted to understand the answer to this. So could I ask the Minister what he would tell someone with disabilities who feels that they are not getting that consistency and they feel hard done by, lost or a little intimidated by the fact that they do not have the familiarity with a carer because they are going through so many in a short period of time? What would that individual need to do to persuade Government to perhaps change the way that person is receiving their care package?

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Hon. A J Isola: Mr Speaker, the Government does not design care packages or care plans; obviously the hon. Lady knows the Care Agency does, based on the expertise that they have available. What they are telling us is that it is far better to have a care plan for a service user that allows for continuity of care as opposed to dependency on any one carer, which will cause problems to the user if that carer then moves on to other employment and the service users become dependent on that single carer.

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We all want the same thing, which is the best possible care for the user. The question is how do you deliver that, and the view of the Care Agency is that having a proper care plan and having a proper positive behaviour support plan with a variety of people distributing that plan ensures that you get (1) continuity of care and (2) no dependency on any particular one carer, to avoid the precise problems of the cliff edge if one carer then moves on.

2005 I suspect there is no one answer fits all, but as a plan, that certainly seems, to me, to be logical, and from the meetings and discussions I have had with the representatives of the Care Agency and the senior management team, it seems to be working well for the vast majority of users of the service.

2010 **Mr Speaker:** Next question.

Q305/2023
e-Government portal –
Dates and times when offline, and reasons

Clerk: Question 305/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Please list the days in 2022 and 2023 that the e-Government portal has been offline, stating the reason for each of the times that the portal was down.

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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, throughout 2022 and 2023 the gov.gi portal has suffered a total of 31 technical issues resulting in either portal downtime or limited availability of individual e-services. Some of these failures were rectified during the course of the same working day. ITLD server logs are wiped and rotated every three months due to their large size, and therefore it is not possible to detail the exact times that systems were offline. Steps are always being taken to minimise the likelihood of similar occurrences happening in the future.

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2025 I will now hand over a schedule to the hon. Member with the specific days.

Answer to Question 305/2023

Date	Issue	Reason
01/02/2022	Document digital signing service (DocuSign)- Server issues	DocuSign Server failure affecting Gov.gi Employment eServices.
07/02/2022	Database Server full - LPS change caused DB to fill up.	LPS Change caused Gov.gi database server to fill up and stop working
03/03/2022	Employment Services down - Issue with DocuSign server	DocuSign Server failure affecting Gov.gi Employment eServices.
16/06/2022	LPS Online services down	LPS RPO experienced server issues, resulting in service delivery issues.
29/06/2022	Boomi Flow maintenance	Essential maintenance works by Boomi on their platform used to run the Gov.gi
17/09/2022	Boomi Flow issue	Boomi Flow engine down globally.
20/09/2022	Dell Boomi Maintenance	Essential maintenance works on Dell Boomi Platform
05/10/22	Town Planning	Town planning services removed due to cyber security concerns
18/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database

20/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database
21/11/2022	Database Server issue	Database server issue. Services restored after application restart.
22/11/2022	Database Server issue	Database server issue. Services restored after application restart.
23/11/2022	Database Server issue	Database server issue. Services restored after application restart.
24/11/2022	ITLD Server issues	Unplanned downtime of Government Server Environment
25/11/2022	Database Server issue	Database server issue. Services restored after application restart.
26/11/2022	Database Server issue	Database server issue. Services restored after application restart.
27/11/2022	Database Server issue	Database server issue. Services restored after application restart.
28/11/2022	Database Server issue	Database server issue. Services restored after application restart.
29/11/2022	Database Server issue	Database server issue. Services restored after application restart.
07/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
08/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
09/12/2022	Government network maintenance works	Essential cybersecurity updates on Government internal facing
03/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government Network issues	General Government wide network issues
09/01/2023	Government Essential server maintenance	Planned Government server maintenance
10/01/2023	Tax eservices down - Firewall changes made	Tax servers were taken down for maintenance
16/01/2023	Government network maintenance works	Essential cybersecurity updates on Government internal facing
23/01/2023	Portal login issues	Network change impacted delivery of eServices
24/01/2023	Portal login issues	Network change impacted delivery of eServices
31/01/2023	Registration errors - Firewall changes	Network change impacted delivery of eServices

Hon. Ms M D Hassan Nahon: Mr Speaker, from the list, which I thank the hon. Member for, I see 22 outages in the space of a year alone, in 2022. How would the Minister respond to this number of mishaps or outages after the amount of money that the e-Government portal has cost us? This is the equivalent of about two a month. Considering the price we have paid for this service, does he think it is okay that we have had so many of these, which obviously set back individuals and businesses who are trying to use the portal?

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2035 **Hon. A J Isola:** Mr Speaker, the first thing is when the amount of money being spent is referred to by the hon. Lady, I think you need to understand that the amount of money you spend has got nothing to do with the number of outages you have, or the fact that you have an outage at all. If I can give the hon. Lady some recent examples of Facebook having an outage, Amazon having an outage, British Airways having an outage, Sony having an outage, (**A Member:** WhatsApp.) British Airways again, WhatsApp, Twitter eight times in one day, Google Search, Amazon Web Services, WhatsApp – my hon. colleague has just referred to that – ASDA, the London Marathon website, 2040 TSB Bank, UK Quarantine Hotel booking site, the National Lottery website.

There is no relevance between the amount of money that you spend in providing any service and outages or hitches, because they happen. Unfortunately, in technology, we all know of banks that have had to stop all trade because of an outage in their systems. So the comparison the hon. Lady is seeking to draw, that you have spent an amount of money, therefore you should not have 2045 an outage, is for the birds. Frankly, if you look at the first tranche of companies I referred the hon. Lady to, you will notice that they all happen to be tech companies – Amazon, Google, WhatsApp, Facebook, Twitter. These are all the super-duper tech companies of the future. They have all had outages and they all spend millions of times more than we do in respect of what they invest in their technology.

2050 No outage should happen – with that comment I agree – and the fewer outages we have, the better for Government and for all of our service users. That is what ITLD is working to do, because obviously all of these outages are system outages, which we need to get better at. I am working closely with ITLD to ensure that we have the minimum number of outages possible. I know that they are putting in a huge amount of effort to ensure that these are happening less and less. So 2055 in February, for example, there were very few outages, if any at all, and in March zero; we are clearly getting better at what we do.

Some of these outages are simply because, as a result of a security patching, we have had to shut the system down, do the different updates, do the upgrades and then open them again. So many of these are not actually failures, they are opportunities for the team to ensure that we are 2060 fully up to date in respect of our security and other software that we need to provide.

So I think there is not the right analogy that the hon. Member has sought to draw, and I think it is a very unfair one to draw on the systems at all.

2065 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but I remind him that my job is obviously to test Government and seek accountability for the way that things operate or do not operate in Gibraltar.

Can I just ask him, following on from that, whether he is satisfied generally with the quality and standard of the e-government portal at present and after a huge investment in this?

2070 **Hon. A J Isola:** Mr Speaker, I am never satisfied because I would have liked to have been far further forward than we are at this time, and that has been my position for a considerable period of time.

Hon. Members frown when we say the word COVID, but COVID was a two-year period during which the programme stopped and the entire workforce shifted to what we called CRS, the 2075 counter reduction services, so that we continued to operate during lockdown, and that happened very effectively and very successfully. And so yes, it is taking longer, but I think there is a two-year hole that we cannot run away from, in which we dealt with counter reduction services.

Would I like to be further forward? Absolutely. Would my colleagues in Cabinet prefer to be further forward? Absolutely. Would the Chief Minister wish I had finished? A hundred per cent, 2080 yes. But that is what we are working towards. We have to face the realities of what we have faced over the past 24 to 36 months, and I am looking forward to delivering more and more as we go forward in the future.

Questions for Written Answer

Clerk: Answers to Written Questions.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions submitted by the Hon. Mr Clinton numbered W9/2023 to W14/2023.

Mr Speaker, having made progress in dealing with the questions and it still being 6 p.m., I would propose that, seeking to avoid bringing hon. Members back tomorrow, we now adjourn until quarter past six and continue with the short motion that is on the Agenda and the Bills.

2090 There is one Bill that is on the Agenda, which is the Education Bill. We notice that Mr Reyes is not here. We are very happy to leave it to the next session when Mr Reyes is here, so that he can deal with the issue. It is not time sensitive for us now, it is time sensitive for July.

I move that the House should recess until 6.15.

2095 **Mr Speaker:** The House will now recess to 6.15.

The House recessed at 6 p.m. and resumed at 6.15 p.m.

Order of the Day

Standing Order 19 suspending to proceed with Government motion

Clerk: (ix) Order of the Day – Government motions. The Hon. the Chief Minister.

2100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a Government motion.

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

GOVERNMENT MOTION

Code of Conduct for Members of Parliament – Motion carried

Clerk: The Hon. the Chief Minister.

2105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House hereby formally RESOLVES to adopt as binding on all current and future members of it the Code of Conduct of Members of Parliament laid on the table by the Chief Minister on Wednesday and as attached hereto; and FURTHER RESOLVES to provide for a review of the said Code on an annual basis.

2110 I put this motion for the reasons that became apparent during the course of my laying on the table both this Code that I refer to in the motion and indeed the other code, the code on ministerial conduct, the Ministerial Code. I note the rules on relevance in debate, so I will not be referring to the Ministerial Code, because that is not the code that is before the House, it is the Code for Members. I said what I intended to say about the Code in my statement on laying these papers on the table.

2115 I would just note that the Code of Conduct for Members of Parliament is literally one page long. It contains six rules – the purpose of the Code, the scope of the Code, the duties of Members, the general principles of conduct, the rules of conduct and the rules relating to upholding the Code – and then attaches, almost as an annexe, the Seven Principles of Public Life, which are the same principles of public life which appear in the Ministerial Code.

2120 The Ministerial Code is a considerably longer document, but this is the document that is before the House, and for all of the reasons that I set out as I laid the paper on the table, and in answer to the questions for clarification that the hon. Members opposite asked me to deal with, I commend the terms of the motion to the House, so that in keeping with the request from hon. Members opposite, the Code now be adopted formally by resolution of the whole House.

2125 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

2130 **Hon. K Azopardi:** Mr Speaker, we are going to support this motion. I just want to explain, very briefly, if I may, and I do so in these terms, because, first of all, I welcome the fact that the motion is here and that the Hon. Chief Minister has presented this motion after that exchange that we had yesterday in relation to the specific ratification of this and adoption by the House.

2135 I just extend my remarks in this way because there was an exchange with the Chair yesterday, where Mr Speaker invited both the Hon. Mr Clinton and the Chief Minister to make comment to you. I am aware that my friend Mr Clinton has delivered a letter to you, which presumably will then find its way to the Chief Minister, so that there is comment on that, and that requests a specific ruling. I just add, if I may, some of my comments, so that when there is a transcription of today's session it also has my comments as to why it is important for this procedure to be adopted, so that Mr Speaker can also consider my remarks in the context of whether or not Mr Speaker decides it is appropriate for there to be a ruling on this issue.

2140 As I said yesterday, the view that I took, and hence the comments that I made yesterday were influenced by considering the Parliament Act and also the constitutional position. Section 36 of the Constitution says:

The Legislature may prescribe the privileges, immunities and powers of the Parliament and its Members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the members thereof.

Section 39 of the Constitution says:

The Parliament may from time to time make, amend and revoke rules of procedure for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of bills and for the presentation thereof to the Governor for assent.

2145 Both in terms of the letter of the Constitution and its spirit, it is clear that this House can regulate its procedure and the powers and interests, liabilities and privileges of Members of this House that will impact also on our duties. In doing so, the language of the Constitution very clearly says that the Parliament 'may from time to time make, amend and revoke' or indeed prescribe – it says the legislature may prescribe.

2150 I am influenced also by the fact that the very first line of Standing Orders says that they are
Standing Orders adopted by the House pursuant to section 39 of the Constitution, and therefore
it seems to me that there needs to be a moment of prescription, a moment that the legislature
makes and a decision needs to be taken. Whether it is done by resolution or by motion, I have no
2155 view on that – any of those procedures could be followed – but it is certainly my view that there
needs to be a moment of prescription and making. Indeed, the hon. Members, in their manifestos
both in 2015 and 2019 in relation to the Ministerial Code, had indicated that there would be
approval of a select committee. They did not go as far as to say that there would then be a moment
of prescription, but I would suggest that it is necessary. My hon. colleague Mr Clinton did also
make reference to that 1979 debate when this House did follow a moment of prescription and
making, and I would say that it is necessary for that reason.

2160 That deals with the formalism. I make those remarks because I consider that is important, and
I think it is also important from the point of view that ... We all agree on this, on both sides of the
House, that there should be a Code of Conduct for Members, that it should be adopted and that
there should be a moment when we debate these and, if necessary, we take positions on it.
Happily, I can confirm that as far as the Members of this House I speak for, we are going to vote
2165 in favour of this motion and that this will, therefore, be binding on those terms.

Mr Speaker, I simply repeat what I said yesterday in relation to the content itself. The Hon. the
Chief Minister indicated yesterday there were some differences between this Code and the 2015
version. It is not a long document, but it may be that it does require improvement. The Chief
Minister indicated yesterday it would be subject to an annual review. I welcome that. It is the first
2170 step. I would not say it is the most conclusive step. There may be work that needs to be done to
improve this Code, and certainly we would welcome engagement on that issue. It may be that we
need to be much more comprehensive in the effort to codify the rules and what affects Members
of this Parliament, but with those initial remarks, and subject to any other remarks that any
Member on this side of the House may want to make on this issue, I confirm our support for the
2175 motion.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2180 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I also welcome the motion and I echo and stand by
the comments that have just been voiced by the Leader of the Opposition.

It is clear that honesty and ethical conduct are things that every public servant should aspire
to, so needless to say we should all be welcoming this motion and remember to keep reviewing it
and always consider it as a fluid document in order to keep maintaining standards.

I will be voting in favour of this motion.

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Mr Speaker: The Hon. Roy Clinton.

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

2190 First of all, I will, of course, echo the sentiments of the Leader of the Opposition and the hon.
Lady in welcoming that we have this motion before the House and we have the formal process for
adopting a Code of Conduct for Members of this House. But, if I may, I would have formed part of
the Select Committee on Parliamentary Reform, which would have had sight of the document that
was tabled yesterday, and we would have then presumably had a constructive discussion as to
the drafting, the content and the thinking behind some of the things that are in the document.

2195 The first point I want to make is that yes, there was a document produced in September 2015,
but certainly on the opposition benches, many of us who were elected on 26th November 2015
were not party to the drafting of the original document. It is a self-evident truth that there is quite
a significant difference. For example, in terms of the purpose of the Code, it is completely
different, the Code of Conduct tabled yesterday, to that which was in the 2015 original Code of
2200 Conduct.

I do note that the Deputy Chief Minister had a hand in updating and redrafting it to bring it into line with the latest UK parliamentary code of conduct for members, but if you obtained a copy of the UK guide – and the one I have is the one approved by the House of Commons on 12th December 2022, which I presume is the one the Deputy Chief Minister was working off – you will see it is a fairly chunky document. It is not four pages long, it is 51 pages long. The reason it is 51 pages long is because although the code of conduct is, in their case, again fairly brief, four or five pages long, there are 50-odd pages of guidance attached to it, interpreting the code of conduct. So there is quite an extensive set of rules and guidance to the rules as to the code of conduct. It is unfortunate that we have not taken the opportunity to include this in the Code of Conduct. I do not know why the Chief Minister is shaking his head, because it seems obvious that – (Hon. Chief Minister: Give way?) Well, I will finish and then you can reply to the whole thing. (Interjection by Hon. D A Feetham) Sorry, I missed that.

Hon. D A Feetham: It was an elegant way of saying no, absolutely. (Laughter)

Hon. D J Bossino: He's entitled to.

Hon. Chief Minister: He was wondering why I was laughing. I asked whether he would give way so I could explain it to him. He has not given way, so he will just see me laughing without knowing why.

Mr Speaker: Let us continue. The Hon. Roy Clinton was not prepared to give way to the Chief Minister; fine. So we move on.

Hon. R M Clinton: Thank you, Mr Speaker, this is a serious matter for this House.

The guidance notes that would have been attached to the conduct of Members are quite extensive and in fact they combine in here the registration of Members' financial interests, which, as we all know and as we have been referred to, was first put together in 1979. We could have taken the opportunity to update that and include it in here, but alas, that has not been done.

I would draw the attention of the House to the fact that although we may take some comfort, again on a very cursory view it does look as if the Code of Conduct for Members of the Gibraltar Parliament that was tabled yesterday is pretty much a carbon copy of the UK guidelines; however ... This is only on a cursory view and perhaps the Deputy Chief Minister can explain it. I give him one example of what may be a slip of the pen, but then I will give him another example which is perhaps a little bit more serious.

The slip of the pen appears to be on page 4 of our Code of Conduct under 'Leadership'. The first line says:

Holders of public office should exhibit these principles in their own behaviour.

The UK one says:

Holders of public office should exhibit these principles in their own behaviour and treat others with respect.

These should be carbon copies. I do not understand why those words have been omitted; it may be a simple clerical error. So again, this should be a carbon copy of the UK rules, but there are differences. We have not had time to go through in great depth as to the language. We can only get some general comfort that it does appear to be similar to the UK code.

But the biggest issue I have identified so far is, of course, that the UK rules, which I presume the Deputy Chief Minister has been working off, assume that the guidance notes are attached. So, when it comes to the rules of conduct, on our page 5 at paragraph 11, which says 'The acceptance by a Member of a bribe ... is contrary to law of Parliament', it is identical to the UK one.

Paragraph 13: 'Members must fulfil conscientiously the requirements of Parliament ...' That is fine. But the one that comes in between, our number 12, which is the UK's number 4, says – and I will read it out, just so you understand where I am coming from:

Members must conduct themselves properly and rigorously when lobbying for or against a particular point of view on any matter and should seek guidance from the Speaker or the Clerk when unsure.

2250 The equivalent paragraph in the UK rules of conduct says:

Members must rigorously follow the rules on lobbying set out in the Guide to the Rules.

When you look at the guide, which is attached, and you look at the rules on lobbying, they are all about professional lobbying and payment and other such matters, but that bears no relation, or there is no indication in our paragraph 12 on what should Members conduct themselves properly and rigorously when lobbying. It does not say what it means by 'lobbying' – it could even be arguing in a debate for or against a particular point of view; 'and should seek guidance from the Speaker or Clerk when unsure' – unsure of what?

2255 This is where we missed an opportunity just to tidy up the language in the Code of Conduct. Again, the Hon. the Leader of the Opposition has indicated we are fully in support of having these codes of conduct in place, but we have just missed an opportunity to get it 100% right. There are obviously gaps and areas which could have done with some tidying up, and it is a shame that the opportunity to set up a select committee, even if only for a day, to consider this was not taken, and it is a shame that we are not producing the best Code of Conduct that we could have done.

2260 I can take comfort from the fact that the idea would be to review this at least on an annual basis, if not more frequently, and we can perhaps address some of these issues sooner rather than later. Again, with the limited time we have had available to us to consider the Code of Conduct tabled yesterday and compare it to the UK code of conduct, which is a much more substantial document overall, that is as much as I can say with any certainty are the concerns that I have at the moment, but it may be that if we had more time to go through a line-by-line comparison, we may come up with other issues or other points. But again, we would want to approach this constructively, and we would have wished that we would have been engaged with constructively before it was tabled yesterday, so that we ended up with the best Code of Conduct for the House. At the end of the day, this is for us as Members of this House and it is in our collective interest to get it right.

2270 Thank you, Mr Speaker.

2275 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the motion is a short motion and the Code is a short code, exactly like the United Kingdom code that we have adopted, so I am very pleased that the Hon. the Leader of the Opposition therefore welcomes the motion, that Mr Clinton welcomes the motion and that Ms Hassan Nahon welcomes the motion, although they then go on to say things which do not appear to confirm how welcoming they pretend to be.

I am not going to deal with the issues that are raised about laying on the table or not laying on the table. I understand you have something from Mr Clinton that, which I am happy to look at.

2285 I moved the motion, as I said yesterday, to try to bring an element of unanimity to this particular issue, because I think it is important that we should be moving with unanimity on this. It should be clear that all sides are committed to the Code, as we have been since 2015 and they are only from today.

Mr Speaker, yesterday I said –

2290 **Hon. Ms M D Hassan Nahon:** That is not correct.

Hon. Chief Minister. Mr Speaker, the hon. Member is saying that it is not correct. I presented these Codes in 2015. Some of them were here, some of them were not. I said then that we would adhere to the Codes from then. I invited them yesterday, when I laid on the table the papers, to say that they would adhere to them even before we had the motion. They would not say that. Today, they say they are going to vote in favour of the motion, so in that case they would at least be adhering from today. That is important because yesterday I said there will be an annual review, we are happy to consider any proposed changes – and, indeed, if you wanted to make any proposals since 2015 you were entirely free to do so, and you have not. We engaged with the GSD in 2015. The GSD told us not to proceed because they wanted further consideration. There has been absolutely nothing since then.

The hon. Lady tells us that she stands by the comments of the Leader of the Opposition and that she hopes we will keep this under constant review as a fluid document. She is agreeing not with the Leader of the Opposition, she is agreeing with the Leader of the House, because that is what I said yesterday would be the case.

Mr Clinton says he would have formed part of the Select Committee on Parliamentary Reform and would, therefore, have been able to be consulted on the Code to be adopted in a constructive discussion on drafting etc. Well, why hasn't he addressed this issue before? Of all of us, he is the one who has plenty of time to be engaging in writing to you overnight on something like the laying of papers on the table, and yet in the 60 meetings we have had since 2015 he has not thought it necessary to read the Code that governs his membership of this House. He has not thought it relevant to read those six pages which were laid then. *(Interjection by Hon. R M Clinton)*

He suggests that there is a problem with carbon copying the UK, when in fact we use *Erskine May* already as an almost carbon copy of the UK rules to interpret what it is that we are doing. Well, why is it that he has not suggested any changes to the document that was before the House since 2015? And when we have put our own modern version, he has identified one issue. **(Hon. R M Clinton: Two.)** No, I will tell you why you have only identified one, although you think you have identified two. He has identified one issue, Mr Speaker: the inclusion of the words 'and treat others with respect', which were not in the draft that the Hon. the Deputy Chief Minister was looking for. I have no difficulty with the inclusion of those words and I am very pleased to include those words, and we should consider the Code, in my view, amended to include those words in the section on leadership, because if they had been removed in the UK version that we were looking at, they should not have been removed. They are worthwhile words to have. *(Interjection by Hon. Ms M D Hassan Nahon)*

Why is it that I say there is no other point that the hon. Gentleman has identified? Well, for a simple reason: we did not believe it was necessary to copy the guides into the pages we were going to put before the House. Why? Because the guidelines are much wider, there are many more areas of difference between Gibraltar and the United Kingdom, and instead of doing that – and this is what I would have said, the only point I would have made if he had allowed me to interrupt him whilst he spoke – we have added a new paragraph 26 – 'The interpretation of this Code of Conduct shall have regard, where relevant, to the The Code of Conduct of the House of Commons' – in order to impute all of the guidance which is given for the interpretation of the UK Code. It is a clause not dissimilar to the clause in our Rules which says in having regard to the interpretation of these Rules we shall look at the rules in the House of Commons and *Erskine May*. All of the guidance notes, which is what he has made such a meal of, are imputed into the interpretation under paragraph 26, and so there is no question of there being a need to reprint the guidance notes in order for them to apply, because we are already applying them by paragraph 26.

The Code in Gibraltar is as long or as short as you might like to describe the code in the UK. In the UK it is five pages; probably because of the print, here it is six. That is the code; we have taken the code. The guidance notes – just like in financial services, just like in any other matter – are for

interpretation, and we have imputed them in by paragraph 26. So they are in, and that is why the hon. Member has only identified one difference with the UK code, not two, because the other issue is there in paragraph 26.

2345 Mr Speaker, let's be frank: in 2015 when we published the parliamentary code as well as the Ministerial Code, we also did not publish the guidelines. Nobody from the GSD in the – I said 60 months; I am wrong – 86 months, at least, since we published the Code said, 'By the way, why haven't you published the guidelines?' We would have said, obviously, 'Because the guidelines are what interprets the code in the UK, and our interpretation of the code will be like the UK

2350 code – that is to say also with the guidelines. So, if I may say so with respect to the Hon. Mr Clinton, that is a complete non-point.

Finally, Mr Speaker, to say that in the short time they have had available they have only been able to identify these two things but they may identify more, I do not want to labour the 86-month point – they have had 86 months to consider this – but I would say that it is six pages. In fact, it is

2355 not six pages. Of the six pages, the first is the cover and the second is the index, which has six points on it, so we are talking about reading four pages. Of those four pages, on one page are the Seven Principles of Public Life –

Hon. R M Clinton: Which you got wrong.

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Hon. Chief Minister: Which we did not get wrong. Mr Clinton says, from a sedentary position, in his usual provocative and ungenerous style, which is not designed to bring about constructive debate, but just to poke and needle in a way that does not do this community any service other than to give him the pleasure of showing that he has needled a speaker ... The Seven Principles of

2365 Public Life, amended with that extra phrase or not, would also not require much consideration, so he is saying that in 24 hours, although he does not do a day job like we do, he has not had the time to consider three pages of text, but that with more time he might have made a better job than the drafters of the UK code.

I think we have brought this community on leaps and bounds in many ways, not least because

2370 by 2015 we had already adopted these Codes and we had made ourselves already voluntarily subject to them. Now we have made everyone subject to them, and going forward these can be amended and improved.

I do not believe that it is necessary for the Gibraltar Parliament of 15 people to have a Code that provides more codification of rules, as the Hon. the Leader of the Opposition has suggested,

2375 than the United Kingdom Parliament for 650 people, especially when we are already imputing the guidelines in the UK. The Leader of the Opposition, when he opened, said, 'I believe it may be necessary to provide more codification.' Well, I do not believe it is necessary to provide more codification. With this Code and with the guidance notes in the UK, which are imputed under paragraph 26, we have more than enough to ensure that the conduct of Members of Parliament

2380 is now – as, by the way, I believe it always has been on both sides of the House – in keeping with the Seven Principles of Public Life; that is that we are here to serve, we are here to do the best for our people and we are here to discharge our functions as public servants. That huge step forward should not be in any way affected or mired by the lack of generosity we have seen in respect of some of the interventions from the other side, although I do welcome the fact that this motion will, apparently, pass by unanimity and the Code will be adopted by unanimity.

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Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? The motion is carried.

BILLS

FIRST AND SECOND READING

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
First Reading approved**

2390 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto.

2395 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 designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Second Reading approved**

2410 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill for the Admiralty Waters and Naval Base (Gibraltar) Act 2022 be read a second time. Of course, when this Bill becomes an Act, it will be referred to as the 2023 Act, not 2022, but the Bill is very much a 2022 Bill.

2415 Presently, 'Admiralty Waters' are defined by an Order in Council, namely the Admiralty Waters (Gibraltar) Order 1972, and a set of regulations made thereunder. This Bill principally seeks to achieve two things, therefore: first of all, to transfer responsibility for legislating to this Parliament; and second, redefining the extent of Admiralty Waters.

2420 Under the 1972 Order, most of the waters within the Port of Gibraltar are stated to be Admiralty Waters. In the 50 years since that Order was made, much has changed on the ground. Indeed, a lot of the water has changed into ground. In practice, most of the Port is now de facto under civilian use and control. This Bill was proposed to the Government by the MoD itself, however, and is the product of engagement by lawyers and officials from both sides.

2425 Turning to the clauses of the Bill itself, clauses 1 and 2 provide for the title and commencement if approved by the House, and that the Act will come into operation when the 1972 Order ceases to have effect. This ensures that there is a seamless transition from one regime to the next.

2430 Clause 3 provides for the interpretation of the Act. Notably, there is a reference to the Naval Base, and this is demarcated in the schedule as the area in the vicinity of the tower. The sole purpose of the definition is to provide for an element of control by the King's Harbour Master (KHM) of activities undertaken on that area of land that may impact on Admiralty Waters. In terms of having a mental picture of what area will remain Admiralty Waters, if people think of the boom that is brought across from one end of the South Mole to the tower, that is more or less the area, but with additional areas in order to provide for turning circles and openings to remain.

2435 Clause 4 confers a power for the Minister with responsibility for the Port to vary the limits of Admiralty Waters and the Naval Base, with this power being exercisable with the consent of the Governor.

2440 Clause 5 confers control over Admiralty Waters upon the senior officer, which is defined in clause 3, whilst responsibility vests in the senior officer controls to be exercised by the KHM.

The KHM is appointed by the senior officer under clause 6.

2445 Clauses 7 to 9 provide for the exercise of controls in Admiralty Waters by the KHM, including by issuing permits and directions.

Clause 10 confers a duty on the Captain of the Port to ensure that the approaches to Admiralty Waters are kept clear from wrecks or obstructions, and, where such an obstruction occurs, for the Captain to keep the KHM informed.

2450 Clauses 11 and 12 make further provisions regarding navigation in Admiralty Waters.

The penal provisions for breaches are set out in clauses 13 and 14, and they provide for recovery of sums in the Supreme Court where appropriate.

2455 Clause 15 is a regulation-making power. Should Parliament approve the Bill, regulations that are equivalent to those made under the 1972 Order in Council will be made on the date of commencement.

Non-military vessels will access Admiralty Waters, not least those going to or from dry docks. Clause 16 ensures that such vessels continue to be governed by the provisions of the Port Act, save where there is an inconsistency with the provisions of this Act.

2460 Consequential amendments to other legislation are set out in clause 17.

The Schedule sets out the co-ordinates of Admiralty Waters. These, and the extent of the Naval Base, are set out in the extract from the relevant Admiralty chart.

2465 Mr Speaker, hon. Members will have heard me say that the power of the Minister with responsibility for the Port is exercisable only with the consent of the Governor. That should not be regarded as unusual, because dealing with Admiralty Waters we are dealing with a matter that relates to defence and security, and our Constitution and Parliament Act already provides that a Bill cannot be moved in respect of those matters without the consent of the Governor. We are still in that same space here, but this is a huge bringing to this Parliament of a power that was previously outside it under the old Constitution and under the new Constitution, and given the new conventions in respect of Orders in Council in respect of Gibraltar it is right not only that no new Orders in Council should be made in respect of Gibraltar, other than with the consent of the people of Gibraltar expressed through their Government, but also that where there are Orders in Council still in place and those can be repatriated to Acts of this Parliament, we should do so where appropriate.

2470 Given that we are tidying up the extent of Admiralty Waters, this is the right moment to do so in respect of this matter, and I commend the Bill to the House.

2475 **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, we thank the hon. Gentleman, the Chief Minister, for his explanation of the Bill. It will receive the Opposition's full support, although we have just two points for clarification. The first is, insofar as the schedule that the Chief Minister has referred to and the explanation that he has given, is it right that Admiralty Waters as defined and the limits

2480 will now be reduced? I am in no way criticising that, I am just saying is it a fact that the Admiralty Waters will now reduce from the previous schedule contained in the Order in Council from 1972? That is the first point.

2485 The second point: just in relation to recovery of sums and because of the complexity around some of these vessels and the recovery of wrecks, I note that the Chief Minister refers to the small claims procedure, which is generally easier to deal with because, of course, the Registrar of the Supreme Court also doubles up as the Admiralty Marshal. Is there a mechanism to allow for cases of complexity and high value – for instance, in cases of wrecks – to be transferred to the Supreme Court? I do not think there is a mechanism within this amending piece of legislation for that to happen so that it does not take up too much of the time of the small claims jurisdiction. I just thought that we may want to consider a transfer of more complex cases and more high-value wrecks in this particular matter to go to the Supreme Court directly, but that is just an observation about this particular mechanism.

2495 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

2500 **Hon. K Azopardi:** Mr Speaker, I only rise to add to my hon. and learned colleague to my right – although viewed from that side, of course, he is to my left, probably, and ideologically so. (*Laughter*) He has already confirmed that we will vote in favour of this Bill, but I add this because it is an important issue on the general principles. This is an important constitutional moment for Gibraltar where we legislate in relation to Admiralty Waters, and it is done by Act of this House to give it legitimacy, so that we decide on behalf of the people we represent, the people of Gibraltar, what is done within our waters by the Admiralty, and it is not done, as before, without reference to this House. That is an important issue for us to put on the record which I share with the Chief Minister. I think it is an important constitutional moment that we legislate specifically to give permission for these things to happen within our waters.

Mr Speaker: The Hon. the Chief Minister.

2510 **Hon. Chief Minister:** Mr Speaker, I am grateful for hon. Members indicating they will be supporting this Bill, not least for the reasons that I have indicated and the Leader of the Opposition has agreed with, which I think are fundamentally important, although, if I may say so, we are not here legislating for *what* is going to be done in our waters, we are legislating for *where* things are going to be done in our waters, but the where and the what are almost interchangeable because the ‘whats’ can now only be done in the ‘wheres’ that we permit.

2515 It is right that that is set out more clearly in legislation in the context of Admiralty Waters now under this amending legislation, this legislation which will take what is in the Order in Council into the Act of this Parliament, because that is the nature of the relationship with the United Kingdom. The United Kingdom is sovereign in Gibraltar through the free will of the people of Gibraltar. That is how the people of the United Kingdom would want it to be, and it is how the people of Gibraltar want it to be. It goes to the core of the nature of the relationship, which is misinterpreted by others to be colonial in nature. If it were colonial in nature, we would be *tolerating* the sovereignty of the United Kingdom in Gibraltar, and we are not tolerating it, we are very much supportive of it, and so this is an illustration, in the context of Admiralty Waters, of the nature of that relationship.

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2530 Therefore, Admiralty Waters are considerably reduced from the 1972 provision, which was, as I said in my opening statement, almost the whole of the area of the Port, and indeed there are funny stories that the Hon. the Father of the House tells of why Europa Point is designed like a semi-circle and where the ammunition barges used to be, where the discharge of ammunition used to be, the turning circles and all the rest of it. All of those issues involved Admiralty Waters and difficult negotiations – led by Michael Feetham as a Minister – with the MoD on how to be

able to reach an *entente cordiale* as to reclamations etc. So that was the whole extent of Admiralty Waters in those days, and it is now reduced to what the MoD needs. If the MoD needed more, we would have been happy to consider more, but what the MoD needed is now reflected in what is set out in the Schedule to this Bill.

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Under section 14, the hon. Gentleman is right that claims are sent to the small claims procedure of the Supreme Court, but his point that larger claims would then be sent directly to the Supreme Court I think is dealt with by the last phrase of that section, which says 'notwithstanding that the amount claimed exceeds £10,000'. So, even if the claim is for £10 million, it can still go through the small claims procedure in the Supreme Court. You are still in the Supreme Court, which means you still have the inherent jurisdiction, you have all the rules and powers of the Supreme Court available to you, but you do not have the costs of a full-blown Supreme Court action, so to an extent I think this is a more helpful way of dealing with things.

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Mr Speaker, that is all I have to say in dealing with the points that hon. Members have made, other than that given the confusion that seems to be arising between what is to his left and to his right, I can tell the hon. Gentleman that we have a very good view of what is happening and we are quite happy to tell him who is to his left and who is to his right, even though it might seem the opposite to him from where he is sitting.

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Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) 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.

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

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

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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 Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of

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Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time.

2575 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Second Reading approved**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2585 This Bill works in tandem with the amendments that were made to the Medical Group Practice Scheme Act as part of the changes that would allow a student enrolled in a full-time academic course at the University of Gibraltar to register on a medical group practice scheme. The nature of this Bill is to aid the administrative side of this initiative, and this is illustrated with the introduction of a new permit of residence not exceeding 12 months available only to those
2590 enrolled at the University of Gibraltar on a full-time academic course. This will streamline the procedure for all parties involved in the administration of the process here in Gibraltar.

In addition to the above change, a further change has been made to ensure that our current commitments under Part 4 of the Immigration, Asylum and Refugee Act are maintained whilst negotiations on the future relationship between Gibraltar and the European Union are ongoing.

2595 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.

2600 **Hon. K Azopardi:** Mr Speaker, as this is working in tandem with the other Bill, I cannot recall if this information was given at the time, but is there an assessment of how many people would fall within the remit of this? And in terms of their eligibility in the group practice scheme, are they then making a contribution to the scheme in any particular way, as part of the fees or something? Is that how it is being done?

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, yes, in order to qualify, the previous Act – the Bill that we passed last time in relation to this – specified that they had to be fully paid up and also make a contribution to the GPMS Scheme in order to be able to qualify for this.

2610 In terms of who it is, the previous piece of legislation we passed excluded any members of the individual student's family, so no dependents were allowed; it was only the student himself. So it is only the individual who is coming to do a full-time course at the University who contributes to the GPMS that would qualify, and that is what this legislation seeks to do from an immigration perspective.

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Mr Speaker: The Hon. the Chief Minister.

2620 **Hon. Chief Minister:** Mr Speaker, I have nothing to add. I am grateful to the hon. Gentleman for indicating support from the other side and to my ministerial colleague Mr Isola for the clarification sought by the Leader of the Opposition.

2625 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

2630 **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.)

**Gibraltar National Park Bill 2021 –
First Reading approved**

2635 **Clerk:** A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2640 **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 Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time.

2645 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Second Reading approved**

2650 **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 now be read a second time.

We are incredibly fortunate in Gibraltar to have a breadth of natural, historical and cultural heritage to enjoy. Embedded in the concept of a green Gibraltar is sustainability, that this heritage should be preserved and protected for current generations and also future generations. This Bill delivers this and more.

2655 This Bill designates certain areas in Gibraltar as making up the Gibraltar National Park. It also establishes a new body, to be known as the Gibraltar National Park Coordination Board, which will ensure the enhancement and promotion nationally and internationally of the natural beauty, wildlife and cultural heritage of the areas designated as constituting the Gibraltar National Park. The Board will also be responsible for promoting opportunities for the understanding and enjoyment by members of the public of the special qualities that the areas in the National Park have to offer. It will serve to ensure better understanding of Gibraltar's heritage in its widest sense, both within and outside Gibraltar, as well as, importantly, ensuring co-ordination between the different entities responsible for the different constituent parts of the National Park.

2660 National parks have a huge reputation on the international scene, and this initiative will allow the involvement of Gibraltar in relevant international organisations and partnerships, once again promoting the status of Gibraltar on a world scale.

2665 The drafting of this Bill has been largely bespoke, given that Gibraltar's geography differs considerably from any other territory's. However, the concept and certain provisions of the Bill have been based on certain acts of the United Kingdom and Scottish Parliaments, namely the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000, the Countryside (Scotland) Act 1967 and the Land Reform (Scotland) Act 2003. Like the Bill, those Acts aim to ensure that the natural landscape is made available to the general public for their enjoyment by giving them a special status.

2670 The Bill is divided into four Parts. Part 1 contains the definitions used in the Bill. Two of the most important terms defined here are 'cultural heritage' and 'natural heritage'. These terms bring together all of Gibraltar's rich heritage, which the Bill safeguards for the enjoyment of the public.

2675 Part 2 of the Bill creates a National Parks Coordination Board. The Coordination Board will be made up of members who, as a collective, will have knowledge and experience in environmental matters and in the cultural and natural heritage of Gibraltar. This experience will be vital for the Board to successfully exercise its functions. The Coordination Board will report annually to the Minister for the Environment and the report will be laid before Parliament, ensuring accountability and transparency.

2680 Part 3 of the Bill creates the Gibraltar National Park. This comprises areas which are contained in the Schedule or in future are recommended for their natural beauty, biodiversity and natural or cultural heritage or the opportunities they afford for open-air recreation.

2685 The Schedule lists those areas which form part of the National Park, including areas of environmental importance such as the Nature Reserve, historically significant areas such as Gorham's Cave, the Trafalgar Cemetery and Moorish Castle, and areas of recreational and cultural enjoyment such as the Garrison Library, the Gibraltar National Museum, the Commonwealth Park and the Gibraltar Botanic Gardens, to name a few. The Gibraltar National Trails created under the Gibraltar National Trails Act 2021 also fall within the Gibraltar National Park, achieving our objective of expanding on areas which are to be enjoyed by the public as a whole. The area will be demarcated on plans which will be displayed on the Government's geographical information systems.

2695 The final Part of the Bill makes provision for secondary legislation.

2700 Mr Speaker, in my letter to you, dated 23rd November 2022, I gave notice of a number of amendments for consideration at Committee Stage. These have arisen following feedback on the Bill from stakeholders who pointed out that the Bill, in ways, duplicated the functions of other bodies such as are set out in the Heritage and Antiquities Act, the Nature Protection Act and the Town Planning Act. The amendments remove these regulatory powers that are best held elsewhere and ensure that the Coordination Board deals with co-operation, enhancement and promotion as its key roles.

2705 In my letter to you dated 18th January this year, I gave notice of further amendments which followed discussion with the Hon. Damon Bossino, to whom I am most grateful for the constructive manner in which he has raised them. They have served to clarify ambiguities and make the Bill more user friendly. Further amendments correct repetition and update references to Commonwealth and Campion Parks to reflect the Bill that I took at a recent meeting of this House.

2710 This Bill will ensure that the gems in Gibraltar's heritage are properly enjoyed by the people of Gibraltar of current and future generations and, most importantly, are better known and understood by the rest of the world.

I commend this Bill to the House.

2715 **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.

2720 **Hon. D J Bossino:** Mr Speaker, I acknowledge the comments that he has made in relation to me. Let me just add that I also welcome the constructive approach that he himself has adopted. We have spent quite a bit of time in terms of improving the legislation, and that has resulted, let me tell him, in a slight shift on this side of the House. We started off from a position of deep scepticism as to whether the things that he has said in terms of the principles and what he wants to achieve are going to be achieved with the legislation as presented in this green paper, and there is a slight shift from a negative no vote on our side to one of likely abstention because we still have ... We have not become ardent believers of the things that he has said he wants to achieve as a result of the introduction of this Bill, but because there has been, I think, a significant and considerable improvement from the position as it was when it was first presented to the House, we are willing to adopt a position, in effect, of suck it and see whether the things he says are going to come to fruition as a result of the introduction of this Bill and into an Act as part of our statute book will happen.

2730 We are now at the end of the lifetime of this Parliament. On any possible analysis we are likely to have a general election before the end of this calendar year, and it is possible, should the complexion of the Government change after that as a result of the expression of the will of the electorate, that we take a different view and approach in a different direction.

2735 Mr Speaker, a lot of the points that we discussed have been reflected in the amendments he will be introducing at Committee Stage. I have had an opportunity of reading the letter, in particular the last letter of 18th January 2023, which he kindly send to me via WhatsApp the other day. A lot of the points that were raised he has accepted and he has volunteered alternative wording which I am much happier with, in terms of clarification. But can I ask him, in terms of those just two or three pockets of areas which have not been amended? He has explained to me via email why he is not doing so, and that is fair enough, but I think it is important, as I have said on previous occasions, that that is somehow recorded in *Hansard*. I would like to take him to it, and then, when he replies, I will give him an opportunity to state it for the record.

2740 In relation to clause 4, where, if he recalls, I raised the distinction that is made in clause 4(1) and 4(2)(a), where there is a constant cross-referencing to the statutory definition of 'Gibraltar National Park', but then in terms of clause 4(2)(c), when it talks about the promotion and the exhibiting of the 'natural and cultural heritage assets', it talks about the wider Gibraltar. I would like him to explain why that distinction. In other words, why isn't it restrictive in nature and

restricted to the Gibraltar National Park as defined, and is actually wider and includes Gibraltar?
2750 He has explained that by email briefly, but I would simply flag it for him, so it gives him an opportunity to state it across the floor of the House for the reasons I have alluded to earlier.

In relation to clause 5(1), which talks about ... I made the point about the Minister being given wide discretion on appointments and I asked whether there should not be a legislative imperative that the appointees to the Board include pertinent NGOs. His position was that his intention is to mirror the composition of the National Trails Board, and he said that that will be reflected in regulations – if he could perhaps expand on that a bit further.
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And finally, in relation to clause 5(5), where the issue that I had related to a point of drafting and one which I think, as currently drafted – and he is sticking to that wording – I felt it was not sufficiently clear on the face of the wording as presented in the Bill. But as I understand it, what this is intended to do is to, in effect, invite those interested parties to meetings of the Board who are not officially appointees on an ad hoc basis. I think that is the position – he is nodding his head – but I would again give him an opportunity to state that for the record.
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Other than that, Mr Speaker, I have no further contributions to make.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Roy Clinton.
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Hon. R M Clinton: Thank you, Mr Speaker.

The Hon. Minister will know that I hold heritage and culture quite close to my heart, and we have worked constructively in the past, as I know my colleague has worked with him on the Heritage and Antiquities Act, and I think we worked quite well on that. In normal circumstances, I usually support everything in this respect, in terms of anything to do with heritage that the Minister does, but I must confess that in this case, in respect of this particular Bill, I really am struggling to understand what this Bill will do that other Bills do not already do. There is already legislation on our statute book that covers, for example, heritage. There is legislation on parks, there is legislation on the marine environment, there is legislation on lots of things – nature trails. There is the Museum Act, there is the Garrison Library Trust Act and there are other Acts. I am not sure what this Bill actually is adding in terms of functionality.
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The Minister is the Minister for Heritage and Culture. If there was any co-ordination to be done, he does not need an advisory board; he has an entire Department at his disposal and he has access to all the different people on all the other entities that are encapsulated, for example, in the Heritage and Antiquities Act or the National Museum or the Garrison Library Trust, which have their own boards. These are not free-standing entities of just one or two people; they actually have their own governing bodies. This Act seems, to an extent, possibly to usurp some of those powers or functions. I give him one example: the ability to charge fees; if they decided that one of the bodies within the designated schedule – for example, the National Museum or the Garrison Library – should charge admission fees. Why is that even in there, if it is meant to be just a co-ordinating body?
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It may be that the use of the word ‘park’ is a misnomer in this Bill. Maybe it is a deep-seated psychological thing for the Minister where everything has to be a park. Maybe it would read better if it were called Gibraltar National Trust or Gibraltar National Heritage, because I just cannot see how a library full of books can be called a park. He is nodding. He thinks it can be. I know there are such things as industrial parks, but I have never heard of a library being described as a park or a museum described as a park. But he will have us describe it as a park. As I said, it may be some deep-seated, subconscious thing with the Minister where everything has to be a park. I do apologise to the Minister. He knows I would normally support him on this, but this Bill frankly just does not do it for me. I do not see what value this adds to anything.
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The list of items on the Schedule is eclectic. He has the Trafalgar Cemetery, the city walls – which were already protected – then the Moorish Castle, then he has underwater marine, then he has the entire Nature Reserve, then the National Museum, then the Garrison Library and then
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a whole lot of other parks. It is like spot the difference. I do not understand what the Garrison Library is doing on this list, or even the National Museum. It may make sense in his mind, but I have yet to be convinced.

2805 As to his list, Mr Speaker, how was it devised? Why aren't the Northern Defences on there? And what about the artistic heritage? Why isn't the City Hall Art Gallery, the Mario Finlayson Art Gallery ...? Why isn't that on the schedule, if he is so concerned about our cultural heritage? He is fixated on parks. I can understand that. Why aren't the Great Siege Tunnels in there? Why aren't the other tunnels in there? We could go on forever.

2810 The reason we already have legislation that covers most of this is because we know it needs protection, enhancement and promotion, but that legislation already exists and I cannot see where the gaps are that this will fill. I know, Mr Speaker, he is dying to ... I do not think he is ... No, let me finish.

2815 On the Coordination Board's membership, if you look at the Heritage and Antiquities Act, the membership is actually designated, and in a very sensible way. You have specific persons from specific bodies who sit on it. This one is just completely open ended. He can appoint ... It says in the Bill it shall have regard to the desirability, but the Bill does not actually specify who should be on this Coordination Board.

2820 Also, I fear to suggest they may even be slightly overlapping with tourism in terms of promoting and exhibiting cultural, geographic, historic ... within Gibraltar and encouraging ... and what other things should be done etc. It may be overlapping with the Tourist Board, even.

2825 Unless he can actually give us a real, rational explanation as to what this piece of legislation is trying to do, we remain unconvinced. I am really sorry to say this because the Minister knows that I always support anything in heritage that I think is positive for Gibraltar, but this is just a piece of legislation for the sake of legislation and adds no value. For that reason, as my hon. Friend has already espoused – who is the shadow for Heritage; I am only standing up as I have a special interest in heritage, and that is well known to the Minister – (*Interjection*) Well, maybe I will carry on talking. I quite enjoy being up here! (*Laughter and interjection*) I can feel the grass growing underneath my feet! Unless the Minister can come up with some rational explanation as to why Gibraltar needs this legislation and what value it will add to the protection of our cultural assets, 2830 I will, of course, be abstaining with my colleagues.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2835 **Hon. Ms M D Hassan Nahon:** While the general objective of this Bill, Mr Speaker, is commendable, I just have an issue with the fact that under 'Constitution of Coordination Board', in subclause 5(1):

Subject to subsection (2) the Coordination Board consists of the Minister, who is the chairperson, and at least 3 but no more than 7 other members as the Minister may appoint, of whom one may be appointed to be deputy chairperson.

2840 Why does this Board have to be appointed directly by a Minister? Why not set up a system that does not politicise, or at least has a non-partisan presence? What is essentially the preservation of our natural resources and our wildlife? Why can't there be a process of consultation with academics and civil society, who will most certainly be in a better position to make this decision than a Minister? Perhaps not right now, because we can all agree that we have one who is quite qualified in this field, but it might not always be the case. We are tired of seeing Ministers with dubious qualifications – like I said, it does not appear now – running government departments, and the people of Gibraltar are tired of seeing supposedly independent entities and institutions 2845 that are supposed to work for the benefit of the wider community being politically infiltrated and thoroughly manipulated, on many occasions for partisan goals.

I think this way of operating could be much improved, Mr Speaker. That is my tuppence-worth. Thank you.

2850 **Mr Speaker:** The Hon. Minister.

Hon. Prof. J E Cortes: Mr Speaker, I will thank the hon. Lady. I thought I would also thank the Members of the official Opposition, but if they are going to abstain anyway, I do not know whether I should really bother to reply, although I think they more than deserve a reply because ... I will get to them in a minute, but first of all I will address the point made by the hon. Lady.

2855 There are many boards which are chaired by Ministers in a lot of our legislation. This includes, for example, the Heritage and Antiquities Act, which I chair. I chair, also, the Garrison Library Trust and others. So we are not departing from established practice. I think on this occasion, as I think you will see when I reply to the other points made, it does need a certain amount of steer by somebody whose vision this has been – I will use the word ‘vision’ again in another context later – but I do assure the hon. Lady that this Board will include academics and representatives of civil society, indeed as the National Trails Board already does.

2860 In reply to the points made by the Hon. Mr Bossino and the Hon. Mr Clinton – I would not have been so kind to Mr Bossino if I had thought that he was going to be so relatively unkind to me – they have missed the point completely and I think they have shown an incredible lack of vision and understanding.

2870 The Gibraltar National Park is modelled on the UK national park model. We are not talking about Yellowstone National Park or the Galapagos Islands, which are wilderness parks. We are talking about the UK model of national parks and, indeed, the model which is now being pursued by cities, including London, which will shortly, in all likelihood, be declared a national park city in which the park embraces not just natural features but monuments and stately homes, where I am sure, just as in the Garrison Library, there are also books which are part of the national park. Therefore, the word ‘park’ is used very broadly because it encompasses things that people will appreciate and enjoy, and that is a very important point.

2875 Another point that I think has been made in both the presentations is this lack of understanding as to how this comes about and how it will be constituted. NGOs have been consulted on this from the very start and support it, as have the different entities that will come in to form the Gibraltar National Park – the Garrison Library, the Museum, the Botanic Gardens. All these entities already exist, they have their own existence, but one thing that is lacking is co-ordination between all of them so that they get the right messages out consistently and so that they add value to each other in promoting Gibraltar as a whole. Why should it be restricted to just what is found within these particularly specified areas if they can use the huge profile that they are going to get to sell Gibraltar as a whole, as a destination? This is why it is particularly disturbing that the hon. Member who represents tourism should not see the value of this.

2885 I said in my speech Gibraltar will have a national park which can now be sold out there as a national park consistent with the kind of national park that I am talking about and which can join international organisations, international programmes, and maybe even attract funding because it is a national park. I reassure the Hon. Mr Clinton that there is no problem at all that there is an overlap with tourism. The Hon. Minister for Tourism, my hon. Friend Minister Daryanani, and the CEO of the Gibraltar Tourist Board have actually met and had a presentation even at the stages that we were drafting it. So there is going to be clearly an overlap with tourism because this is a huge marketing tool for Gibraltar. There is a world out there that googles ‘national parks Europe’. This will spring up and all the different things about Gibraltar – not just within these sites, but the whole of Gibraltar – will come up and people will be interested and will want to visit. It is a huge and very inexpensive marketing strategy, and I just cannot understand why the hon. Members opposite have failed to see that point.

2890 There were three specific points that were raised by Mr Bossino. I explained already the wider Gibraltar. I explained also that there are parallels in the National Trails Board and that that will

2900 have representation from NGOs. On the third point, the people who will be attending meetings,
even if they are not officially part of the board, are those people who actually run the different
constituent parts of it. So if the Board is discussing how to promote different things about
Gibraltar, we may want to call a representative from the Garrison Library or a representative from
the Museum so that there would be a general discussion. In the past, we have been criticised, and
2905 not just by the Opposition, that government departments do not talk to each other, that different
organisations do not talk to each other. This is the ideal body to make them talk to each other, to
co-ordinate, to get added value and then to put it out there and promote it.

So this is huge. It is much bigger than they can see. I believe the Opposition abstained when
we created Commonwealth Park and when we created legislation to support the formation of the
Botanic Garden. They were wrong then; they did not have the vision. I ask them to reconsider
2910 because Gibraltar National Park, certainly if we co-ordinate it and if we go through with it in the
way that I have already discussed with the NGOs and with the constituent members, will be hugely
significant in promoting Gibraltar and its image with all its assets out there in the wider world,
which Gibraltar sorely needs now, probably more than ever.

2915 Mr Speaker, with that, I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the
Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board;
and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those
2920 against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

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

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to provide for the revival of the common law offence of conspiracy to
defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.
2930 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, I have the honour to move that a Bill for an Act to provide for the revival
of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal
2935 Services Act 2017 and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the revival of
the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal

2940 Services Act 2017 and for connected purposes be read a first time. Those in favour? (**Members:**
Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Second Reading approved**

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 Crimes and
2945 Miscellaneous Provisions (Amendment) Act 2022 be read a second time.

This Bill addresses some errors in the Crimes Act 2011, which is a very substantial piece of
legislation, and it is intended to be somewhat of a clean-up as these issues have arisen.

2950 Clause 3 addresses a question in relation to the continued existence or otherwise of the
offence of common law conspiracy to defraud on the basis of potential ambiguity over the
provisions of section 35 of the Crimes Act 2011, and on that basis this Bill clarifies that the common
law offence of conspiracy to defraud continues to have effect. It may assist if I explain that the
provisions of section 35 of the Crimes Act 2011 closely mirror section 5 of the English Criminal Law
Act 1977. In England, section 5 abolished the common law offence of conspiracy at common law
but saved the offence so far as it relates to conspiracy to defraud. In contrast, our own section 35
2955 does not contain the saving provision. Instead, there is a section 34 which refers to an offence of
conspiracy to defraud, and there is therefore an argument that a statutory offence of conspiracy
to defraud was created. However, in order to make it absolutely clear that the common law
offence of conspiracy to defraud is to continue to exist, this Bill recognises the possibility that the
common law offence was abolished by section 35 in 2011 and expressly provides that the offence
2960 continued to have effect as if it had not been abolished. Clause 3(2) makes it clear that a person
may not be prosecuted for the common law offence of conspiracy to defraud in respect of conduct
occurring after the abolition and before the revival. Clauses 34 and 35 of the Crimes Act 2011 are
amended to reflect this provision.

2965 Clause 4 replaces section 209 of the Crimes Act. This relates to sexual offences committed
outside of Gibraltar. Subsection (1) of the current section 298 makes it an offence in Gibraltar to
commit certain acts overseas against a child. The act must amount to a sexual offence listed in
Part A of Schedule 2 and must also amount to an offence in the country where it was committed.
The exact description of the offence does not need to be the same in both countries. For example,
2970 the provisions could apply to someone who raped a child in another country, although that
offence was described differently under the law of that country. However, there is no provision
requiring that there be a link between the person being prosecuted with Gibraltar. This
amendment corrects that position and it also updates the law to strengthen it. It makes an offence
for a Gibraltar resident or Gibraltar national to commit an act outside Gibraltar which would
constitute a relevant sexual offence if done in Gibraltar. For Gibraltar residents, there is no requirement
2975 that the act committed must also have been illegal in the country where it took place. However,
this requirement remains for the prosecution of Gibraltar residents under the new section 298(2)
and those who become Gibraltar residents or Gibraltar nationals under the new section 298(3) and (4).
Where a person becomes a Gibraltar resident or Gibraltar national after having committed a relevant
sex offence in a country outside of Gibraltar, such a person must also be a Gibraltar resident or
2980 at the time the proceedings were brought. The new sections 298(5) to (8) replicate provisions in
the current section 298. They provide rules relating to how the prosecution can prove that the
offence was an offence in the country in which it was committed.

2985 Clause 5 addresses a minor omission. When the Legal Services (Amendment) Act 2022 amended section 6 of the Legal Services Act 2017, reference to part 5 of the register – and this relates to in-house lawyers – was inadvertently omitted after section 6(3)(e).

Mr Speaker, I commend the Bill to the House.

2990 **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 will be supporting the Bill.

The hon. Lady and I have spoken. She explained the rationale behind this before she stood and delivered her speech, in relation to which I am very grateful.

2995 I was originally responsible for steering the Crimes Bill, as it then was, through Parliament. At the time, it was the largest, I think, Bill in the – Does the Hon. the Chief Minister want me to give way? I am quite prepared. I feel in a generous spirit. Do you want me to give way?

3000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just to say that we have heard that speech before, and if he wants, we can just press play on what a magnificent Act it was, how it took so much of his time and all the rest of it. No problem, it is already in *Hansard*.

Hon. D A Feetham: Well, I am very grateful for his compliment. He should compliment Members of this side of the House more often. (*Interjection by Hon. Chief Minister*) Right.

3005 Mr Speaker, I was responsible, as I said, for the Crimes Bill. At the time, it was the largest piece of legislation on our statute books. It came, as well, with a sister Bill, which was the Criminal Procedure and Evidence Bill, which was also, in itself, a huge piece of legislation. It is impossible to introduce legislation of that kind without perhaps having mistakes in them, and I accept that. Even if they did not contain mistakes, any Bill that is brought to this House in order to improve those pieces of legislation in the light of the experience within the courts etc. would obviously receive support from this side of the House.

3010 I just want to say a few words on section 298. Section 298 has been subject to comments from the courts – the former section 298, I mean – in relation to its adequacy in the context of a prosecution that was actually brought. I think it is important that the Government has brought this amendment because section 298 is designed to deal with a situation – amongst other things, but when we brought the Bill to the House, this is what we had in mind – where somebody in Gibraltar visits another jurisdiction in order to take advantage of children and have sexual intercourse with children, for example. This allows those people to be prosecuted in this jurisdiction, which is a phenomenally important piece of legislation, and for all those reasons, and despite the ungenerous interruptions from the other side, the Opposition is going to be supporting the Bill.

3020 **Mr Speaker:** The Hon. Minister.

3025 **Hon. Miss S J Sacramento:** Mr Speaker, I am very grateful for the hon. Gentleman's intervention. As he explained, we had a conversation on this and I am grateful for him agreeing. The hon. Gentleman has in the past referred to the Crimes Act and the related Criminal Procedure and Evidence Act as seminal pieces of legislation. They are, indeed, very substantial pieces of legislation. The Crimes Act ... anyone who picks it up knows it is this thick; it is over 500 pages long.

3030 As I said when I started my intervention, issues have arisen and this proposed Bill is to clean up some gaps and tighten some things that have now come to light. The hon. Gentleman is right: when it comes to the sexual offences provisions outside of the jurisdiction, this arose as a result of a matter in the Supreme Court. It was, therefore, brought to our attention in those circumstances, and it is only the right thing to do to enhance and strengthen that legislation so that there is no risk of any gaps in the future.

3035 I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes be read a second time. Those in favour? (**Members:** 3040 Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken 3045 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

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister. 3050

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: the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions 3055 (Amendment) Bill 2022.

In Committee of the whole House

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto. 3060

Clauses 1 to 17.

Mr Chairman: Clauses 1 to 17 stand part of the Bill.

Clerk: The Schedule.

3065 **Mr Chairman:** The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Clauses considered and approved**

3070 **Clerk:** A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

Clauses 1 to 3.

3075 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

3080 **Mr Chairman:** The long title stands part of the Bill.

**Gibraltar National Park Bill 2021 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.

3085 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, just to formally, in this part of the proceedings, bring notice to the House of my letters of 23rd November 2022 and 18th January 2023, which amend the original Bill.

3090 **Mr Chairman:** Are the official Opposition and the lady content with the amendments circulated on 19th January 2023 and 23rd November 2022? Content, yes?

Clerk: Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

3095 **Clerk:** Clauses 4 to 6.

Mr Chairman: Clauses 4 to 6 stand part of the Bill.

3100 **Clerk:** Clauses 7 to 9.

Mr Chairman: Clauses 7 to 9 stand part of the Bill.

Clerk: Clause 10.

3105 **Mr Chairman:** I think clause 10 has been amended, and that should read clause 9. Clause 9 as amended stands part of the Bill.

Clerk: The Schedule.

3110 **Mr Chairman:** The Schedule, again as amended, stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title, as amended, stands part of the Bill.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Clauses considered and approved with amendments**

3115 **Clerk:** A Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.

Mr Chairman: There are amendments which were circulated by the Hon. Minister on 16th March. Are the hon. Members of the official Opposition and the lady content? Right.

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Clerk: Clauses 1 to 5.

Mr Chairman: Clauses 1 to 5 stand part of the Bill.

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Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022;
Immigration, Asylum and Refugee (Amendment) Bill 2022; Gibraltar National Park Bill 2021;
Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

3130 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

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Mr Speaker: I now put the question, which is that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 as amended and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 as amended be read a third time and passed.

3140 Those in favour of the Admiralty Waters and Naval Base (Gibraltar) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

3145 Those in favour of the Gibraltar National Park Bill 2021? (**Some Members:** Aye.) The official Opposition is abstaining and the hon. Lady is voting in favour. Therefore, the Bill is carried.

Those in favour of the Crimes and Miscellaneous Provisions (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

**Procedural –
Circulation of Estimates of Expenditure to Members**

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to Members for the Bills that they have supported, and disappointed in respect of their abstentions but not surprised.

3150 I now have the honour to move that the House should adjourn. Given that this is the adjournment before we get to the Easter break and the end of the financial year, there is a formula of words that I know you will have to share with us. Before I do that, I would just say that I look forward to coming back to the House in May. By then, spring will have sprung and I do hope that other things will also have come to a new life.

3155

Mr Speaker: Before I propose the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is now not scheduled to meet until May, I am proposing that the provisions of the Constitution will be deemed to have been met if the estimates are circulated to all hon. Members before the end of April. This is what we have been doing for the last few years, so I propose that it should be the case again this year. Is that agreed?

3160

Members: Aye.

Adjournment

3165 **Chief Minister (Hon. F R Picardo):** I move that the House should now adjourn, Mr Speaker, *sine die*.

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

3170 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 7.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 3.10 p.m.

Gibraltar, Thursday, 18th May 2023

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The Gibraltar Parliament

The Parliament met at 3.08 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

Adjournment

Clerk: Meeting of Parliament, Thursday, 18th May 2023.

Mr Speaker: The Hon. Steven Linares.

5

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that this House do now adjourn to Tuesday, 23rd May at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 23rd May at 3 p.m.

10

I now put the question, which is that this House do now adjourn to Tuesday, 23rd May at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 23rd May at 3 p.m.

The House adjourned at 3.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 5.54 p.m.

Gibraltar, Tuesday, 23rd May 2023

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The Gibraltar Parliament

The Parliament met at 3.07 p.m.

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

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

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 23rd May 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th March 2023.

5

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Challenge to Speaker's authority and suggestion of impartiality by Hon. R M Clinton – Clarification by Mr Speaker

Clerk: (iii) Communications from the Chair – the Hon. Mr Speaker.

10

Mr Speaker: On 20th April 2023, in the course of an interview on a *Viewpoint* programme on GBC, the Hon. Daniel Feetham was asked to comment on an incident which took place in Parliament on 26th November 2022. This related to an accusation by the Hon. Roy Clinton that I had not been completely impartial when dealing with an expression used by the Hon. Sir Joe Bossano – ‘Well, look, he can either believe it or he can lump it’ – when answering a supplementary question posed by the Hon. Damon Bossino. For the sake of completeness, I shall now proceed to inform Parliament of all the facts of this matter, so that it can be included for the record in *Hansard*.

15

Given the very serious nature of the Hon. Roy Clinton's accusation, I discussed the matter personally with the Speaker of the House of Commons, Sir Lindsay Hoyle, and it was proposed that I should refer this to his legal counsel. I provided the relevant extract from *Hansard*. A reply was received on 19th December 2022 as follows:

20

1. In general, I do not think the phrase ‘he can lump it’, if used in the House of Commons, would ordinarily be viewed as unparliamentary and warranting intervention by the Chair. In this instance, it appears that the Member who used the phrase had already tried various other means of making his point and resorted to this as perhaps an inelegant but not necessarily unparliamentary way of driving home his point.
2. I can see nothing in Mr Speaker Farrell's response which could be considered out of order. He is apparently trying to explain the context in which the comment was made, no doubt in an effort to reduce tensions in the

Chamber, and his comments about Members are respectful and measured. He does not appear to be taking a side in the substantive issue under discussion.

3. While it is orderly for a Member to raise a point of order seeking clarification about a decision or ruling from the Chair, it is not for Members to challenge the authority of the Speaker, and in particular the Speaker's impartiality should not be questioned. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. *Erskine May* says that reflections on the character of the Speaker or accusations of partiality in the discharge of their duties have attracted the penal powers of the Commons.

25 Upon receipt of this advice from the House of Commons, I opted to deal with the matter internally. I spoke to hon. Members Clinton and Bossino in the presence of the Hon. the Leader of the Opposition behind the Speaker's Chair.

**Code of Conduct for Members of the Gibraltar Parliament and Ministerial Code,
amendments and revisions –
Ruling by Mr Speaker**

Mr Speaker: For my second intervention, on 15th March 2023 the Hon. Roy Clinton raised a point of order and sought a ruling in connection with the laying on the table by the Hon. the Chief Minister of two documents, namely the Code of Conduct for Members of the Gibraltar Parliament and the Ministerial Code.

30 The Hon. Roy Clinton's argument centred on his view that under Standing Order 12, the tabling of such documents was not the appropriate mechanism for their formal adoption and that this should be done by resolution of the House. The Hon. the Leader of the Opposition, in supporting the hon. Member's position, pointed to the relevance of sections 36 and 39 of the Constitution.

35 The Hon. Roy Clinton recognised that the Hon. the Chief Minister had, on reflection, changed his position, and this subsequently led to a motion being moved the following day, giving effect by way of resolution to the Code of Conduct for Members of the Gibraltar Parliament. This procedure was not applied in respect of the Ministerial Code. In coming to his decision, the Hon. the Chief Minister had relied on the recommendations made in the Report to Parliament on Democratic and Parliamentary Reform of January 2013. At my request, the Hon. Roy Clinton wrote
40 to me, setting out the arguments in support of his request for a ruling. I provided the Hon. the Chief Minister with a copy of such.

In considering this matter, I have looked into the various procedures followed in the House in the past and the current practice in the House of Commons.

45 On 19th April 1979, several amendments to Standing Rules and Orders were approved by resolution of the House. On 31st October 1979, the House approved by motion the report of a Select Committee which contained recommendations for the creation of a Register of Members' Interests. On 2nd March 2007, revised Standing Rules and Orders were approved by resolution of the House following the coming into operation of the new Constitution. On 15th February 2013, the Report to Parliament on Democratic and Parliamentary Reform was tabled. It contained a
50 number of recommendations, including two which referred to the Code of Conduct for Members of Parliament and the Ministerial Code. In the case of the former, it was recommended that a code should be drafted and that Parliament should determine its introduction by resolution. In the case of the latter, it was recommended that a review of the Code should be conducted and that it should be drawn up along the lines applicable to Ministers in the United Kingdom and that it
55 should be kept under periodical review.

The position in the House of Commons in the context of the Codes is as follows. The Code of conduct for Members of Parliament is owned by the House in the sense that it is formally agreed by the House, and the House as a whole has to approve changes to it. By contrast, the Ministerial Code is not owned by Parliament. It is the responsibility of the Prime Minister and is approved by

60 the Prime Minister. It is not laid before Parliament, although the Code and its enforceability has been debated in the House of Commons.

In view of the foregoing, I rule that (1) amendments to or the revision of the Code of Conduct for Members of the Gibraltar Parliament and (2) amendments to or the revision of the Standing Rules and Orders of the Gibraltar Parliament can only be given effect by resolution of the House
65 after presentation of the appropriate motion.

In respect of the Ministerial Code, if I were to follow the procedure in the House of Commons and rule that the Code is a matter for the Hon. the Chief Minister, this would conflict with section 11 of the Code, which states that the Ministerial Code shall be subject to annual review by the Gibraltar Parliament. I therefore rule that changes to the Ministerial Code should be treated
70 in the same way as for the Code of Conduct for Members of the Gibraltar Parliament.

That ends my interventions.

Tribute to Ernest Britto

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you, as ever, for those rulings on various
75 matters.

Before we begin today's session, I rise in sadness to pay tribute to the late Ernest Britto. Ernest, as those of us who had the pleasure of knowing him well knew, was a man of many talents. Although he is, of course, best known to us in this House for his time in Gibraltar politics, hon. Members will know that Mr Britto also enjoyed a long and successful military career. I think in the
80 old days we used to call him the hon. and gallant Mr Britto as a result. Following that very successful military career, Ernest sought and obtained a seat in this House in 1988 with the AACR, and then he became a Minister from 1996 with the GSD until 2011. He held various portfolios, including the portfolios for health, the environment and the other thing that was very close to his heart, sport.

In his younger years, Ernest was also an avid sportsman and, as a result of his military career perhaps, he discovered a talent for rifle shooting and went on to represent Gibraltar at the 1978 and 1982 Commonwealth Games. Indeed, he earned the happy moniker, in one of Gibraltar's
85 weeklies, of '*Ernestito mata monos*' because he was charged, whilst he was a member of the Royal Gibraltar Regiment, with the shooting of apes when the numbers were getting too large and the regiment was in charge of that. He and I often enjoyed referring to that moniker behind the
90 Speaker's Chair when we were enjoying coffee or tea in the afternoon. In 1988 he was also elected the President of the Gibraltar Target Shooting Association and President of the Gibraltar Commonwealth Games Association.

But beyond all of those achievements in this House and outside of this House, if there is one
95 quality that I will remember Ernest Britto for, it is his humanity and his friendship, because across the floor of the House, when I was first elected and I was starting to do this adversarial thing that we call politics, I found in Ernest Britto a friend and somebody who was always ready to extend the hand of his experience to help along somebody who was on the opposite side but with whom he could get along. That non-partisan nature is what I think makes Ernest Britto somebody who
100 will be kindly and well-remembered across the floor of the House, across the political divide. I know that if Juan Carlos Perez were still with us he would be referring to Ernest Britto as a friend, and I cannot think of one more dyed in the wool of one side or the other, but both of them people who reached across and had friendships across the floor of the House, and that must be a man's greatest quality.

105 And so, on behalf of His Majesty's Government of Gibraltar and the people of Gibraltar, I now, in this place, once again express my most heartfelt and sincere condolences to Ernest's wife

Madeleine and to his children Germaine and Keith, as well to as all his grandchildren and his many family and friends. If I may say so, Mr Speaker, I thought that Germaine's tribute in the Cathedral on the occasion of the funeral was extraordinarily moving.

110 Mr Speaker, after tributes from other Members of the House, I invite the House to observe a minute's silence in Mr Britto's memory. (*Banging on desks*)

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

115 **Hon. K Azopardi:** Mr Speaker, on behalf of the Members of the Opposition, I associate myself with the remarks of the Chief Minister.

Ernest was not just a colleague but a friend of mine and of many Members on this side of the House, and indeed Members on that side of the House. He was not just a politician; he was a politician, a military man and a sportsman and excelled in all those fields. He always liked to say, 120 when we were Members of the House together, that he was the only Member of the House who was honourable and gallant, and indeed he was a gallant politician as well as gallant because of his military career.

I rise with a mark of sadness, not just noting Ernest's passing but noting that he is now the third member of the 1996 team I served in who has regrettably passed, after the late Bernard Linares 125 and the late Hubert Corby. Years pass and it takes its toll on humanity. Ernest suffered, as his family did, towards the end of his years because of his condition, and anyone who had engagement with Ernest as a friend and colleague felt that suffering, which his family did much more closely, of course.

In politics he was one of the original band of people who came together after 1992 to build the platform that led to the GSD succeeding in the 1996 election. He served as deputy leader of the party between 1992 and 1995. In government, he served in several ministerial posts, as the Chief Minister has said, and excelled in all of them. His particular love of sport showed every time he had to do something ministerial in the sporting field, as indeed was marked in Germaine's lovely tribute to him in the Cathedral, as the Chief Minister has said.

135 Certainly we join the Members of the Government in offering our condolences and reflecting on his death, offering our condolences to Madeleine and all his family.

Mr Speaker: The Hon. the Deputy Chief Minister.

140 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I had the pleasure and privilege of serving with Ernest Britto in this House from 1999 when I was first elected until 2011 when he retired. I was very saddened to learn of his passing because he was in many ways a real parliamentarian, what you would expect a parliamentarian to be, and somebody who behaved in that way certainly in all the dealings that I had with him.

145 As the House knows, he was an ardent supporter of the Commonwealth Parliamentary Association, and indeed on two occasions he served on the committee of the international board of that organisation. In fact, in 1999, just a few weeks after I was first elected, and probably because nobody else wanted to go, I ended up travelling with him to the Caribbean, to a Commonwealth Parliamentary Association conference. I think that is where we hit it off and where we became, I would like to think, good friends. I remember he rescued us from a large creature that suddenly appeared one day. His military training, I think, helped to fend off the advances of this particular large, reptile creature that appeared in the doorway of our hotel one morning.

150 He was always polite, helpful, courteous and, I would like to think, a consensus politician, somebody who wanted to get things done by agreement rather than by conflict. In that role, he would sometimes call me and we would have discussions on the phone about issues which were 155 current. I valued those discussions; as I said, I had just been elected to this House. He was, as the Chief Minister has rightly said, a very human face to politics.

I would like to express my sincere condolences to his wife and to his family. May he rest in peace.

160

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

165 It is with a heavy heart and profound respect that we bid farewell to Ernest Britto, a stalwart of Gibraltar politics and a former MP of the AACR and then the Gibraltar Social Democrats.

Ernest Britto will be remembered for his tenacity and his political courage. He rose to prominence during a period of significant upheaval and change for Gibraltar in the late 1980s and 1990s. It was a time when our land was in disarray and grappling with socio-political and economic challenges, a time of tension and great polarisation in which being in opposition was only for the brave. Ernest Britto stepped forward in the spirit of service and embraced the responsibility to guide Gibraltar towards stability. His courage, like that of many of his peers, shone like a beacon during those tumultuous years, never shying away from making tough decisions or standing firm on principles that he believed would better Gibraltar. His unwavering commitment to serve was clear, a testament to his conviction and unyielding spirit. The contributions of his generation during those chaotic years are the bedrock upon which our current stability is founded.

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175

Personally, I will always remember Ernest Britto with his charm and that twinkle in his eye, despite being rather unwell in the last years that I did see him.

180

Today, we stand united in grief but also in gratitude for Ernest Britto's life and legacy. As we remember him, let us also remember and strive to emulate his courage, his service and his deep love of Gibraltar.

185

I extend my condolences to his beloved wife, children and grandchildren. May he rest in peace. Thank you.

Mr Speaker: The Hon. Minister Cortes.

185

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I knew Ernest Britto in another context, as he was Minister for Environment for quite a number of years when I worked in that field. I was, at the same time, working with him as Director of the Botanic Gardens and adviser to him, and also running GONHS and giving him grief on some issues, but the relationship was always excellent. He always respected my opinion, my point of view, and we worked very well together and made a lot of progress during the years when he was Minister for the Environment.

190

195

When towards the end of his political career I decided to stand for election, he actually, in a subtle way, as Ernest would do, encouraged me and was one of the first to congratulate me when I was elected as a Minister, even though I stood against his party. But that is the kind of man Ernest Britto was.

200

I just want to add my own personal experience to the other words spoken in this House in expressing my own personal condolences, because we spent a lot of time together, working together, and it was a pleasure and an honour to do that.

205

Thank you, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

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

205

It must be really touching for Ernest's family to hear the nice words being said about him, especially because it has come through straight away that everyone coincides in having recognised those qualities in Ernest.

I first ended up having quite a close personal and professional relationship with Ernest prior to any interest he may have expressed in politics. We go back to 1974, which is almost 50 years ago,

210 when I first joined what at the time was the Gibraltar Regiment, now a royal regiment, and Ernest
was already a captain, already the adjutant of the regiment. He also served as an honorary ADC
to His Excellency the Governor, and I think he did that in respect of successive Governors. Ernest
certainly came across as someone who knew his position of authority within the military ranks,
but it did not deter him from stretching out his hand of friendship, like the Deputy Chief Minister
215 has said, in his way of offering advice, and he would rather resolve things through mutual
discussion and agree to disagree, if need be at the end of the day, but always in a gentlemanlike
manner.

He was always well noted for his ability in sport, not only, as the Chief Minister has rightly said,
his achievements in being Gibraltar's top shooter and therefore representative in successive
220 Commonwealth Games, but he also made up part of the team of the Gibraltar Regiment playing
hockey in the old N.O.P. grounds when it used to be tarmac, and even there he always had advice
to give on how to get the best effect on the ball on a hard tarmac type of surface.

That friendship, that closeness with Ernest, eventually led to ... I do not know whether he
bribed me or coerced me or not, but he had an interest in amateur dramatics and we ended up
225 performing on at least three or four occasions in the annual drama festival, in which Ernest was
always an outstanding actor. I do not think he quite made the top prize of best actor that year,
but certainly he was very much in the running and certainly was a top performer and had a leading
role in those plays on more than one occasion at the drama festival. Whatever certificate I may
still have at home that says I was part of a winning play, I would not say it is to be shared equally;
230 I would say that more than 50% of that goes to someone like Ernest for not only his own personal
performance, but he managed to get the best, by hook or by crook, out of anybody else who was
participating in any event with him.

With those happy memories of regimental days, plus all those happy memories that have been
expressed across the floor of his parliamentary days, his family can continue to be rightly proud
235 of him. May we eventually, one day, meet together and go back on parade with Ernest leading at
the front. The last honorary position he held was as president of the Gibraltar branch of the British
Legion, so all those who have ever had to wear a military uniform will certainly be called to parade
and be inspected by Ernest, who I am sure will continue to extend his hand of friendship.

Thank you, Mr Speaker.

240

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I too associate myself with all the words that hon. Gentlemen
and also the hon. Lady to my left have said about Ernest Britto.

245 We served together from 2007 to 2011 in government. He had been in government for
16 years. He could very easily have retired and simply left politics in 2011, but he opted to stay
with the GSD as part of the GSD executive; in fact, he was the Chairman of the GSD. I found him
phenomenally helpful and encouraging during my time as Leader of the Opposition and I
personally will never forget that.

250 One of the things that has not been mentioned is that Ernest Britto was somebody who had a
real sense of humour. There was one incident that was probably his favourite, because when I
spoke to him he would often refer back to it, which shows the character of the man, that he did
not mind looking at himself and also poking fun at himself. He was not the kind of guy who would
take himself seriously. It was the incident that occurred when we were in government, when after
255 the session had been adjourned he asked who was going to be attending the dinner for the GSB,
I think it was. Luis Montiel said, 'I am going to be attending,' and Ernest Britto said, 'Well, don't
let Peter find out because *'te va cortar el cocote,'* or words to that effect. What he had not realised
was that the microphones were still on and it had been broadcast to people in Gibraltar. He would
often refer back to that and have a laugh about it, and I think that is the measure of the kind of
260 individual we are talking about – not somebody who was afraid of also laughing at himself.

May I also join with other Members of this House to offer my condolences to his family and all his friends.

265 **Hon. Chief Minister:** Mr Speaker, if others have finished their tributes, I would now invite the House to observe a minute's silence in honour of Ernst Britto.

Members observed a minute's silence.

PAPERS TO BE LAID

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

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Police Authority Annual Policing Plan for 2023 and 2024.

Mr Speaker: Ordered to lie.

275 **Clerk:** The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to lay on the table the Heritage and Antiquities Advisory Council Parliamentary Report for 2018-19, 2020, 2021 and 2022.

280 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Business, Tourism and the Port.

285 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** I have the honour to lay on the table the Audited Accounts of the Gibraltar Port Authority for the year ended 31st March 2016.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q406/2023 Airport toilets – Repairs

290 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 406/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the toilets at the Airport be fixed?

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

295 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the short answer is that the toilets are not broken, nor have they been. To my knowledge, there have not been reports in the media or any written complaints regarding broken toilets. We check these daily and if any faults are found they are rectified as soon as possible. If the hon. Member can tell me which specific toilets he is referring to, I will be happy to have them checked out.

300 **Hon. D J Bossino:** Mr Speaker, I am happy to answer the hon. Member's question, although I am the one who is meant to be asking the questions.

305 The toilets that are broken are in the Airport. That is the only information I have. I have not seen them myself. It is information that has been reliably passed on to me by various sources. Can I ask him, therefore, to check his facts? I think he will establish that he is wrong and in fact the toilets are currently broken. *(Interjection by Hon. Chief Minister)*

Hon. V Daryanani: Absolutely. When he asked the question, he said he was – *(Interjection by Hon. Chief Minister)* First of all, let me tell him there are 19 separate toilets in the Airport. I am sure they are not all broken, and from the last information we had, none were broken. If there was some sort of fault in one of them it would have been fixed, but if there was any major fault it would have been brought to my attention. When they are fixed, they are fixed. They do not ask the Minister whether they should fix a toilet; they just get on with it and fix it.

315 **Hon. D J Bossino:** Mr Speaker, he may deal with this matter flippantly, as he deals with most of the matters that are raised across the floor of the House by me. Is he telling me that of the 19 toilets that he says the Airport has ...? I sense that he is qualifying his answers slightly. I ask him, therefore, to confirm that he is saying that as the position currently stands ...

320 At the end of the day, this is an important entry and exit point for Gibraltar, and he is presiding over entry points and exit points in Gibraltar. The cruise terminal is a case in point and the Frontier entrance is a case in point, which are in, quite frankly, a dilapidated state and it is an indictment on his running of his Ministry.

Let me ask him this: can he confirm to me here and now that he is telling us that all 19 toilets are in proper working order and do not require to be fixed?

325 **Hon. V Daryanani:** Yes, sir.

Chief Minister (Hon. F R Picardo): Evidence [inaudible] out of order.

330 **Mr Speaker:** Next question. *(Interjection by Hon. D J Bossino)* Next question, please.

Hon. Chief Minister: No, you said you were reliably informed.

Mr Speaker: Next question.

335 **Hon. D J Bossino:** Based on evidence, hence why it is reliable.

Hon. Chief Minister: *[inaudible]* provided.

340 **Mr Speaker:** Next question!

Clerk: Question number –

Mr Speaker: Yes.

345 **Hon. Chief Minister:** Mr Speaker, the Hon. Mr Bossino is saying from a sedentary position that
the Minister is misleading the House and that he has information to show that this fundamental
issue, which is the state of repair of the 19 toilets at Gibraltar Airport, is not correct. Given that it
is now 45 minutes after the House started and we have started to deal with this issue, if the hon.
350 Member has evidence to show that the information provided to the Minister, which the Minister
is providing to the House, is incorrect, would he care to share it with us, or is it that he has no such
information?

Hon. D J Bossino: Mr Speaker, if the hon. Member is misleading the House, an appropriate
motion will be brought to this House to that effect (*Interjection*) with the evidence in support.
355 This is a very important issue. It seems that the Hon. the Chief Minister who leads the
Government is taking the same attitude as the Minister. I am not surprised by his attitude.

Mr Speaker: Right, that is enough. (*Interjection by Hon. D J Bossino*) Please resume your seat.
Next question.

360 **Clerk:** Question 407/2023. (*Interjection by Hon. Chief Minister*) The Hon. D J Bossino.
(*Interjection by Hon. Chief Minister*)

Hon. D J Bossino: Well, urinals at the bus stop.

365 **Mr Speaker:** Please, I ask the Chief Minister to calm down and also the hon. Damon Bossino.
Next question.

Q407/2023
Met Office strike –
Measures to prevent closure of Airport

Hon. D J Bossino: I will take your advice, Mr Speaker.
What measures, if any, can be introduced by the Government to prevent a repeat closure of
370 Gibraltar Airport as a result of a Met Office strike?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Met Office
375 is contracted by the Ministry of Defence to provide meteorological services at Gibraltar Airport.
The Government, by means of the RAF Gibraltar Commercial User Agreement, has a contract with
the MoD to provide aeronautical services at Gibraltar Airport.

As can be seen by this explanation, the Government has no direct contractual agreement with
the Met Office and thus has very little scope to be able to influence matters in this respect.
380 However, the Government has reminded the MoD of its contractual obligations as a result of the
Commercial User Agreement. The Government has and will continue to withhold payments due
to the MoD for services under the Agreement on all days that services are not provided.

The Government has raised the issue with UK Ministers, as well as with the Commander British
Forces.

385 **Hon. D J Bossino:** Mr Speaker, in exchanges that we have had across the floor of the House in
the past in relation to this issue as a result of other issues that have provoked the closure of the
Airport, the Hon. Chief Minister has stood up and provided responses and replies which are very
similar to the one that the hon. Member has just provided.

390 Just by way of clarification, is it the position of the Gibraltar Government, as a result of the contractual arrangements that it has with the MoD, that each time the Airport is shut – for whatever reason, including on this occasion a strike by the Met Office, which was a UK-wide strike as I understand it, which had a ripple effect on Gibraltar – to withhold the fees that are paid under that commercial arrangement? Is that the position?

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Chief Minister (Hon. F R Picardo): Yes, Mr Speaker.

Hon. D J Bossino: And other than that lever that can be pulled by the Government, and he also said by way, presumably, of making representations to government ministers, is there any other thing that the Government has within its disposal to exert pressure so that this type of situation does not repeat itself?

400 It seems that for one reason or another – and I understand that there are myriad different reasons and causes – Gibraltar Airport has been shut more often than not. At least on an anecdotal basis, that is something that people are telling me and we can see it from the reporting that we are getting. It just seems to be that Gibraltar Airport, for one reason or another, is being shut. Is there anything else that the Gibraltar Government can do to try to prevent a repetition of this situation?

Hon. Chief Minister: No, Mr Speaker, because the Government is not all powerful and we do not control the Airport.

410 It is absolutely to mislead the House to say that the Airport has been shut more often than not. Those are the words that the hon. Gentleman used. The Airport may have been shut on three or four days in the past 180. That is not more often than not, but of course if a parliamentarian gets up and says that Gibraltar Airport has been shut more often than not, it is not helpful to attract airlines to Gibraltar Airport, especially if it is just four days out of 180. So what the hon. Gentleman needs to reflect on is whether he wants, simply for the purposes of trying to catch a headline in the morning, to do permanent damage to Gibraltar Airport and our ability to operate more airlines. If he does, as he indicated a moment ago by his actions that he wants to ... whether he can continue to do so.

415 In terms of the substance, we do not handle Met Office services, we do not handle air traffic control services, and in fact, as is well known, it is only possible for an airfield of the characteristics of Gibraltar Airport to operate because it is an RAF airport subject to the control of the Military Aviation Authority and not a civilian airport subject to the civilian aviation authorities. Under the Gibraltar Constitution, the Government of Gibraltar has no responsibility for military matters, only for civilian matters. Therein lies the answer to the hon. Gentleman's question, an answer that I wager he knew before he asked.

Hon. D J Bossino: Mr Speaker, is it always going to be the case that when we are asking questions from this side of the House ...? The hon. Member always seems to suggest that I act in any way which is not on a bona fide basis. If it is when I ask the hon. Member about his trips to Morocco, he tells me to stop because it is not in the national interest. If it is when I ask something which is highly topical and affects directly our economy, he says I had better shut up because, if not, it may have an effect in terms of new airlines coming to Gibraltar. Or if I say something it may have an impact on his negotiations with the EU in relation to Gibexit. Come on, let's get real.

430 Let me ask him this in relation to the substance of this issue, in relation to this particular incident, which was the Met Office strike in the UK. According to press reports, in the past when this has happened, Gibraltar Airport has been safeguarded in terms of closure because Met Office personnel have been able to come to Gibraltar and man Gibraltar's Airport and therefore allow flights to continue, because at the end of the day Gibraltar Airport, in the scheme of things, in terms of the wider UK, is a relatively small airport when compared to the London airports, like Gatwick and Heathrow. So why is it that in this case we were not able to provide that type of

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service? Have they made inquiries of the MoD in relation to this? And can we get a bit more belt-and-braces assurances from the MoD that we get that type of service should there be a future strike of the Met Office?

445 Can I ask the Minister to respond on this occasion? I see that once again the Chief Minister is responding on his behalf.

Hon. Chief Minister: I am not going to respond on behalf of the Minister, Mr Speaker, I am going to respond on my own behalf for a simple reason. The person who was the Chief Minister of Gibraltar when he joined that party, Sir Peter Caruana, took responsibility for something called the Customer and User Agreement, which is signed by the Chief Minister of Gibraltar with the MoD, and when it is reviewed it comes to me for review. Therefore, all of the things that the hon. Gentleman is raising relate to my responsibilities, not the Hon. Minister's, because the Airport is in part touristic but it is also a fundamental artery used for Gibraltar more widely. And so the Airport, qua airport, is not the responsibility of the Minister. It is not just a touristic asset. It is an asset which successive Governments of Gibraltar, including the GSD when they were in government – indeed, they were the first to sign the Customer and User Agreement – decided should be something that should be dealt with out of 6 Convent Place. So all of the issues relating to the Met Office strike and to the air traffic controllers' issues relate to my responsibility and my interchanges with the CBF. That is just to deal, Mr Speaker, with the sideswipe that he makes at the end, before he sits down, that I am going to answer on behalf of the Minister and not on my own behalf because this is my responsibility, and he is now taking it beyond tourism – first of all.

Second, of course CBF in Gibraltar, the Government in Gibraltar, were both seeking to ensure that if it were possible we would have Met Office staff flown to Gibraltar to ensure that the Airport in Gibraltar could remain open. It was not possible and there were a number of operational reasons why it was not possible beyond any pressing that could be done by a Government of Gibraltar. That is to say if the alleged incompetents that are today in government, as the hon. Gentleman sees it, had been replaced by the alleged Senecas sitting opposite us, doing the magnificent job that they will allegedly do if they are ever in government, they would have had the same success in seeking to bring over Met Office staff to Gibraltar to cover on this occasion, for reasons which I cannot disclose across the floor of the House, but I am happy to tell him later because he will know, as I have just told him and he will remember, that this is an RAF airport. The RAF operates a number of different airports and there are a number of different operational imperatives applicable in respect of different airports at different times. Needless to say, there are many different theatres of military operation, not all of which are fed through Gibraltar at a particular time. On that basis, it was not possible on this occasion for us to obtain Met Office staff to come to Gibraltar to continue the operations of Gibraltar Airport. If it had been humanly possible with the advocacy of CBF in Gibraltar and the Government of Gibraltar – of whatever partisan complexion, because I am sure that all of us would have acted in the same way – then the Airport would have remained open, as it has in fact remained open more often than not.

Hon. D J Bossino: Mr Speaker –

Mr Speaker: No, please resume your seat.

485 Does the Hon. Leader of the Opposition wish to ...? Yes.

Hon. K Azopardi: If I may, can I just ask, because the Hon. the Chief Minister says they have other responsibilities in other air terminals and so on ...? It was reported at the time that this happened – or at least it was implicit in one of the reports – that the Met resources were somehow deployed from Gibraltar to concentrate on ensuring that Heathrow continued to work. In the discussions with the Government, was that an issue that came up and was verified in terms of what had happened? Is it that the resources were not deployed to other RAF terminals elsewhere, but rather to ensure that Heathrow in fact continued to work?

495 **Hon. Chief Minister:** That is not the information we had, Mr Speaker. We had the information about other RAF facilities.

500 **Hon. K Azopardi:** If I may, can I invite the Hon. Chief Minister to perhaps look at what was reported in the press on that issue? I believe it came from comments that had been made by the MoD itself. He may want to verify it in his discussions with the CBF, in particular to ensure that this does not happen again, that we are not just left lame, as it were, not because of military issues but rather because they are simply choosing to prefer other air terminals and not ours.

505 **Hon. Chief Minister:** Mr Speaker, when I saw that I took the matter up. I think it is an interpretation of how things have been expressed, but I have seen the source information and I am satisfied that the source information – not the commentary, the source information – is the information that is correct. I do not act on the basis of what I read in newspapers when I have the source information and I can see how things are being translated, or indeed, on some occasions, traduced.

510 **Mr Speaker:** Next question.

Q408/2023
Cruise passenger tours to Spain –
Measures to prevent

Clerk: Question 408/2023. The Hon. D J Bossino.

515 **Hon. D J Bossino:** Does the Government plan to introduce any measures following the recent excursion to La Linea of cruise liner passengers on a vessel which had docked in Gibraltar?

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

520 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this tour for 20 cruise passengers was organised by a local cruise agent. The Government was not aware of this. We were not asked for permission and neither should they need to do so.

Since this came out publicly, I have spoken to the agents and expressed my concern. Their explanation was fair and I have asked to be kept abreast of these tours if there is any further interest.

525 **Hon. D J Bossino:** The hon. Member talks about the operator not having to seek the Government's consent – I think is the word he used – in relation to possible tours outside of Gibraltar, and I think he is absolutely right if the Government of Gibraltar should continue on the basis that the private sector should do more or less, within certain parameters, what it likes in order to earn profit. But then he talks about expressing a concern. The question really is what is
530 the Government's policy in relation to this? When he says he has a concern, what concern does he have? And if I may, Mr Speaker, how does he seek to address that concern? It could have been perfectly plausible for him to have said, 'I have no concern about this.' In fact, the Government could take the view that this is not necessarily a bad thing so long as the vessels dock in Gibraltar, but he said he has a concern in relation to this and I would ask him to expand on that, and what
535 concern, in fact, he does have.

Hon. V Daryanani: Mr Speaker, I am always concerned when a tourist comes to Gibraltar and does not spend all his time here. That is what I am referring to.

540 We need to look at the wider picture here. Insofar as this cruise company is concerned, they have four calls coming to Gibraltar. This is information that I am sure he has, because I am sure he read the article in the *Chronicle* on 5th May in which the actual agents said that there were four cruise calls and there was interest from them to have something different, in Spain. They had other events, held here in Gibraltar, and there were 20 passengers who decided they wanted to go to La Linea.

545 We have to look at it in many ways. The agent thinks not exceeding 90 passengers will go to Spain with those four cruise calls, but on the whole we will probably have 3,900 passengers coming to Gibraltar from ships that dock in Spain. This will happen at frontier towns because people come in and will want to perhaps go across and have a look at what else there is on offer. It is the same as somebody coming on a plane, deciding to stay in Gibraltar, spending five nights here but venturing to La Linea for one night's dinner. We cannot stop them from doing that. We cannot say, 'If you come to Gibraltar, you cannot go to La Linea for dinner.' But it is still concerning for me, because I would rather they stay in Gibraltar, so when I speak of concern, that is the concern I speak of.

555 **Hon. D J Bossino:** What the hon. Member is saying is that he has no concern whatsoever that on this occasion, or indeed on possible future occasions, Gibraltar will not be able to continue to provide a sufficiently attractive offering so that people who are on those vessels and dock in Gibraltar will want to come to see Gibraltar. At the end of the day, even if the hon. Member did absolutely no marketing, even if the hon. Member decided not to sell Gibraltar at all, people would still come here on the basis that it is the famous Rock of Gibraltar with all his historical sites and all the rest of it. Is he able to confirm that he has absolutely no concerns, because this is something which is within his remit and within the Government's remit in terms of – as I have said before, in debates with him over the television and in this House – sprucing up and cleaning up Gibraltar to ensure that Gibraltar continues to be the attractive place it should be?

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Hon. V Daryanani: We are constantly making Gibraltar more attractive and we will continue to do so, Mr Speaker.

A Member: Hear, hear.

570

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, just picking up from this interchange, I understand the reasons the Minister has explained about a frontier town perhaps always being attractive on the other side. There are questions that I have posed relating to the issue of litter and rubbish and how Gibraltar looks.

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Can I just ask does the Ministry of Tourism actually explore and perhaps liaise with the Ministry of the Environment at all in terms of what other factors might just be leading to this exodus – for lack of a better word – of tourists visiting La Linea? Does it just close itself in and say, 'We're doing everything we can,' or do they actually talk and say, 'Look, there could be other reasons – can we all work together and try to clean up Gibraltar and do different things?' There are many complaints, in that area of Waterport, of the smell and the grime. Do they talk about this? Do they try to improve the product, at least?

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585 **Hon. V Daryanani:** Mr Speaker, I have just said that we are continuously trying to improve the product and we are continuously trying to make sure that Gibraltar is clean. Let me tell the hon. Lady that there is absolutely no exodus whatsoever. We are talking about 20 people here. We have millions of people coming into Gibraltar from Spain. That is an exodus, but not 20 people going to La Linea for a meal.

590 **Mr Speaker:** Next question.

Hon. D J Bossino: Mr Speaker –

Mr Speaker: No. Please resume your seat.
595 Next question. (*Interjection by Hon. D J Bossino*) No. Next question.

Q409/2023

**Seatrade Cruise Global Conference in Miami –
Delegation, cost, meetings, new business secured, duration**

Clerk: Question 409/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the recent visit to the
Seatrade Cruise Global Conference in Miami: (i) who compromised the Government's delegation;
600 (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.

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 duration of
the trip was five days. We continue to engage with all cruise lines to increase calls and to try to
extend the duration of their stay in Gibraltar. We also spoke to two new cruise lines who hope to
launch in the coming years and made them aware of what Gibraltar offers.

610 The rest of the information requested by the hon. Member is in the public domain. I refer him
to my press release dated 11th April 2023 and statistics on the Government website.

Hon. D J Bossino: Mr Speaker, I do have a copy of the press release that he refers to, and I will
ask him some questions arising from that. I have not had access to the information which he says
615 is on the website. I will check it, and perhaps I may be able to ask questions arising from that at
the next meeting of the House.

In relation to that last point, can I ask him when that information was uploaded?

Hon. V Daryanani: Before he asked the question, Mr Speaker – before I received the question.
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Hon. D J Bossino: Okay, well, that is a matter of record. I think the information is set out as to
when it was uploaded and that will be checked because it has been a fact that on previous
occasions when we have filed questions the information has been uploaded and then the hon.
Members stand up and say that the information is publicly available. It has happened in the past.

625 Mr Speaker, the hon. Member in his statement states that he 'put forward our case for
increased calls and set out our ambitions with the industry'. Can he be more specific rather than
being so wordy and not coming up with specific proposals in relation to this area? What is his case
and what are his ambitions?

630 **Hon. V Daryanani:** Mr Speaker, in this press release [inaudible] we met 25 cruise lines, so we
had 25 meetings. Does he really expect me to give him a blow by blow account of each and every
meeting I had and what I had to say to the cruise lines? Does he expect me to tell him publicly
what I discuss with other cruise lines? I have told him this before.

635 The thing is – and I say this with the greatest of respect to him – I know he likes to fight about everything, but that is not what I am here to do. My job is to sell Gibraltar, to do my best and bring as many cruise lines to Gibraltar ...

640 Having said that, what he needs to understand is that there is huge competition out there in the cruising sector. There are ports coming out from all over the place, ports that have had nothing to do with cruising before, but now they are in the business of cruising because they see that it is a lucrative business. We need to be out there selling Gibraltar constantly, constantly showing our vision, constantly showing what ambition we have, and I can tell him that is why ... I can only give a summary in a press release and I cannot give him a blow by blow account of 25 meetings that I held.

645 **Hon. D J Bossino:** The hon. Member, each time he opens his mouth, honestly just makes me more and more concerned about the direction of his Department in that area of policy – really, Mr Speaker. I have not asked for a blow by blow account of the supposed 25 meetings he has held. I do not want that. I have asked him simply for his case and the ambitions that he relayed to them, and his vision, at that meeting. He has come up with absolute shallow waffle, and that makes me very concerned.

650 Is he at least able to provide this House with information about the two new cruise liners that are coming, which he says he has managed to secure for Gibraltar? If not the names, is he able to give us an indication of their size in terms of passenger numbers and that type of thing, and when he expects these two new cruise liners that he boasts will be coming to Gibraltar Port?

655 **Hon. V Daryanani:** First of all, Mr Speaker, I never said that I have secured two new cruise lines. I refer him to the answer that I gave him: ‘We also spoke to two new cruise lines who hope to launch in the coming years and made them aware of what Gibraltar offers.’ He should retract that because I have at no point said that we have secured two new cruise lines.

660 My vision is set out in our manifesto of the last elections, which the people decided to vote on. That is for starters. I am working extremely hard, like I said, with our CEO, Mr Bossino, to make sure that Gibraltar has as many cruise lines as possible and extended hours of stay at our port.

665 **Mr Speaker:** Next question.

Hon. D J Bossino: I am not sure the hon. Member has –

Mr Speaker: I said – (*Interjection by Hon. D J Bossino*) Resume –

670 **Hon. D J Bossino:** I am not certain the hon. Member has answered the question.

Hon. V Daryanani: Mr Speaker, he said he has not even read it.

675 **Hon. D J Bossino:** Oh, right, okay, yes.

Mr Speaker: Next question.

Q410/2023

OS35 –

Cost of clean-up operation and recovery of costs

Hon. K Azopardi: Mr Speaker, what is the cost of the pollution clean-up operation in respect of the OS35 to 10th May 2023, and can the Government update the House on the prospects of recovery of these costs?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Gibraltar Port Authority has accumulated a total cost of £7,132,641.10 to date in expenses in dealing with and responding to the 0535 incident. We have also received to date an initial payment of
685 £981,124.45 on account, and are aware that a separate payment has been made to the Gibraltar Supreme Court for the purpose of establishing a limitation fund. This separate payment into the Supreme Court and the use of these funds are all subject to a court case which is still ongoing. Due to that, I will not be making any further comment on the matter.

690 **Hon. K Azopardi:** Mr Speaker, can I ask how much the separate payment made into the Supreme Court ... what was the quantum of that?

Hon. V Daryanani: Mr Speaker, the matter being subject to court proceedings, I would rather not make that across the floor of the House, but I am happy to speak to him behind the Speaker's
695 Chair and give him further detail.

Hon. K Azopardi: I will take up his offer. I assume there is no confidentiality in that, necessarily, but if it is subject to some confidentiality regime of the court proceedings, then of course we are happy to – Yes, I am happy to give way.
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Chief Minister (Hon. F R Picardo): Mr Speaker, I tend to agree. I think that was a payment into court made on the basis of an order in open court, not in chambers, so I think it is shareable across the floor of the House.

705 **Hon. V Daryanani:** Mr Speaker, the figure received was £14.2 million.

Hon. K Azopardi: £14.2 million is the payment into court and the expenses are £7.1 million, so can I just ask ...? Hearing what the Minister has said – that there is that money in court and there is going to be a dispute, which he does not want to discuss, and I accept that and perhaps we can
710 have a word behind the Speaker's Chair about that – insofar as the £981,000 which has been paid, can I assume there was no dispute and it is accepted?

Hon. V Daryanani: Yes, that is correct. The amount that was paid was not in dispute and the £14.2 million is in dispute, and that is why there are court proceedings.
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Hon. K Azopardi: Testing, if I may – is his preface that he would rather not discuss openly the court proceedings? And if he does not want to answer this question for that reason, then perhaps we can have a word behind the Speaker's Chair. Am I to glean from what he has said that the dispute concerns the entire sum that has been paid into court? Is the Government hopeful that
720 insofar as the £7.1 million ...? Let me rephrase the question so that he understands what I am asking. That is why I am hopefully not treading into those issues that he is reticent to tread into. Is the balance of the £7.1 million beyond the £981,000 that has been paid ...? Is all of that balance in dispute, or is he hopeful that some of the £7.1 million is not subject to whatever is going on in court?
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Hon. V Daryanani: Mr Speaker, I would rather discuss this with him behind the Speaker's Chair, because I feel it is a little bit delicate.

Hon. K Azopardi: Again, this would be searchable information, so perhaps this will not cause
730 difficulty: the parties to the dispute in court would be who?

Hon. V Daryanani: Mr Speaker, the parties are the two owners of the respective vessels and the Attorney General.

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

Hon. R M Clinton: Mr Speaker, thank you. I just want to ask two technical questions of the Minister. The first is what entity has paid the £7.1 million? Is it the Port Authority or the Government of Gibraltar, or some other entity? And secondly, the £7.1 million, has it been paid or is it an accrued cost?

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Hon. Chief Minister: Can I clarify the question? The hon. Gentleman has asked who has paid the costs so far and who has made the payment into court? (**Hon. R M Clinton:** No.) No? So what is the second question?

745 **Hon. R M Clinton:** I wanted to know which entity or entities are making the payment or have made the payment or accrued the cost, and whether the cost is accrued or has been paid across already.

750 **Hon. V Daryanani:** This has been paid from an advanced account of the Government General Account.

Hon. R M Clinton: So they are paid?

755 **Hon. V Daryanani:** They are paid from an advanced account of the Government General Account.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q411/2023

Domestic abuse manslaughter – Review of sentences

760 **Clerk:** Question 411/2023. The Hon. D A Feetham.

Hon. D A Feetham: I refer to Question 28/2022 on the Lishman case and the recent changes to the law related to domestic abuse, will the Government also be conducting a review of sentences for manslaughter?

765 **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, yes, sir.

770 **Hon. D A Feetham:** And can she perhaps give some information to this House as to whether the review is under way or whether, alternatively, the review is to be undertaken?

Hon. Miss S J Sacramento: Mr Speaker, both. The hon. Gentleman will be aware that we recently made significant changes to legislation with respect to domestic abuse. That is what this

775 case was. This new legislation, as the hon. Gentleman knows – in fact, I once again thank the hon.
Gentleman for praising me on this piece of legislation – includes new offences relating to coercive
and controlling behaviour. They are now new criminal offences and they will also include threats
to disclose private sexual photographs and films with intent to cause distress, and strangulation
or suffocation, and setting out that consent to serious harm for sexual gratification is not a
780 defence. So, in relation to the first part of my answer, those are changes in the context of domestic
abuse cases that have already been made.

The hon. Gentleman may recall that last year in my Budget address I specifically said that I was
commissioning some changes to criminal legislation, so that will also form part of that. In relation
to the sentencing offences also committed by a perpetrator who is personally connected to the
785 victim, the hon. Gentleman needs to bear in mind that this will be considered initially by a working
group that I have set up on domestic abuse and they will then advise and inform the wider review
on criminal reform that I have just alluded to.

Hon. D A Feetham: Thank you to the Minister for that answer, but specifically in relation to
790 manslaughter, can she confirm that this specifically forms part of the review that is being
undertaken? That is one question.

If I ask the last one ... I will just wrap it up in one. Does she also not agree with me that given
the special circumstances of a small community like Gibraltar, where those circumstances may be
different to the circumstances and experiences of a large country like the United Kingdom and
795 how they deal with those who are found guilty of manslaughter, we should not be slavishly
following UK law in relation to sentences?

Hon. Miss S J Sacramento: Mr Speaker, I agree with the hon. Gentleman in that when it comes
to Gibraltar, some things that we do will be different to the UK. However, the courts have always
800 expressed a desire that we align ourselves to the UK when it comes to sentencing practice.

Sentencing is a matter for the courts. The hon. Gentleman knows that sentencing involves wide
parameters and when a court makes a decision in relation to sentencing, it will take into account
the facts and circumstances of the case, and it is for the court to decide where in those parameters
an appropriate sentence will fall. The hon. Gentleman will know, obviously, what the maximum
805 sentence for manslaughter is, so it is not an issue of reviewing the sentencing for the offence.
Ultimately, it is a matter that is in the hands of the court because the sentencing powers already
exist.

Hon. D A Feetham: I apologise, Mr Speaker – it just arises specifically out of that answer
810 because of course, at risk of not being flavour of the month in that particular part of Main Street,
in the Supreme Court, the reality of the situation is that it is for elected politicians – in other words,
those who are elected to this House by the people of Gibraltar – to set the policy, and it is for the
courts to apply that policy. That is the way the system has always worked. That is the way the
system works in the future. Therefore, if she – the hon. Lady; I apologise, I did not mean any
815 disrespect. If the hon. Lady agrees with us that something potentially has gone wrong with the
Lishman case and that perhaps ... I am not suggesting that the law ought to be changed, but that
it certainly ought to be reviewed ... then of course it is, does she not agree with me, within her
prerogative, and indeed her duty as a Minister to reflect on the sentencing guidelines and change
those sentencing guidelines if the Government felt that perhaps they were too lenient in the
820 circumstances of this type or any other type of case?

Hon. Miss S J Sacramento: Mr Speaker, I have informed the hon. Gentleman that there is a
general review on the criminal law and I have informed the hon. Gentleman that there is a specific
working group dedicated to looking at domestic abuse that will inform the wider group of the
825 criminal law review, so the answer to the hon. Gentleman's last question I answered in my
previous supplementary. The answer is yes, but as part of that we will also have input from the

830 courts, and ultimately, whereas we may need to look at our circumstances a little bit differently in Gibraltar, the courts prefer to follow the sentencing guidelines in the UK because they are already established. That does not mean we have to follow that strictly, but of course, because I have all the stakeholders who are looking into this, I need to wait for their advice and their guidance and the outcome of the review that I referred to in my first response.

Mr Speaker: Next question.

Q412/2023
Crime investigation –
Private consultants

Clerk: Question 412/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in the last 10 years how many private consultants have the RGP or any other public body in Gibraltar contracted in order to investigate a potential crime?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, none.

845 **Hon. D A Feetham:** None, save for this private company that has been contracted in order to investigate, through the Northern Irish ex-police officer, the charges or investigation into the alleged issues with Mr McGrail?

850 **Hon. Miss S J Sacramento:** Mr Speaker, there are other questions on the Order Paper in relation to a specific person who has been engaged, so in relation to this other question the answer is none, but then there is a separate answer in relation to the other questions.

Hon. D A Feetham: I just do not understand. The answer is there is one in the last 10 years?

855 **Hon. Miss S J Sacramento:** Mr Speaker, but for the other two questions that are on the Order Paper that have been asked by the Opposition – the answer would have been one, but because there are two other questions the answer to this one is none, and then there will be an answer to the other two.

860 **Hon. D A Feetham:** I think for the purposes of *Hansard*, Mr Speaker, the answer is one, because of course I have asked for the last 10 years. I do not want to be difficult; it is just for the purpose of *Hansard*. I think the answer is one.

Hon. Miss S J Sacramento: Mr Speaker, the answer, of course, which the House will see from the answer to the other questions, will be one.

865

Mr Speaker: Next question.

Q413/2023

**Mandatory drugs tests at HM Prison –
Number undertaken since 2011**

Clerk: Question 413/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many mandatory drugs tests have been undertaken at
870 HM Prison since the legislation allowing it was introduced, which, of course, was 2011?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J
875 Sacramento):** Mr Speaker, HM Prison is only undertaking a voluntary drug testing programme.
Mandatory drug testing is not being undertaken.

Hon. D A Feetham: Mr Speaker, this is a question that I have asked over a number of years,
even before Mr Speaker was occupying that Chair, and the answer I was given in the past was that
880 the Prison did not have the facilities at the time in order to conduct this type of test, but it was
the Government's intention to facilitate mandatory drug testing. In other words, the Government
thought that, as a policy, it was something that ought to be done. Can she say whether that policy
has changed or whether the Government is still in the process of resourcing the Prison in order to
allow the Prison to undertake mandatory drug testing?

Hon. Miss S J Sacramento: Mr Speaker, essentially it is both. There is a power in the Act that
885 allows for drug testing in prison to be undertaken. How that drug testing in prison is undertaken
is very much a matter for the Superintendent of Prison.

I have been giving this subject a lot of thought, because ultimately the intention of drug testing
890 in prison is about the reduction of the use of drugs. The view of the Prison is that the take-up of
the voluntary drug testing is successful to the extent that they prefer to undertake voluntary drug
testing over mandatory drug testing. The current take-up of voluntary drug testing in prison, I am
told, is 70%. That is up 10% from last year because the percentage last year was 60. In order to
achieve the objective, which is the reduction of the use of drugs in prison, the Prison, I think, is
895 overall quite successful in achieving this through the voluntary drug testing regime, and
sometimes an approach such as this can yield the results that you want, as opposed to forcing the
drug testing through mandatory drug testing.

Mandatory drug testing, of course, also requires additional investment because the chain of
custody procedure when it comes to mandatory drug testing changes is complex. This has been
900 the subject of discussion in our previous Parliament questions. We were looking at undertaking
the mandatory drug testing locally because it would be cheaper than the original option, which,
because of the chain of custody, was extortionately expensive, but because the success rate of
the voluntary drug testing has increased, the mandatory drug testing has not been among the
priorities that the Prison has had. All in all, I think the hon. Gentleman can agree that a 70% rate
905 of voluntary drug testing is, overall, quite good. It achieves the aim, and that is what it is about. It
is not about how we achieve it, it is the fact that it is being achieved, and if it is being done on a
voluntary basis, then I would dare say it is even better because it means that inmates are actually
engaging in the programme on a voluntary basis, as opposed to being forced to do it.

Hon. D A Feetham: Mr Speaker, there is a lot to unpack there, and I have a number of
910 supplementary questions with your leave.

The first question is does the Prison Service have the resources and the wherewithal to conduct
these mandatory drug tests?

915 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure what the hon. Gentleman means when he says, 'Does the Prison Service have the wherewithal?' When it comes to the resources, the Prison would not undertake the drug testing. It is something that would be outsourced by the Prison, so it would not be a question of *prison* resources, it would be a question of doing it *for* the Prison.

920

Hon. D A Feetham: At the very least, can the Minister answer this? Are the facilities in place in order to allow the Prison Service to conduct mandatory drug testing should they think that is necessary in any given case?

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Hon. Miss S J Sacramento: Mr Speaker, yes, because the Prison has a clinic and it has a medical suite. I will go further for the hon. Gentleman, to pre-empt a further supplementary should it occur to him. In order to do that, there needs to be an element of training of prison officers who would be present at the time of the testing, and that was already under way when I last asked. It may be that that training is now complete.

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Hon. D A Feetham: Can she confirm beyond any doubt – if there is doubt, she can, of course, say it – that everything that needs to be in place is now in place for the Prison Service to conduct mandatory drug testing should the Superintendent of Prison or his officers feel that is necessary in any given situation?

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Hon. Miss S J Sacramento: Mr Speaker, no, it is not, and I said it in my first answer. I said that there were some requirements for the mandatory drug testing because mandatory drug testing requires a higher standard, and that because of the success rate of the voluntary drug testing, it had not been given priority by the Superintendent of Prison.

940

Having said that, the elements that are required in order to do this, I am pretty confident – the hon. Gentleman just asked me if I had any doubt, so I am going to say that I am pretty confident – are extremely advanced. This is about the actual testing, how we are going to test and where we are going to test. So we are quite advanced.

945

I am quite confident that if, say, for example, the Superintendent of Prison next week – next month, to be on the safe side – were to choose to commence mandatory drug testing in prison, he would do so, but at the moment he feels that voluntary drug testing is more successful because ultimately it allows, on a voluntary basis, for 70% of prisoners to remain drug free. At least 70%. It does not mean the other 30% are not, but we know that through positive engagement 70% are.

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Hon. D A Feetham: But of course we come back to the exchanges we had in relation to some of the answers the hon. Lady gave in relation to the court and the judges preferring English sentencing practice. I said then it is the Government that sets policy and it is for judges to essentially apply the law in accordance with that policy. Who is essentially setting policy in relation to mandatory drug testing? Is it the Government or is it the Superintendent of Prison?

955

Hon. Miss S J Sacramento: Clearly, Mr Speaker, the Government sets policy and the departments give effect to the government policy, but in setting and devising policy the Government is guided and advised by its heads of department. In this particular case, the Prison has given priority to voluntary drug testing because they feel that is a better way of engaging a positive outcome with the prisoners. By running the scheme in this way, it means that prisoners have buy-in into the scheme and it also gives them an opportunity to do something that gives them a positive reward. This is a very operational decision and if the Superintendent of Prison feels that he wants to give this method a priority and he has a 70% uptake, which I think is good, then I will be guided and influenced by the Superintendent of Prison.

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Having said that, in parallel I also feel strongly that the provisions and the mechanisms for the mandatory drug testing should be in place should that be necessary, so I have specifically asked

the Prison to ensure that everything for the mandatory drug testing is in place. It is just that it is not as simple as one would think on the face of it, and it seems to be quite complicated. I have asked the question because I asked the question a while back and I asked for it to be in place, so if the hon. Gentleman is asking me as the Minister responsible for justice would I like mandatory drug testing in prison, the answer is I would like it to be available but I will be guided by the Superintendent of Prison as to which option he would prefer to take. That is not to say that I would not like everything else to be in place for the other thing.

Hon. D A Feetham: What would the hon. lady say to those hearing these exchanges who might want to put this criticism to the Minister, that it is all very well for the Minister to say, 'I would like to see it in operation,' – in other words, 'I would like the Prison to have this available' – but they have been in government now since 2011, and 11 years down the line, for this not to be available to the Prison Service does look like the Government does not really have any faith in this particular policy?

If that is so, at the end of the day they have been elected in order to govern and they can change the policy, but of course they have got to be clear and they have got to be straight when they explain the policy. This just does not seem – and does she agree with the criticism that I have posed? – as if the Government's heart is exactly in this.

Hon. Miss S J Sacramento: Mr Speaker, no, I do not agree because this is a matter of priorities and it is a question of the success rate and the buy-in.

It is very simple. When this question was first posed – and it was during COVID – and I was told that mandatory drug testing was not happening because it was extraordinarily expensive, because we had to send it out and that in itself was extremely expensive and there was delay, and all sorts of things that I was informed ... And this is operational, because the Government has made it a policy decision, so you are trying to hold officials to account as to why they have done it or why they have not. My question to the superintendent at the time was, 'Currently in Gibraltar we are taking in excess of 1,000 COVID tests on a daily basis; surely it cannot be that difficult to undertake it in Gibraltar – why are you sending it out of Gibraltar?' The person I was speaking to at the time ... it had not occurred to the person tasked with giving the government policy operational effect to have done it in Gibraltar. So then we started exploring it – doing it internally, doing it in house – and since then I have been asking the Superintendent of Prison and successive Superintendents of Prison to sort this out. It seems quite complex in that for some reason the Prison has not completed this process because there needed to be satisfaction in terms of the chain of custody, there needed to be training undertaken and there were several things that needed to be done.

But quite apart from that, even if that were in place, if the Superintendent of Prison prefers to undertake the voluntary drug testing because there are other benefits to this regime, such as giving inmates a positive opportunity to do something for which they are rewarded, and he feels that in the whole scheme of things this is better, I will be guided operationally by what the Superintendent of Prison needs to do. Ultimately, the running and the operation of the Prison is the responsibility of the Superintendent of Prison, and this is very much an operational decision that he undertakes.

Mr Speaker: The hon. Member.

Hon. E J Phillips: I am grateful, Mr Speaker. I will be very short.

As the Hon. Minister will know, there is a reward system in the Prison which encourages good behaviour within the Prison. Does the Minister understand that should an inmate or a prisoner receive a negative response in relation to a voluntary test, he is rewarded as a result of his negative test? As the Minister knows, there is a reward system within the Prison itself for good behaviour. So for those inmates and those persons serving a custodial sentence, should they be of good behaviour there are rewards meted out – for example, access to televisions etc. as an example of

1020 worldwide rewards by prisons, generally speaking. I will try to explain it so that she understands it – she seems to be confused. *(Interjection)* If I could just finish. If, for example, a prisoner produces a negative result, does that impact on any decision by the Superintendent to grant a reward?

1025 **Hon. Miss S J Sacramento:** Well, of course, Mr Speaker, and to clarify for the hon. Gentleman, I am not confused. He is contradicting himself in his question. The reward is for good behaviour, so how can a test that is not negative be good behaviour, and how can there be a reward that arises from it? *(Interjection by Hon. E J Phillips)* A positive or a negative? *(Interjection by Hon. E J Phillips)* Well, of course, Mr Speaker, that is what I have just said in all my supplementary questions, that the Prison prefers to undertake the voluntary drug testing regime because it gives
1030 the prisoners the opportunity to buy in and be rewarded. I said it in the first supplementary. It is the hon. Gentleman who is confused.

Mr D A Feetham: I just have one more.

1035 **Mr Speaker:** No, I think we really have now exhausted the subject, so we will move on, please.

Q414/2023
Hospital orders –
Number of patients, length of detention

Clerk: Question 414/2023. The Hon. D A Feetham.

1040 **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?

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

1045 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, on the basis that there are only two and they could be identified, I shall pass this personal information to the hon. Gentlemen in confidence behind the Speaker's Chair.

Hon. D A Feetham: Mr Speaker, I am content with that answer, and bearing in mind that there is a decrease from the last time I asked the question, I have no supplementaries.

Q415/2023
Upper Rock –
Measures to prevent fires

1050 **Clerk:** Question 415/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I obviously brought the rain with this particular question. This has been a particularly dry year. What is the Government or its agents doing in order to ensure there is appropriate protection against fires for residents of the Upper Rock?
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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): Well, obviously, Mr Speaker, we made a drain!

1060 Upon commencement of the high-risk season, which commenced on 22nd May and runs through to the beginning of November, the GFRS conducts weekly inspections, every Friday. These consist of checking emergency water supplies, pressure and flow, tank levels, dry vegetation and overgrowth surrounding residential areas, which is of particular concern.

1065 **Hon. D A Feetham:** Mr Speaker, is there any truth in information that has come to me – I do not criticise it, I am not asking for that reason; it is just information only – that there are also potentially afoot engagements of Spanish emergency helicopter services and aviation services of the type that combat forest fires in Spain to also be on standby in relation to fires in the Upper Rock?

1070 **Hon. Miss S J Sacramento:** Mr Speaker, this is something that has been explored and, indeed, quite a long time ago. It is always good to make sure that we have contingency arrangements should things go beyond our capabilities, so the answer is yes, but it is just another arrangement that we would potentially have.

1075 **Hon. D A Feetham:** May I ask – and again, I am not criticising it because I actually think ... I am not an expert, of course, so I cannot say how effective they would be in the context of the Upper Rock rather than a flat situation – in the context of hills or flat forests, for example; I do not know, it has just occurred to me – but it seems to me like a sensible contingency. Is the Government saying that it has considered it, or that this is a contingency in a situation where there is a particularly ferocious fire in the Upper Rock, that those are resources that could be brought to bear to combat fires in the Upper Rock?

1080 **Hon. Miss S J Sacramento:** Mr Speaker, when there are fires or other such emergencies, help is always offered, and it works both ways – it is reciprocal. I know that the GFS, I think from a conversation we had over a year ago – explored this option as a contingency, but as the hon. Gentleman says, because of the landscape of our Upper Rock, and in particular because of the wind challenges, this, although considered as a contingency option, would probably not be ideal in many circumstances anyway. But it is always good to have these contacts, to have these dialogues and to have it as a measure should the need arise.

1090 **Hon. D A Feetham:** And just finally, although I am not clear whether it is a contingency that is available to the Government or whether it is a contingency that has simply been considered and discussed ... I am sorry, Mr Speaker, I am not being churlish about this. It is just that I am not clear from the answer. Has the Government also considered, for example, having permanent tanks full of water in the Upper Rock that are essentially there as an emergency resource that would allow firefighters to tackle significant fires in the Upper Rock?

1095 **Hon. Miss S J Sacramento:** Mr Speaker, there are, and that is what I referred to in my substantive answer when I said that checks are undertaken every Friday to check the tanks and to check that the tanks are full of water.

1100 **Hon. D A Feetham:** Perhaps the Minister can correct me if my understanding is incorrect. My understanding is that that is water that the rest of us use as potable water. I was not aware that those are tanks that are designated tanks for the purpose, and if that is the position, please could she confirm it?

1105 **Hon. Miss S J Sacramento:** Mr Speaker, yes, and the GFRS work very closely with AquaGib to make sure that everything is in place should the need arise, in addition to GFRS also working very

1110 closely with the Ministry of Environment and all the relevant stakeholders. It is accepted that we have to be on high alert as from the end of May when the summer season starts, and that is why every Friday there is a check to make sure that all these provisions that need to be in place are in place. I think they should be commended for being so proactive and once a week checking that everything that needs to be in place is.

1115 **Mr Speaker:** Next question.

Q416-17/2023
GFRS heat fire training –
Number of hours and location since 2019

Clerk: Question 416/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many hours of heat fire training have been received by each GFRS firefighter, broken down on an annual basis since 2019.

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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, I will answer this question together with Question 417.

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Clerk: Question 417/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state the locations used in each case of heat fire training for GFRS fire fighters provided since 2019.

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

Hon. Miss S J Sacramento: Mr Speaker, GFRS the firefighters undergo specific hot wear and compartment fire behaviour training at the Fire Service College in London.

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Firefighter training is recorded in terms of frequency – for example, the number of breathing apparatus worn and within a specified timeframe – not in training hours.

Hon. D J Bossino: Mr Speaker, is she not able to provide the House with the specific information which was requested? The question is rather specific. It talks about how many hours in respect of each firefighter and the ... The locations she has answered, where she says that the compartment heat fire training is provided at the Fire Service College in London, but in relation to the first question I do not think she has provided a full answer.

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Hon. Miss S J Sacramento: That is because, Mr Speaker, the answer they have provided is that it is not calculated in hours. That is not how it is calculated, and therefore they do not have the answer. They have not given me the answer because that is not how it is kept.

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Hon. D J Bossino: Mr Speaker, that is a rather odd reply, in the sense that one would have thought that in an area which is so vitally important to the training of firefighters ... a proper audit and account is not made of how many hours they do.

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May I ask her this? Does the answer she has given to the House today now not totally contradict the answer she gave at the last meeting of the House – I think it was the last meeting of the House – when she said that heat fire training was conducted at Lathbury?

1155 **Hon. Miss S J Sacramento:** No, Mr Speaker, I said that training was undertaken at Lathbury. If
the hon. Gentleman will recall, at the last meeting of the House we were stuck on the particular
question for over 10 minutes and ... Well, I will tell the hon. Gentleman that I – (*Interjection by*
Hon. D J Bossino) Mr Speaker, the hon. Gentleman has said from a sedentary position that it does
not matter that we were stuck on a question for 10 minutes. The reason I say that is because we
1160 were speaking on the question for so long that lots of things were said and debated and other
supplementary questions were asked during that period, which broadened the scope of the
question. The hon. Gentleman will recall that the question posed on the last occasion referred to
training that would occur in the future.

1165 **Hon. D J Bossino:** Mr Speaker, I will check the *Hansard*. I do not think it is available for that
session – (*Interjection*) Exactly. I do not think it is available for that session yet, but we can always
look at the video or listen to the audio. I will go back and check. If I recall, I asked a very specific
question, which was about heat fire training, and I think assisted from a sedentary position by the
Hon. the Chief Minister she offered the reply that that training was provided at Lathbury. In fact,
the information I have is that – and I think she is now confirming – heat fire training is in fact not
1170 provided at Lathbury.

Is she satisfied, therefore, that she has ...? I was going to ask whether she is satisfied that the
firefighters are receiving adequate training, but actually one needs to take a step back. Is she
satisfied that she is getting sufficient information to come to a conclusion as to whether these
officers are receiving adequate firefighter training, which is so important for their role as
1175 firefighters?

Hon. Miss S J Sacramento: Mr Speaker, my information comes from the Chief Fire Officer, in
whom I have full faith, I and have no reason to question the information that he is providing.

1180 **Hon. D J Bossino:** Can I ask her to go back to the Chief Fire Officer and raise the point that I am
raising across the floor of the House? My understanding is that in order for there to be a proper
and adequate audit of the amount of training that firefighters receive, it should be calculated in
number of hours. She does not have that information. In fact, she has not provided this
information across the floor of the House, not because she is not willing to provide it, but rather
1185 worryingly it is because the relevant chief of department that she is seeking this information from
is not providing it to her. So can I ask her to check whether that information which she is being
given and is now imparting across the floor of the House is adequate?

1190 **Hon. Miss S J Sacramento:** Mr Speaker, let me clarify for the purposes of *Hansard* and anybody
listening that it is not a question that I do not have the information or we refuse to provide the
information. The answer that has been prepared is on the basis of the manner in which the
question was posed. My advice is that it is not calculated in hours, and therefore that is the
answer.

I will, in any event, take back that point for the hon. Gentleman and get some further
1195 information. If I had it now, I would give it to the hon. Gentleman, but I do not have it.

Mr Speaker: Final question.

1200 **Hon. D J Bossino:** Mr Speaker, the question was very specific and very particular. I would
encourage her to put the same question that I pose in this House to the Chief Fire Officer because
I am reliably told that this information is provided in number of hours and training is provided in
number of hours. I think this is important information. Many tall buildings are going up around
Gibraltar and it is important for the community here to understand that our firefighters are
receiving adequate training. I am reliably informed that dealing with carbonaceous fires is not
1205 available in sufficient numbers to our firefighters.

Can I ask her this specific question? Is it the Government's intention or policy to, at some point in the future, privatise this area of training?

Hon. Miss S J Sacramento: Mr Speaker, no.

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Mr Speaker: Move on now.

Q418-19/2023

**Former Chief Supt John McVea –
Payment for services**

Clerk: Question 418/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is former Chief Supt John McVea being paid for the provision of his services to or performance of his duties within the RGP at a rate of pay analogued to a particular rank of the RGP; and, if so, what is that rate of pay or analogue to a rank; and, if not, what is he being paid for his services to or performance of his duties within the RGP; and how are the moneys he is being paid calculated?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 419.

Clerk: Question 419/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how much has former Chief Supt John McVea or any entity in which he has an interest been paid for the provision of his services to or performance of his duties within the RGP from the commencement of his engagement, contract or appointment to 10th May 2023?

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

Hon. Miss S J Sacramento: Mr Speaker, since the commencement of appointment as a sworn member of the Royal Gibraltar Police until 10th May 2023, Mr McVea has been paid the total sum of £39,671.47.

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Former Chief Supt John McVea is a senior investigating officer who, having recently retired from the police service in Northern Ireland was sworn in as a Royal Gibraltar Police officer with full constabulary powers. His contractual arrangements were established following negotiations between the Commissioner of Police and the United Kingdom National Police Co-ordination Centre with terms of reference created for the various strands of investigation. He is remunerated at a rate of £500 a day.

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Hon. K Azopardi: I see. So there is a daily rate as opposed to a rate analogued to a specific rank within the RGP – is that correct?

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Hon. Miss S J Sacramento: Yes.

Hon. K Azopardi: And can I ask whether the daily rate is an all-in rate, or is there another rate in the contractual arrangements?

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1255 **Hon. Miss S J Sacramento:** Mr Speaker, this detail is not something that I have been involved in, nor that I have been consulted on, other than at the outset the Commissioner of Police being of the view that in the interest of independence and transparency of investigating the matter he would seek assistance from a police force outside the UK, and the only reason he mentioned it was to let me know that, obviously, by doing so, there would be a financial implication. But that is for the Commissioner of Police, as the controlling officer of that head, to negotiate. I have not been involved in the detail, nor do I have the answer to the question that the hon. Gentleman asks.

1260 **Hon. K Azopardi:** I was not suggesting that she had been involved in the negotiations. What I specifically asked her is to confirm ... When she says she does not have the answer to my question, my question in writing already should have caused someone to provide her the answer, so what I am asking her to confirm is ... She has given an indication that it is a daily rate of £500, so it is a daily rate and not an analogue to a rank in the RGP – yes or no? And if the answer to that is yes, 1265 is the £500 daily rate an all-inclusive rate, or is there another rate, beyond a daily rate, which is payable for other things, like if he were to work weekends or at another time of the day? How does it work? Is the contractual rate simply that £500 basic per day, or is he being paid a housing allowance? Are there other things being paid?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, I have the breakdown of the total sum, and that includes the services, it includes accommodation, it includes subsistence and it includes flights. That is from the global sum that I gave the hon. Gentleman. In terms of the analogue rate, it is not analogued. I think, from exchanges that I have seen, the Police took the view that there was no other rank to analogue this person to.

1275 **Hon. K Azopardi:** And those payments are being paid to him directly, or to an entity which is owned or controlled by him? Can I ask the Minister to confirm also the length of the contractual arrangements? Is there a specific renewable date in mind, or is this an open-ended arrangement?

1280 **Hon. Miss S J Sacramento:** Mr Speaker, I am afraid I do not have that detail.

Mr Speaker: Is it something that you will be able to access?

1285 **Hon. Miss S J Sacramento:** Mr Speaker, I can certainly ask these questions.

Hon. K Azopardi: If I may, Mr Speaker, Question 419 asks how much the former chief superintendent or an entity in which he has an interest is being paid. I would have thought that the information would have been provided as to whether the payments came to him directly or to an entity. I think it is within the reasonable purview of the question, so I would invite the hon. 1290 Lady to perhaps obtain that information and write to me on that basis.

I am assuming, but I am asking for confirmation, that the payments being made in relation to this contract are taxable and that tax is either being withheld at source or will be payable by the by the person receiving it. Is that correct?

1295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, discussing the tax affairs of any individual is not something we do across the floor of this House. It is not possible for us to do it. Any amount paid under Gibraltar law in respect of a contract, either for services or of services in Gibraltar for services provided in Gibraltar, is subject to tax. That is just the law of Gibraltar. There is no question of it being otherwise.

1300 These are not arrangements that we have been involved in. They are arrangements of which the hon. Member has been informed on the basis that she has set out. In respect of the details that the hon. Gentleman has sought which she does not have, she said she will ask the question,

but the Government is, for good reason, not involved in these arrangements or in the detail of them.

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Hon. K Azopardi: My final question, if I may: the Hon. Lady I think indicated to us that she had a breakdown of that £39,671. Would she be willing to provide that breakdown?

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Hon. Miss S J Sacramento: Mr Speaker, yes: for services, £24,500; for accommodation, £10,096; for subsistence, £3,418.50; and for flights, £1,656.97.

Mr Speaker: Next question.

Q420/2023
FPNs for traffic offences –
Numbers issued by year since 2021

Clerk: Question 420/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can Government provide a list to the House of the number of fixed penalty notices for traffic offences issued by the RGP in 2021, in 2022 and in 2023 to date?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, these statistics are recorded by the Royal Gibraltar Police in policing years, 1st April to 31st March.

A total of 2,172 fixed penalty notices were issued in 2020-21; 2,279 in 2021-22; 2,031 in 2022-23; and 124 were issued between 1st April 2023 and 2nd May 2023.

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Hon. Ms M D Hassan Nahon: Mr Speaker, could I ask the hon. Member to repeat the last number she said before the 124?

Hon. Miss S J Sacramento: Two thousand and thirty one.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I asked for 2021, 2022 and 2023, and the hon. Member has given me overlapping years. I do not quite understand from when to when. Her brackets are included, but from what I think I understand, the 2023 amount is higher than 2022 and 2021 pro rata. Would that be correct?

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Hon. Miss S J Sacramento: Mr Speaker, the Royal Gibraltar Police does not keep these statistics in calendar years, so in my substantive answer I very clearly said that the statistics are recorded by them in policing years, which run from 1st of April to 31st of March, the financial calendar as opposed to calendar years.

1340

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for clarifying that. In that case, I think it does sound like the number of fines has grown in the last policing year, so I would ask the hon. Member if we have seen more fines being deployed since there has been a hike in the amounts that people are set to pay, and why would this be.

1345

Hon. Miss S J Sacramento: Mr Speaker, if the Hon. Lady is trying correlate that there has been an increase in the fine that somebody pays with the increase of fines that occur, then I am sorry

1350 to say that, first of all, that argument does not make any sense, but if that is the argument that is
being put forward, that there are more fines this year because the fines have gone up, then it falls
flat on its face because if there are 124 issued in the period of a month, I have multiplied 124 by
12 and I get 1,488, so in fact it has halved.

1355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that, but we do not have the benefit of
knowing the five months before and how that correlates with 2023 to date, given that the policing
years do not run from January to December. So if the hon. Member is doing 124 by 12, that might
not be accurate either.

1360 **Hon. Miss S J Sacramento:** Well, no, Mr Speaker, but because I do not subscribe to conspiracy
theories, I am just trying to be helpful and practical on the basis of figures I have before me. If the
figures I have are figures for 12 months, then the best I can do is multiply the figure that I have for
a month by 12. The hon. Lady is trying to suggest that there is some kind of a conspiracy theory
that there are more fines because the value of the fine has increased, and that makes no sense,
but in any event the figures, on the face of it, do not show that the number of fines has gone up
anyway.

1365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not actually suggesting anything. I come here
as a representative of the constituents who put things to me, and I am perfectly entitled to bring
them to this House. Conspiracy theories will never defy pure mathematics, but of course I
appreciate that, as the Member gives me dates that are not correlating with how I am trying simply
1370 to interpret the figures, I cannot make the argument or the question that I would like to make. So
I would ask her if perhaps when I do look at these figures month by month, I may come back to
the House with more visibility and ask any questions that might be left within this question.

1375 **Hon. K Azopardi:** Mr Speaker, may I just ask one question? Did the Hon. Minister say that for
2021-22 it was 2,279? Is that what she said? Okay, so perhaps she can help me with this. If she
picks up the Policing Plan, which was laid in the House about an hour ago, and to page 8, she will
see that the traffic fixed penalty notices at the bottom of the page for 2021-22 were 1,412 instead
of 2,279 reported to the House, and for 2022-23, 1,939, as opposed to the 2,032 reported to the
House in the answer to the hon. Lady, with a figure alongside saying that there is a 37% increase
1380 on last year. I would invite her, if I may, to go back to those who provided her those statistics and
ask how those statistics have been provided, given that the Policing Plan suggests completely
different numbers and a 37% increase on last year.

1385 **Hon. Miss S J Sacramento:** Mr Speaker, I will ask for clarification because there is a disparity
and I wonder whether it relates to something that may be potentially classed as something else
and appears as another statistic elsewhere on another page, because that is what it sounds like it
could be.

1390 **Hon. K Azopardi:** May I ask as well, are the statistics provided to her when she has provided
an answer to the question of the hon. Lady provided by the Police or by her Department?

Hon. Miss S J Sacramento: Mr Speaker, by the Police.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q421/2023

**Gibraltar Archivist –
Expected date of new appointment**

1395 **Clerk:** Question 421/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will it be expected that the new Gibraltar archivist will be appointed?

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

1400

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Gibraltar Archivist retired on 26th March 2023. The process to recruit a new archivist will be commencing shortly. The post is currently being filled on an acting basis by staff from the Gibraltar National Archives.

1405 **Hon. D J Bossino:** The obvious supplementary to that reply is whether the Minister has an idea as to when he expects the substantive position to be filled. And may I ask, when he says staff, how many individuals are discharging the archivist's role on an acting basis?

1410 **Hon. Dr J J Garcia:** Mr Speaker, there is one person acting in one post, so it is one person who is employed at the Archives. In terms of the timescale, this is taken over by the Civil Service and the administration, so I do not know exactly when their process will commence. I have been told it will commence shortly.

Mr Speaker: Next question.

Q422/2023

**Rooke site –
Premium paid**

1415 **Clerk:** Question 422/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the premium on the Rooke site been paid?

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

1420

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government has entered into a memorandum of understanding with the successful developer of the Rooke site for a total cash premium of £30,025,000. A deposit of £3 million has now been paid.

1425 **Hon. K Azopardi:** Mr Speaker, the successful developer I think is Carlton Properties, or something like that. When I last asked the question in the House in relation to when they were at planning permission stage – it was either my question or my hon. colleague on my left here – I think the answer given was that the Government expected to award the tender once the planning permission was paid, and presumably once that happens the premium is payable. Or is it that contractually the premium is not yet payable? Can he perhaps give us a bit of information as to why there has been a payment of £3 million and not the entire premium yet? And when is the entire premium expected?

1430

1435 **Hon. Dr J J Garcia:** Mr Speaker, the premium, although some developments are different, tends
to be paid once the developer has the security of having planning permission, because it may not
happen and then you have to refund the premium. In this instance there are three elements to it.
One is a deposit, which is normal and is paid in the course of most of these situations. We expect
a second payment to be paid within the next six weeks or so, and that payment would be
1440 £17 million. And then the balance of the £30 million would be paid ... Let me just check, but I think
it will be paid within 14 days of the receipt of the full planning permit.

Hon. K Azopardi: Mr Speaker, I am grateful for the hon. Member's indication. I had not
understood they had obtained outline, which I think is the right situation, but they are still to
obtain full planning. Are any aspects of the payments returnable if they do not obtain the full
1445 planning permit? Is that part of the arrangements with the prospective developer?

Hon. Dr J J Garcia: Mr Speaker, if there is no planning permission, then there is no development
and obviously there would be no premium, and we will be obliged to return the premium in those
1450 circumstances.

Hon. K Azopardi: My final question, if I may, Mr Speaker. The Hon. Minister mentioned that
they had signed an MoU. Are they intending to sign a development licence or a building lease at
any time before full planning, or is the Government going to wait until full planning is obtained
before they sign that?
1455

Hon. Dr J J Garcia: Mr Speaker, at this stage we are not entering into a building lease yet, but I
think, as I said earlier, the developer would want the security of having outlined planning –
remember there were certain conditions attached last time, which they are now looking at – and
then having full planning permission before the full amount has been paid.
1460

Mr Speaker: On final supplementary from the Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. If I may ask the Hon. Minister two things: first, the
date on which the £3 million deposit was paid; and second, in the memorandum of understanding,
1465 does that include the provision of a new fire station and police station?

Hon. Dr J J Garcia: Mr Speaker, I think I explained last time that one thing the Government was
considering is taking more cash from them and then using that to build the new fire station and
the new police station. That is what is happening on this occasion as well. *(Interjection)* I am afraid
1470 I do not have the date with me, but I believe it was in March 2023 that they paid the £3 million.

Mr Speaker: Next question.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q332/2023

Europa Sports Complex –
Manning and management levels

Clerk: Question 332/2023. The Hon. E J Reyes.

1475 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 114/2023, can Government update this House in respect of the progress made to permanently settle the management and manning levels at Europa Sports Complex?

1480 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

1485 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the answer I have, which is that a contract is now ready to be signed by stakeholders and this will taking place very shortly, has been overtaken because this was prepared for Thursday when we came here. I can tell the hon. Member that it has already been signed and they will be up and running as from Friday.

1490 **Hon. E J Reyes:** Mr Speaker, it is good news to hear that it seems to have been signed and settled. Is there any way that I can get sight of what the arrangements or the contractual procedures are and so on, so that one is aware of how the thing should operate?

1495 **Hon. S E Linares:** Mr Speaker, there are two parties to this, and therefore I would have to go back to the other party to see if they are happy for the contract to be made available to the hon. Member. The hon. Member already knows, because it is public knowledge that it was going to be run by a trust, and the trust is basically the sports that have their home there, so I will have to consult with them to see how far they want me to disclose to the hon. Member the contract that we have done with them.

1500 **Hon. E J Reyes:** I understand what the Hon. Minister is saying, Mr Speaker. However, when he does, if he wishes to talk to that party and so on, may I just stress that this is public property on which we have entered into arrangements and so on? There may or may not be consequences or expenses in respect of funding from the public purse, so as much information as possible should be made public. I can wait patiently if the Minister needs to double check some things, and if we can get it on good relationship terms with the trust so much better, but I do expect there to be some accountability to this House for what the final settlement has at long last been.

1505 **Hon. S E Linares:** Mr Speaker, I totally agree with the hon. Member and therefore, once I get back to them, they will let me know exactly how much they want me to disclose.

Mr Speaker: Next question.

Q333/2023
Europa Sports Complex –
Ball-stop netting

1510 **Clerk:** Question 333/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of the still ongoing works to provide a permanent solution to the ball-stop netting at Europa sportsgrounds?

1515 **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 permanent ball-stop netting has been completed on all elevations. The last phase was completed two months ago.

1520 **Hon. E J Reyes:** Mr Speaker, I do not doubt that the Minister has been told it has been completed, but I was there the weekend before last and the nets were a sorry sight to be seen. I can provide to him behind the Speaker's Chair, because I do not think it is permissible across this table ... I just took general photographs of the cricket games that I was watching. Certainly I personally witnessed first-hand the ball going over the dropped-down nets, especially the ones at
1525 the side where the cafeteria is. So I think the Minister may not be as up to date with information, or something had suddenly happened overnight, the day before I turned up. It certainly was not something that one can say just required minor repair. It looked in a really dilapidated state.

Hon. S E Linares: Mr Speaker, it could well be that they did not put them up, but I will definitely
1530 go over there and find out exactly what the hon. Member is saying, because not only does it concern him, it concerns me more than anybody else, but this is the information that I have been given.

Mr Speaker: Next question.

Q334/2023
Lathbury Barracks Sports Complex –
Indoor swimming pool

1535 **Clerk:** Question 334/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of the availability and public usage of the indoor swimming pool at Lathbury Barracks Sports Complex?

1540 **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 am glad to report that the Lathbury Sports Complex swimming pool is being used by the Gibraltar Amateur Swimming Association (GASA) since 10th May. We are finalising the arrangements for general
1545 public usage in terms of staffing in order to ensure a safe environment, but the facility will be available to members of the public imminently.

Hon. E J Reyes: Indeed, Mr Speaker, I think I can equally rejoice with the Minister that at long last we seem to have settled this. I am glad to see that GASA now has use of the facilities, which
1550 leads me on to ... With your leave, Mr Speaker, I can ask for it formally at the next meeting. That would then have released some of the GASA bookings – let's call it that – at the Harbour Views Road facility and so on, so perhaps that ... I know the Minister often says that some information is available on the website, but that, at least from my last check, was not available. And on the public one, does the Minister commit himself that since it is going to happen imminently,
1555 announcements will be made so that the public is made as aware as possible, not just on the website but through other public announcements to encourage people to go and practice this healthy sport and improve their own health as a consequence?

Hon. S E Linares: Mr Speaker, I will gladly go public and tell all the people that they can use this
1560 magnificent pool. For a start, the hon. Member must realise that we had a 25 m pool with six lanes, which is the pool that is currently running, which is the GSLA-run pool, but I must also tell the hon. Member that the Lathbury pool is not only equivalent to a two-25 m pool, because it is a 50 m pool and it can be divided into two, but it has also eight lanes, so the capacity of the new pool is about two and a half times the capacity that we have currently in the old GSLA pool. So yes, there

1565 are already timetables that are being sorted by the GSA in order for the public to be able to use this magnificent pool, and I hope the whole of Gibraltar will be able to use it. We are now looking at the triathlon people being able to use the new pool as well, so it is a question of ... We have GASA in there. We now will expand so that everybody can use the pool.

1570 **Hon. E J Reyes:** Thank you, Mr Speaker. Just out of respect to your predecessor, who had been my maths teacher, a 25 m pool that becomes 50 m does double the capacity, and when six lanes convert into eight, that is an increase of two over six, which is a third, which if multiplied by the other 25 m becomes two thirds, or 0.66 in decimal places. Just out of sheer curiosity, to show your predecessor Speaker that he did manage to teach me at least some very basic mathematics.

1575

Hon. S E Linares: Glad that he confers with me that I said 2.5 and it is 2.66. Thank you.

Mr Speaker: Next question.

Q335-37/2023

Employment tribunal chairpersons –

Number; claims awaiting appointment; appointments re claims filed in last four years

Clerk: Question 335/2023. The Hon. D A Feetham.

1580

Hon. D A Feetham: How many Employment Tribunal chairpersons are there?

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

1585

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question with Questions 336 and 337.

Clerk: Question 336/2023. The Hon. D A Feetham.

1590

Hon. D A Feetham: How many claims filed with the Employment Tribunal are awaiting the appointment of a chairperson and when were those claims first filed?

Clerk: Question 337/2023. The Hon. D A Feetham.

1595

Hon. D A Feetham: In relation to claims filed in the Employment Tribunal over the last four years, please provide a breakdown of who is the appointed chairperson.

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

1600

Hon. S E Linares: Mr Speaker, in answer to Question 335, there are currently nine Employment Tribunal chairpersons.

1605

In answer to Question 336, the total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 49. Claims awaiting appointment of chairperson by date claim received are as follows: 2020 – October one, November two; 2021 – January one, February two, April one, June one, July three, August three, September three, October four, November two and December one; 2022 – February one, March one, May three, June nine, July five, August three, September one, November one and December one. I will obviously pass this to the hon. Member, so no need to take notes – it is just that I need to read it.

1610 In answer to Question 337, the hon. Member can find the information relating to the
appointment of chairpersons on the HMGoG laws of Gibraltar website, Employment Tribunal
Judgements page. I will not read it. It is <https://www.gibraltarlaws.gov.gi/industrials>. I will pass it
on for the hon. Member to be able to see it on the website.

1615 **Hon. D A Feetham:** Mr Speaker, just one supplementary on Question 335 whilst I look at the
information, because I did not quite understand the answer to Question 337, but let me have a
look at it.

1620 The answer to Question 335 was nine – how many Employment Tribunal chairpersons are
there? I thought there were six permanent chairpersons appointed by the Government, so does
that mean there are an extra three who are essentially ad hoc chairpersons of the tribunal, or do
I have it wrong and the nine are permanent ones?

1625 **Hon. S E Linares:** Mr Speaker, this was gazetted recently. I do not have to go through the names
of the people, but there are nine. This was announced by way of press release as well, Press
Release 109/2023 which was issued on 31st March. The hon. Member could well be right that
there are six permanent and three doubling up if we need more cases, but there have been nine
gazetted to be able to do more cases.

1630 **Hon. K Azopardi:** Mr Speaker, can I just ask this? They gazetted nine chairpersons on
31st March. Six weeks later he says there are 49 claims still awaiting the appointment of a
chairperson. When I saw the news that they had unblocked the appointment of chairpersons and
I saw that photograph of all the chairpersons, I thought finally we are going to get the appointment
of chairpersons. When I have previously asked this question in the House, I was told there were
about 59 claims that were awaiting the appointment of a chairperson. In the breakdown of
1635 monthly claims he has been given, we are talking about two or three claims a month, so we are
really not breaking the back of the problem six weeks later with the appointment of nine
chairpersons if we are still hovering around the figure of 50 claims awaiting chairpersons, some of
which date back to 2020 and 2021.

1640 So can I suggest that the Minister perhaps ask when the tribunal expects to appoint
chairpersons to all these outstanding claims? And does he agree that given there was a reason
given for the fact that these claims were not being determined and employees or former
employees were awaiting resolution of these employment claims and it is an important matter for
them for these resolutions to happen – that matter has been addressed by the Government by
the appointment of chairpersons – does he agree with me that it is important, therefore, that this
backlog of claims be dealt with by the appointment of chairpersons as soon as possible?

1645 **Hon. S E Linares:** Mr Speaker, I am glad to say that it was 59 and now we have 49, so we have
done 10 in this time. I think it will go faster by taking off the backlog, but I completely agree with
the hon. Member that the sooner we can take the backlog off ... I am sure that even before the
end of the year we will be able to take all this backlog off. It has been there and now we are doing
1650 something about it.

1655 **Hon. D A Feetham:** Mr Speaker, has the Hon. Minister undertaken an analysis of how many of
the Employment Tribunal chairpersons are actually sitting in cases? Let me explain why I ask the
question. Professionally I come across, for example, Joey Nuñez, somebody who does quite a lot
of these cases, and it just struck me that we could have a situation here whereby people essentially
can market themselves as being Employment Tribunal chairpersons but then may not be doing
their bit in doing the cases, and the burden of the cases then falls on one or two individuals. That
is the reason why I have asked this series of questions. That is the analysis that I wanted to
undertake, because obviously then my next question would have been does the Minister think it

1660 is a good idea to push some of these guys who have the title to also do a bit of the work? Has he done that analysis?

Chief Minister (Hon. F R Picardo): Mr Speaker, that is a gross assumption based on no evidence whatsoever. The hon. Gentleman has been told that nine chairpersons have been appointed and the list has gone down by 10. What makes him think that it is just one person who is doing all the work, that one has not been appointed to each chairperson and that that rate is going to deliver, as the Hon. Minister said a moment ago, a complete elimination of the backlog in the next six months?

1670 If the hon. Gentleman has evidence to suggest that there is only one person carrying the burden and all the other appointees have sought appointment simply for the purposes of marketing themselves as chairmen of the Employment Tribunal, that is one thing, but it is quite another to say that he has an analysis based on no evidence whatsoever. But given that it comes from him, I am not surprised.

1675 **Hon. D A Feetham:** He could start an argument in an empty room, I have to say.

Hon. Chief Minister: Just try thinking about it.

1680 **Hon. D A Feetham:** Absolutely, just thinking about me. *(Interjections)* Listen, *(Interjections)* if the hon. Gentleman could simply ignore me, I would be more worried than the answer that he has provided, I have to say.

1685 Mr Speaker, I have not conducted the analysis. I am asking the question to be able to conduct the analysis. I have not made the positive assertion that that is what is happening. I have said anecdotally I see one individual and I just want to know whether the workload is being spread around. That is all. Therefore, has the Minister undertaken the analysis to see whether the workload is being spread around and everybody is doing their fair bit? I am not suggesting that they are not.

1690 **Hon. Chief Minister:** Mr Speaker, in that context, if you appoint nine people to a job six weeks ago, there is a list of 59 things to do, and in six weeks you have reduced it to 49, the hon. Gentleman will understand that it is not logical to be prompted to do an analysis of the sort that he is suggesting, so I suggest we stop wasting our time.

1695 **Hon. D A Feetham:** Does the Hon. Chief Minister speak from personal knowledge? Does he know that the workload has been spread around amongst these individual chairpersons?

Hon. Chief Minister: Yes, sir.

Mr Speaker: Next question.

Q338/2023

Government housing stock – Reasons for notices to quit

1700 **Clerk:** Question 338/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to the answer provided to Question 444/2022, could the Minister provide a brief description of the reasons for the notices to quit?

1705 **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 reasons for the notices to quit were all notice of termination of tenancy issued by the Housing Department under the provisions of section 8(1) or section 8(6) of the Housing Act 2007.

1710

Hon. D A Feetham: Mr Speaker, I am afraid that my memory of section 8 ... Is section 8 the one about trespassers? Could he perhaps enlighten the House and give a brief description of what underpins section 8(1) and (6)?

1715

Hon. S E Linares: Mr Speaker, I will read it for the hon. Member. (*Interjection*) Notice of termination of tenancy. That is the one. You have just mentioned notice of termination. In the law it says notice termination of tenancy. Section 8(1) reads ... And then section 8(6) is another arm of what we need to use.

1720

Hon. D A Feetham: It strikes me as odd, a termination of the tenancy. Termination of the tenancy on what grounds? With government tenants it is very rare for a tenancy to end, unless of course somebody buys a flat somewhere, in which case he surrenders the lease – there is no termination – or alternatively, if somebody dies, and of course that vacates the tenancy. I am just unclear, and this is the reason why I asked this question. Why are these notices to quit being sent? Technically, he says it is termination of the tenancy, but on what basis? I just do not understand.

1725

Hon. S E Linares: Mr Speaker, it is spelt out in section 8(1) and (6). The hon. Member just needs to read section 8(1) and (6) and he has all the basis of why a notice of termination is given to the tenant. I will read him section 8(1):

If the Principal Housing Officer has reason to believe that a tenant has not been or will not be able to be in personal occupation of the public housing for the number of days required under section 6

1730

– which is 270 days; I will give him that for free –

and the tenant has not terminated the tenancy agreement, he may, with the approval of the Committee and of the Minister, serve notice of termination of tenancy on the tenant,

So that is one arm, and I said section 8(1) and 8(6), so there is still 8(2), 8(3), 8(4) and 8(5).

Mr Speaker: Next question.

Q339/2023

Trespassers in government-owned housing – Number of court proceedings issued

Clerk: Question 339/2023. The Hon. D A Feetham.

1735

Hon. D A Feetham: Mr Speaker, in the last four years how many court proceedings were issued against individuals in government-owned flats/homes who the Government considered to be trespassers?

1740

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

1745 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing Department issued the following number of complaints with the Magistrates Court under the provisions of section 14 of the Housing Act 2007: six in 2020, seven in 2021, none in 2022, and none in 2023.

1750 **Hon. D A Feetham:** If the Minister has drilled down in relation to these numbers – six and seven in 2020 and 2021 – are these in the main people who, for example, continue to live there after a family member who is the main tenant dies and they remain in the flat? Or are these people who are breaking into flats and essentially are trespassers? Or is it a combination of both or other factors?

Hon. S E Linares: All those factors.

1755 **Hon. D A Feetham:** Does the Minister mean all those factors both? In other words, deceased and people coming into flats, or are there other circumstances, as well as those?

1760 **Hon. S E Linares:** Moved into grandparent's house, was living in the house when they are not supposed to be there, moved into sister's tenancy – these are the things that are being spelled out here.

Hon. D A Feetham: May I have the schedule that the Hon. Minister said he was going to be sending over in our direction, so that I can have a look at it?

1765 **Mr Speaker:** That was in answer to Question 337, where the Hon. Minister ...

Hon. S E Linares: Mr Speaker, it also includes the website link on that page.

Mr Speaker: Next question.

Q340/2023
Glacis Estate –
Plans for alternative access

1770 **Clerk:** Question 340/2023. The Hon. D J Bossino.

Hon. D J Bossino: What plans does the Government have in respect of an alternative access to Glacis Estate?

1775 **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 am not aware of any need currently to provide an alternative access to Glacis Estate.

1780 **Hon. D J Bossino:** Mr Speaker, if I can assist the hon. Member, what has been brought to my attention is that the Glacis Estate Tenants' Association was in discussions with the Government, I think in the person of the Hon. the Chief Minister, when certain proposals were put in order to allow, in effect, a left access from Glacis Road into Glacis Estate. At the moment, there is a prohibition because of the shortness of the payment coming from the Frontier in the southern direction. They came up with proposals, which initially the Government found attractive, which
1785 would have meant the movement of the bus stop and all the rest of it, but then an alternative was

suggested, which was to create a road behind the Royal Ocean Spa development when the St Anne's School gym would be demolished for the new development that is going there.

1790 The reason why I ask this is because it appears that that particular alternative, which the tenants' association found attractive and, I think, the Government also, does not feature in the plans filed by TNG Global. So I put all of that to him to give him an opportunity to reply. It may be that the Government has changed its mind, or maybe he can happily confirm that it has not and it intends to proceed on the basis that I have just suggested in my rather long question.

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the reason the answer that has been given is the answer that has been given is because the question is about plans that the Government has in respect of an alternative access, and the Government has no plans, itself, for an alternative access to Glacis Estate. The Government continues to consider that the route between Royal Ocean Plaza and the new Bayside development should be explored and will be pursuing those matters through the Traffic Commission and the DPC in the context of the outline planning application from TNG.

1805 **Hon. D J Bossino:** Sorry, Mr Speaker, just so I have understood the answer and for the benefit of those watching and listening, and for the sake of the *Hansard*, is it the Government's position that it intends to create that road? As things stand now, as I said earlier, the plans filed with the Development and Planning Commission very clearly do not allow for that. There is what seems to be a massive flowerbed obstructing the possibility of the creation of that very short piece of road which would provide a solution in terms of that particular access for residents in that particular estate.

1810 **Hon. Chief Minister:** Again, Mr Speaker, the hon. Member is asking a question about the Government's plans and then reflecting on what the Government's plans may be by looking at TNG's plans as filed. I have already told him what the Government's view is in respect of those plans and how we intend to pursue it.

Adjournment

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am very conscious that I have to recess the House. If the hon. Gentleman is going to go back ... I really need to recess the House now, so he will have to ask his questions tomorrow. If there is one more question to the Minister which we can pursue –

1820 **Hon. D A Feetham:** One to the Minister on the schedule.

Hon. Chief Minister: There is one more? You have one more question?

1825 **Hon. D A Feetham:** Yes, I have –

Hon. Chief Minister: Yes, you have one more question. If we start going back and forward, we are not going to finish in time and I am afraid Ministers have another ...

Mr Speaker, in that case, I move that the House should now adjourn tomorrow at three o'clock in the afternoon.

1830 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

1835

This House will now adjourn to Wednesday, 24th May at 3 p.m.

The House adjourned at 5.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 5.45 p.m.

Gibraltar, Wednesday, 24th May 2023

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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

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q337/2023

Employment Tribunal chairpersons appointed to claims filed in last four years – Supplementary question

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 1/2021.

5 **Clerk:** Meeting of Parliament, Wednesday, 24th May 2023.

Mr Speaker: The position as we left it yesterday was that the Hon. Daniel Feetham wished to put in a supplementary regarding Question 337.

10 **Hon. D A Feetham:** Mr Speaker, yes. The answer that was provided to Question 337 was ... I was referred to the Employment Tribunal judgments page. Of course, if I did the exercise of all those judgments, I could discern who the chairperson was in relation to all those judgments, but the question was in relation to claims filed. It is not judgments, its claims filed, and I think the Hon. Minister informed me yesterday that he would have the answer today.

15 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I also looked on the website with my PA to see what exactly the hon. Member was on about, and he is right to say that in the judgments they sign off and we all know then who is the chairperson for that case. When it is to do with filing a case, it is not known and it is not published who the chairperson is until the case is starting. Therefore, I cannot really give you the name of the chairperson before the case is heard, until the case starts. What the hon. Member has, which was the question, is ... the Chairperson who gives the judgment will sign off the judgment and therefore the hon. Member can know who the chairperson is, but not the one before, until it is given to someone, the case.

25 **Hon. D A Feetham:** That is an unsatisfactory answer. I do not want to start the afternoon by saying that, but it is.

I understand that when you file something, not automatically does it go to a chairman. I understand that, but a chairman is appointed at some point after the claim is filed. There is a difference between that appointment at that stage and the judgment. Earlier than the judgment you will know who the chairperson is, and therefore, if it is that, for example, that information is

not easily ascertainable through the database that the Government has, maybe that is an answer, but it may be susceptible to criticism because you should be able to ascertain this information from that database.

35 I am sorry to say that the answer is not satisfactory for the reasons that I have explained. Is there, for example, a database from which you can extrapolate the information as to which person has been appointed as chairman in a particular case? If there is, then of course you ought to be able to answer this question.

40 **Hon. S E Linares:** Well, at the moment there obviously is not, and therefore what I will do is go back and ask why they are not putting it beforehand. That is what the hon. Member wants, that if there is a case filed in the database before the case even starts, they will say the chairman is A or B. That is what you want – correct?

45 **Hon. D A Feetham:** Maybe it is the language that the Hon. Minister is using when he says the case ‘starts’. The case starts when it is filed, okay? The chairperson is appointed prior to the hearing starting. Sometimes it will take a year and a half from when a chairperson is appointed to the actual hearing of the case.

The appointment of a chairperson in every single case, I think, is gazetted. The answer the Hon. Minister could provide me if he was unhelpful would be go back to every single gazette that has been published and do the calculation, but of course we are amongst friends and I would hope that that is not the answer that he would provide me. But because it is gazetted, there has to be some form of database that will tell the Department how many cases are ongoing and who is the chairperson in each of those cases.

50 I do not even require disclosure of the name of the case. What I want to do is the analysis of who has been appointed in these various cases, as I explained yesterday, to just do an analysis as to whether the burden is falling on any particular person or not. That is the reason why I have asked this question.

60 **Hon. S E Linares:** Mr Speaker, I will go back and see if that is possible.

Mr Speaker: Next question.

Q337/2023
Hargraves Parade –
Plans

Clerk: Question 341/2023. The Hon. D J Bossino.

65 **Hon. D J Bossino:** What plans does the Government have in respect of Hargraves Parade?

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

70 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are no specific plans at this moment in time.

Hon. D J Bossino: The hon. Member says ‘at this moment in time’. He gives the impression that there may be something in the offing. If it assists him, the reason why I ask is because information has come to Members on this side of the House that the Government is seriously considering demolishing that area. He is frowning, so I suppose he will not be able to confirm that what I have just told him is correct, but can he comment any further beyond his prepared reply?

Hon. S E Linares: Mr Speaker, no, because at this moment in time there is not anything to my knowledge. I have not heard of demolishing or taking the place away. It is run by the GSLA. It is one of the properties where children play football, and they use it on a constant basis. I have not
80 seen any plans or anything, which is what I have just answered.

Hon. D J Bossino: I thought that I had correctly identified the location, so to that extent his answer is helpful because it may be that we are talking at cross purposes. The question raised was in relation to the building opposite, which is a residential building. I think they are government
85 tenancies. In fact, there is a company, Wonderworks Media, which I think had a registered office there. It was in relation to that particular building block that the question was geared. It appears that the hon. Member thought I was talking about the Parade, where people play football, the football pitch. Can he expand further, now that I have clarified what I am talking about? I think that is the correct address, in fact.

Hon. S E Linares: Well, Mr Speaker, it is not the correct address. The Parade, as I took it, is the grounds in the middle, where the children play and all that. The hon. Member now has identified that it is the one on the south of the Parade, on which I do not have the information but I could
90 go back and ask for it. The hon. Member has stated the Parade. I do not know about the others, but that could be another question that the hon. Member can put next time.

Hon. D J Bossino: Yes, Mr Speaker, if I may, I will double check on the information in terms of the accuracy or otherwise of the address that I set out in the question formally filed, but I really do think it was accurate. I took it from a Companies House search that we carried out in respect
100 of the company I mentioned earlier. I may need to pose a further question should there be any change. If not, I may pose exactly the same question, but at least the hon. Member will be advised of what it is I am talking about.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, I am afraid that would not be in keeping with the Rules or acceptable. He cannot pose exactly the same question within six months. The Rules specifically say (*Interjection by Hon. D J Bossino*) that you cannot. What you can do is put
105 the address of the property that he is referring to in the question, and then it will not be exactly the same question.

Hon. D J Bossino: Mr Speaker, that is exactly the point I have made. All I am saying is that the question may have to be posed and drafted in exactly the same way if, once I have double checked, the address is exactly the same. So in effect, it will be a different question because that is the way
110 it has been interpreted by the hon. Member opposite, because I am talking about the building, as he put it, to the south of Hargraves Parade, but I will check. It may be that as a result of my checking, the drafting will be impacted and it may be a different wording, so it would be a different question.

Hon. F R Picardo: Mr Speaker, the question is a very straightforward one: what plans does the Government have in respect of Hargraves Parade? Hargraves Parade is a place. He has had an
120 answer in respect of Hargraves Parade. He has told us that he thinks he has got it wrong in respect of Hargraves Parade and that he will find the right address of the place that he is believing is going to be demolished.

The answer could have been simply to deprecate the hon. Gentleman and show him how foolish it was. You cannot demolish a parade. That is his question: are we going to demolish a
125 parade? Well, no, Mr Speaker, as long as his question has the address of the place he says now is the place concerned, but it cannot be the Parade because he has had his answer in respect of the Parade.

130 **Mr Speaker:** With respect, I think you should investigate the address, and then, once we have identified the correct address, you will come to me and I will have a look at it and I will decide.

Hon. D J Bossino: Mr Speaker, I understand that all it requires is the addition, I am told by my colleagues here, of a 9 before Hargraves Parade.

135 **Mr Speaker:** Next question.

TRANSPORT

Q343-44/2023

Decibel levels –

Maximum allowable for vehicles; monitoring

Clerk: Question 343/2023. The Hon. E J Phillips.

140 **Hon. E J Phillips:** Mr Speaker, can the Government confirm if there is a maximum allowable decibel level for vehicles travelling on our roads?

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

145 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 344.

Hon. E J Phillips: Mr Speaker, can the Government state what processes are in place to monitor decibel levels?

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

Hon. P J Balban: Mr Speaker, all vehicles registered in Gibraltar since 2008 are EU type approved and would therefore be subject to stringent standards on manufacture. This means that decibel readings for any such vehicles should be within prescribed EU approved levels.

155 As the hon. Member will be aware, since 2008 we require motor vehicles to be in possession of a Certificate of EU Conformity (CoC) and/or a Single Vehicle Type Approval Certificate. Although I am advised that there is no statutory maximum allowed decibel level, there are guidelines used by the Licensing Authority (DVLD). Furthermore, the motor vehicle's CoC shows the decibel level at manufacture so a retrofit exhaust would need to conform to the original standard. Motor vehicles emitting higher levels than the said original standard would be non-compliant and in breach of the Motor Vehicles Test Regulations 1987. Motor vehicles found to be emitting high noise levels may also be summoned by the Commissioner of Police to undergo a test of compliance under the provisions of the Traffic Act 2005. Any such test would be undertaken at the DVLD using specialised decibel test equipment. Pre-2008 motor vehicles that are not in possession of a Certificate of EU Conformity or a Single Vehicle Type Approval Certificate would undergo an age-related test if found to be emitting high noise levels whilst driven on our roads, or at periodic roadworthiness test inspections, in other words the MOT test.

165 Therefore Mr Speaker, the relevant statutory authorities to monitor decibel levels for vehicles being driven on our roads that would ordinarily be considered a traffic offence would be the Royal Gibraltar Police; otherwise, whenever a motor vehicle undergoes its periodic roadworthiness test.

170 **Hon. E J Phillips:** Mr Speaker, I know he said there is no statutory level in Gibraltar, but he referred to the manufacturing standard level when it is assessed at ... Does he know what that decibel standard is?

175 **Hon. P J Balban:** No, Mr Speaker, I do not know what that decimal standard is. What we are saying is there are two scenarios. One is pre-2008 and one is post-2008. If it is post-2008, the assumption is that the vehicle that was purchased came through via the European Channel and would meet the criteria and requirements of those vehicles, so they would obviously be imported into Gibraltar and used. If it is pre-2008, because those standards were not the same, the MoD goes back and checks the year of that vehicle. If the vehicle was manufactured in 2000, then they
180 would be expected to conform to the noise levels of a vehicle manufactured in that year.

Hon. E J Phillips: My Lord – apologies, I was transported somewhere else and I have just elevated you for a period, Mr Speaker!

185 Mr Speaker, my understanding is that EC Regulation 540/2014 applies a legal sound limit in the United Kingdom of 72 dB for cars manufactured from 2016 onwards. Is he saying that we do not have that similar legal sound limit that was implemented in the United Kingdom, in Gibraltar? When I trawled through the Gibraltar Laws website, I could not find that regulation.

190 **Hon. P J Balban:** Mr Speaker, all EU directives were transposed, so I would assume ... I would really need to seek advice whether the number 72 is actually there. One thing that we have to be ... It is not – then obviously you know more than I do. Yes, okay.

Hon. E J Phillips: One of the complaints that I receive from constituents is in relation to loud, noisy exhausts, and that is why I have put that question, so that we can ascertain what processes
195 are in place and actually what is the limit, so that we can deal with it.

As he may know, the European Union – and, indeed, the United Kingdom, in fact – is looking at lowering that decibel level to 68 as from 2026 onwards. What I am trying to get at is whether the Government, if they are still on that side of the House later on this year or at the beginning of next year, will follow that same trajectory insofar as that limit is concerned, so that we can give
200 some reassurance to members of the public that this issue is being carefully monitored and that we are trying to reduce the noisy exhausts that drive around and irritate members of our community.

205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, whichever Government is on this side of the House, it will be the Government of Gibraltar. Whichever administration will be up to the people of Gibraltar to decide later this year.

The question is a little more complex than the hon. Gentleman might at first blush have realised. If there is a treaty between us and the European Union on the creation of, in effect, a single market in goods, then the standards relating to goods – and cars would be a good – would
210 be the European standard, at least. There would be nothing stopping us going to the UK standard, but we would have to at least comply with the European standard. If we do not have a single market in goods with the European Union, then we would have to consider whether we want the flexibility to be able to have goods transit through Gibraltar or be in Gibraltar that are not meeting the standards of the EU or the UK. At first blush, there is no reason to want cars that are below
215 European standards to be in Gibraltar, but there may be a market in sales beyond Gibraltar which we might want to exploit in those circumstances. So it would require a policy consideration at the time that the decision came to be made in light of the international obligations such as they may be at that time.

220 **Hon. E J Phillips:** That is very helpful, to see the wider context, as he puts it. One of the points I would like to make, and maybe he can help me with this question as well, is it seems to me from

my own research – and I am sure that the Minister for Transport’s team will go back and look at this – that if we have not followed the standards that the European Union has sought to impose on member states and we are not following the standards that the United Kingdom, which is also following the EU standard that was referred to by the Minister for Transport, why haven’t we done that (1) since that EU regulation came in; and (2) that is why I was trying to find out what the standard was here at home.

Do we have these noisy cars on the road? And what are we going to do about it? Are we going to decide our own standard in respect of that decibel level? The reason why it is at 72 currently and why they want to bring it down to 68 is because the EC regulation actually sets out in detail the damage that noisy exhaust does to people’s health, so I would have thought it is a major issue, in terms of transport and looking after the health of members of our community, to drive down that decibel level in motor cars. That is the type of question I am trying to ask here.

Hon. F R Picardo: Mr Speaker, the reason he may not have been able to find reference to it, although the Government is aware and has confirmed that all EU directives which were required to be transposed by the date of our departure from the European Union were transposed, is that we were not in the single market in goods at the time we left the European Union. It is very likely that this particular directive might have been interpreted as being related to the single market in goods, although standards applicable to goods for sale in the European Union was something that did apply to Gibraltar, and therefore the hon. Gentleman opposite might remember the controversy surrounding Article 100A directives. I do not know whether he is aware of that. Article 100A directives deal with standards of goods on the market but not relating to the sale of goods and the free movement of goods, and Article 100A directives were deemed to apply to Gibraltar, so it depends whether the relevant directive was an Article 100A-type directive or not.

Having said that, in all the time I have been in politics I have received many complaints about noisy bikes, but I have never received complaints about a noisy car. I have received complaints about cars that spew out black smoke, but I have not received complaints about cars that make noise, so I would be interested to hear from him the type of vehicle that is being referred to. Is it a modified exhaust etc?

Certainly the Collector of Customs does not permit, unless there is an exercise of discretion in exceptional circumstances, the importation into Gibraltar of any vehicle that is not EU compliant, in any event. So vehicles have, for the period that the Hon. Minister has suggested – indeed, longer – all had to be EU compliant in order to be able to be imported into Gibraltar, whether they are public service vehicles or private vehicles. Therefore, whether directly through the application of our law in the transposition of the relevant directive or by dint of the fact that the importation would not have been permitted unless the vehicle complied with EU standards, those standards have applied.

I do not see a reason why we would not want to apply a higher standard even in the future, but for the reasons I have indicated, I think it is for the policymakers at the time to make that policy consideration in light of the relevant international obligations, such as they may be.

Mr Speaker: Next question.

Q345/2023
Cycling helmets –
Policy re compulsory wearing

Clerk: Question 345/2023. The Hon. E J Phillips.

265 **Hon. E J Phillips:** Mr Speaker, can the Government state its policy on the compulsory wearing of helmets by cyclists on our roads?

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

270 **Minister for Transport (Hon. P J Balban):** Mr Speaker, there are four countries in the world that require and enforce the universal use of cycle helmets. These are Argentina, Cyprus, Australia and New Zealand. There are a few jurisdictions where partial rules apply. Furthermore, a few countries have legislated for mandatory helmet use but do not enforce these laws.

275 The cycle helmet debate is an extremely interesting one for anyone who wishes to embark on reading the massive amounts of literature on this subject. Before taking a position on this matter, it is necessary to look hard at the evidence and research and take advice from other nations. As we always say in cycling policy, we should not reinvent the bicycle wheel but must feel free to take advantage of the knowledge and experience of those who are much further ahead on that bicycle journey than we are.

280 Although the literature in this respect is vast, I will just refer to Cycling UK as the oldest national cycling charity, looking after cyclists since 1878, whose views are shared by the European Cycling Federation (ECF), and the World Cycling Alliance, whose president is well known to all of us, Sir Graham Watson. The common view shared between these organisations, as indeed most others worldwide, is that, and I quote from Cycling UK:

There is no justification for making helmet-wearing compulsory: it could undermine levels of cycle use and, in any case, the effectiveness of helmets is far from clear.

285 I will continue to use Cycling UK as my reference for my reply:

Cycling UK is opposed to both cycle helmet laws and to helmet promotion campaigns because these are almost certainly detrimental to public health. Evidence shows that the health benefits of cycling are so much greater than the relatively low risks involved, that even if these measures caused only a very small reduction in cycle use, this would still almost certainly mean far more lives being lost through physical inactivity than helmets could possibly save, however effective.

In any case, there are serious doubts about the effectiveness of helmets. They are, and can only be, designed to withstand minor knocks and falls, not serious traffic collisions. Some evidence suggests they may in fact increase the risk of cyclists having falls or collisions in the first place, or suffering neck injuries.

Neither enforced helmet laws nor promotion campaigns have been shown to reduce serious head injuries, except by reducing cycling. The remaining cyclists do not gain any detectable reduction in risk, and they may lose some of the benefits from 'safety in numbers'.

So instead of focusing on helmets, health and road safety professionals and others should promote cycling as a safe, normal, aspirational and enjoyable activity, using helmet-free role-models and imagery. Individual cyclists may sometimes choose to use helmets, either for confidence or because of the type of cycling they are doing. However, they should not feel under any pressure to wear them. For the sake of our health, it is more important to encourage people of all ages to cycle, than to make an issue of whether they use a helmet when doing so.

In the UK, the life years gained due to cycling's health benefits outweigh the life-years lost through injuries by around 20:1. Mile for mile, the slim chances of being killed whilst cycling are about the same as those for walking, and on average, one cyclist is killed on Britain's roads for every 29 million miles travelled by cycle.

Enforced helmet laws have consistently caused substantial reductions in cycle use (e.g. 30-40% in Perth, Western Australia). They have also increased the proportion of the remaining cyclists who wear helmets, yet the safety of these cyclists has not improved relative to other road user groups (e.g. in New Zealand).

Even if helmets could prevent all cyclist injuries (including non-head injuries), a UK helmet law would only have to reduce the level of cycle use by about 4.7% to shorten more lives through inactivity than helmets themselves could possible save.

Standards only require cycle helmets to withstand the sort of impact that a rider is likely to suffer if they fall from their cycle from a stationary position (about 12 mph). They are not and cannot be designed to withstand impacts with faster-moving cars, let alone lorries.

Cycling typically accounts for 7-8% of the head injuries for which children are admitted to English hospitals – just a quarter of these to parts of the head that a helmet might protect.

Government and other bodies concerned with health or road safety should simply aim to encourage people to cycle, regardless of whether or not they choose to wear helmets when doing so.

Enforced helmet laws cause deep and enduring reductions in cycle use, undermining its very substantial health and other benefits. Given that the risks of cycling are low – they are not greatly different from those of walking or other forms of active recreation – even a very small reduction in cycle use would be counter-productive to health and other public policy objectives, regardless of the effectiveness or otherwise of helmets. In practice, this disbenefit is potentially very substantial, not least because the deterrent effect is likely to be strongest among key target groups for physical activity promotion, e.g. women, teenagers, less well-off communities and ethnic minority groups.

Cycle helmets have in any case not been shown to be an effective way to reduce cyclists' injury risks. Indeed they might even be counter-productive, by encouraging drivers or cyclists to behave less cautiously, and/or by increasing the risks of neck and other injuries. By deterring people from cycling, they may also reduce the benefits that cyclists gain from 'safety in numbers'.

Enforcing helmet laws would require levels of police activity that would be grossly disproportionate to any possible benefits. Conversely, unenforced helmet laws make no long-term difference to helmet use, and therefore cannot provide benefits in any case.

Road safety policies should prioritise measures that reduce the risks that deter people from cycling – traffic speeds, hostile roads and junctions, dangerous or irresponsible driving, and lorries – and offering high quality cycle training for people of all ages, to give them the confidence and skills to ride safely on the roads.

Individuals should be free to make their own decisions about whether or not to wear helmets, with parents making these decisions in the case of younger children. Their decisions should be informed by clear information about the uncertainties over the benefits or otherwise of helmets.

Cycling UK supports politicians, celebrities and other role-models who choose to cycle un-helmeted. Far from 'acting irresponsibly', they help to boost the perception of cycling as a normal, safe, aspirational and stylish activity that anyone can do in whatever clothes they normally wear.

Schools, employers and the organisers of non-sporting cycling events (e.g. sponsored rides) should not impose helmet rules for their pupils, staff and participants respectively. These rules are not justified in terms of health and safety, they are likely to reduce both the numbers and the diversity of people who take part in cycling, and they may in some circumstances be illegal.

Mr Speaker, the ECF, founded in 1983, is an independent non-profit association and the European umbrella federation of civil society organisations advocating and working for more and better cycling. They harness the power of the European cycling movements to promote cycling as a sustainable and healthy means of transport and leisure. The ECF is not against helmets and recognises that some people feel more comfortable cycling with a helmet. However, the ECF is against claims that portray cycling as far more dangerous than it is and portraying helmets as offering far more protection than they do. For the record, the Ministry for Transport is a member of the ECF Cities and Regions Network.

The ECF's position on cycling helmets is as follows. Cyclists typically live longer and healthier lives. Serious head injuries are rare and the evidence in favour of helmet wearing and helmet laws is weak. The main effect of helmet laws has not been to improve cyclists' safety but to discourage cycling, undermining its health and other benefits. The ECF therefore calls upon authorities to focus on well-established measures to promote cycling and cyclists' well-being, recognise that the benefits of cycling far outweigh the risks, and refrain from promoting or enforcing helmet wearing without sound evidence that this would be beneficial and cost-effective compared to other safety initiatives.

I have a very keen eye on everything that involves cycling as an alternative means of travel. I am always keeping up with developments and constantly networking with technical professionals in this field. The Government of Gibraltar follows the advice of world experts and fully supports and endorses the views of the major players in this field. Therefore, the Government does not agree with the compulsory wearing of cycling helmets. The wearing of bicycle helmets should be down to personal choice, and in the case of young children, the choice of their parents or carers.

Hon. E J Phillips: Mr Speaker, there was a lot in that answer that might require unpacking, but I will try to stick to some of the general principles that he set out in the answer, and with a little bit of leniency I might need to ask a few more questions that I would ordinarily ask in relation to this particular subject.

As the hon. Gentleman will recall, we have had a number of engagements on this particular issue. I completely understand that the jury is out and there is debate on the question as to

315 whether a country or an administration should impose the wearing of helmets. In fact, I think on his side of the House there is a division on helmet wearing. I think the Hon. the Chief Minister himself and his Excellency the Governor when they have their jaunts up the Rock wear helmets, whilst he is well known not to, which I ... I will get to the question.

320 **Chief Minister (Hon. F R Picardo):** Will you just give way for a second?

Hon. E J Phillips: Yes.

Hon. F R Picardo: By choice, but not implying that it should be compulsory.

325

Hon. E J Phillips: I accept that, and of course the Chief Minister is leading by example in relation to that. That is his view, of course. (*Interjection*) Let me finish the question. Perhaps if you can answer it then.

330 He has recited a lot of the evidence that peddles the view that there should be no compulsory laws to force people to wear helmets within our community, but what he must accept is that bike helmets are the effective strategy to prevent traumatic brain injury in cycling accidents. That is a fact, Mr Speaker, and I would ask that he accept that. Can he accept that?

335 **Hon. P J Balban:** Mr Speaker, just to take up the point 'leads by example', obviously that is via your standards. You think someone who wears a helmet, especially in a position perhaps like us ... We should be wearing helmets because we have to set an example? The example I am setting is one that ... I have total trust in what I do. I feel safe on the roads and there is no need to impose something. Cyclists have the choice. You can choose to wear a helmet. There is no law that stops you from wearing a helmet. The evidence is saying we should not impose.

340 There are certain accidents where if the cyclist falls on his head ... Because the helmets only protects the top of your head, if you get doored as you are cycling along and you get hit in the face, obviously there is nothing a helmet will do. So the next thing the Member wishes to push for is a full-face helmet, like a motorcycle helmet, just in case you get hit from the front?

345 What you have to look at is the evidence. Yes, if you are going to have a serious accident and land on the crown of your head, if you are wearing a helmet you have a better chance of survival. But if you look at the statistics and see how many people actually are affected by that and see how many pedestrians, statistically, suffer head injuries as a result of living on the streets like cyclists live on the streets, then you will see that the statistics are not that different. In fact, more people driving cars suffer head injuries – and fatal head injuries – statistically than people on bicycles. So what we are saying is should we all be wearing helmets? Cyclists – it is a question of risk – people in cars, people walking? Recently there was a tragic accident and a pedestrian was killed. Should we all be wearing a helmet when we are walking, just in case we are statistically unlucky and get hit by something?

350 I am not anti-helmets. In fact, I will wear a helmet when I feel unsafe. When I am doing a sport, when I am mountain biking or racing on a road I feel I want to wear a helmet, but when I am cycling to work and back at 10 kmph there is absolutely no need, and the evidence suggests that. I am quoting from the major players worldwide. I am not against cycling helmets; it is that the evidence is not there.

360 **Hon. E J Phillips:** Mr Speaker, I know that this could turn into a debate about whether or not we impose legislation in relation to compulsory wearing of helmets, and I do not want to do that, so I will keep these questions quite tight, and if we feel on this side of the House – and I am sure that it would – be welcomed by that side of the House that we have that debate, then I will put a motion in and we can then have a wider discussion on the question, which I think would be helpful.

365 Just one thing. He mentions helmets and I know in relation to the ones that he may have used himself, or others ... He is aware, is he not, that a hundred helmet manufacturers now have

developed and are producing and distributing multi-directional impact protection systems within helmets? So it does not matter which side you fall on, whether you are stationary or whether you have a head-on collision on the crown, these helmets now are being designed specifically to cater for any side impact at all. He has questioned the utility of the helmets based on the actual injuries sustained and the point at which there is a collision. Helmets nowadays are constructed for multiple areas of injury across the neck and the head. I would encourage him to look at the research in relation to what is described as Mips. That is the direction of travel – to use another pun – in relation to this issue. Has he heard of Mips?

And just linked to that, the Government has legislated for the compulsory wearing of helmets on e-scooters. He said, 'Should everyone walking around wear a helmet?' Well, clearly not, obviously, but how does he rationalise the e-scooter policy with cycling when cyclists may well be moving faster than e-scooters? Can he just rationalise that argument for me?

Hon. P J Balban: Mr Speaker, we have enjoyed conversations about this and I will be repeating what I have told him in a personal capacity, so that people in Gibraltar can actually hear what is going on.

Obviously you have googled it. You have looked at Mips, which – (*Interjection by Hon. E J Phillips*) Yes, but are you a cyclist? Do you cycle? Do you cycle to work? It is very easy to google and look at the latest helmet technology. Maybe we should be encouraging people, or in fact legislating for everyone to wear a Mips – pedestrian, car driver, cyclist and e-scooter user – then we would all be protected. Then we go to war like the jousting in the old days with the horses. I do not go to the street to battle on a bicycle. I use a bicycle to get from A to B, and statistically it is a safe thing to do.

My knowledge comes from numerous conferences, from engaging and networking with the professionals, with people who are not individuals; they are part of organisations, associations, world bodies, alliances. This is not just the Member of the Opposition going on to Google and saying, 'Oh, look, Mips ...' The hon. Member was saying have a debate. These things are common in cities that are not cycling cities, and this is what we are; these debates are something of cities which ... These debates do not happen in Amsterdam or in Holland. Cyclists do not waste time with these sorts of things. A debate for what? If you want to wear a helmet, you can wear a helmet. If you feel safe wearing a helmet, wear one. What you cannot do is impose on others. This is what we are saying. Everyone has the right to decide what they want to do. So it is fine to promote – you can do a health promotion, you can do what you want – but what we are saying is you have to accept that is counterproductive. We are just embarking on trying to get people to opt for cycling as one of the alternative modes of transport, and statistically we know that imposing a cycling helmet on someone is detrimental, so we are trying to kill it off in its embryonic stages, which is what we want.

With e-scooters – I knew you were going to come to e-scooters – it is absolutely normal. E-scooters, because of the nature of the device, have a high centre of gravity. They have tiny wheels, they are unstable. The research shows that there is 7% to 10% more chance of injury on a scooter than there is on a bicycle. It is a passive form of transport; it is a motor vehicle, it is driven by an engine. A bicycle is driven by a person. For you to keep up 25 kmph on a bicycle ... Try it. I will lend you a bicycle and you can try it. Keep going at 25 kmph for 20 km. You cannot do it. You can on an e-scooter, so the risks are completely different in that respect. I have looked at the research and it was gauged that it was something which was important to try to help and protect people in that respect, and the evidence supports it, but not when it comes to bicycles.

Hon. E J Phillips: [*Inaudible*] ... I should be doing and what he should be doing as Minister for Transport is having an exhaustive, extensive research process in relation to that. I am happy to work across this side of the House with him on this particular issue so we can analyse the evidence together, look at it, look at the structure of our roads and actually ascertain, maybe as a joint approach, whether helmets should be used more frequently in our community, whether

420 compulsorily or otherwise, but they are vulnerable road users, as he knows, and he referenced that in his tweet. So does he agree with that?

Hon. P J Balban: Mr Speaker, cyclists and pedestrians. Pedestrians are the most vulnerable on a road, so do we protect pedestrians as well? Do they wear armour to go into the street? Okay, so cyclists are the second most vulnerable. What makes a cyclist and a pedestrian vulnerable? The drivers. The fifteen or twenty thousand drivers in Gibraltar make the cyclist and the pedestrian vulnerable, so should we be looking at how people drive and how they speed or how they think of a car as an extension of their body, as opposed to a machine which is capable of killing? Of course they are vulnerable. A child is even more vulnerable, so do we protect a child with unnecessary armour? No, we do not.

430 For us to have a debate on cycling helmets ... We are saying how many people cycle in Gibraltar, how many people cycle to work in Gibraltar? So we are saying let's put it to the vote. Let's ask the 30,000 drivers what they think cyclists should do. Let's ask them should the cyclists wear helmets. What about cars? It just does not make sense. You are dictating in a sector of the community, and most of the cyclists in Gibraltar – sport cyclists – wear helmets anyway because they choose to.

435 So all you are doing is pinpointing the commuter riders, exactly the ones we want to encourage so that people do not use their cars as much. That is what we want. We should be encouraging people to cycle, and unfortunately, statistically the research shows that by imposing cycling helmets you do the opposite. This is fact, and it is my job ... What I want to see is a greener Gibraltar, a healthier Gibraltar, people trying to opt for better modes of transport, and if it is walking, even better; walking, cycling, whatever, but not the private car. This is what we should be tackling. We have had this conversation before. We need to try to encourage people to change their mindset – so just when we are trying to change people's mindset, we want to enforce upon them cycle helmets. *(Interjection)*

440 I have replied about the policy of the Government, and the policy of the Government is as the rest of the world, except four countries. So we either spearhead this and become the fifth and say, 'Wow, look, we have broken records – we are the fifth country,' or we do as others do because of the research out there.

445 The last comment I will make is he or she who wants to wear a helmet is not stopped from doing so. I think that is the key message. It is a non-issue.

450 **Mr Speaker:** Next question.

Q346/2023
Active Travel Strategy and pop-up cycle lanes –
Update

Clerk: Question 346/2023. The Hon. E J Phillips.

455 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on its Active Travel Strategy and when pop-up cycle lanes will be rolled out?

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

460 **Minister for Transport (Hon. P J Balban):** We will not be needing many pop-up cycle lanes if we keep on talking about compulsory helmet wearing, I will tell you that.

Mr Speaker, pop-up cycle lanes have already been rolled out at the Frontier. Pop-up cycle lanes are used as a tool to verify the efficiency and suitability of future, potential, more permanent cycle infrastructure.

465 **Hon. E J Phillips:** I think it was ungenerous for him to start off the answer to that question with the suggestion that that is what we are trying to do, which is adverse to his policy. He knows we engage and we have a constructive relationship when it comes to this question.

470 Insofar as the identification of those lanes, are we having a consistent colour code? My understanding is that they are different through Kingsway than they are envisaged to be in other places in Gibraltar, in terms of the travel strategy that he has disclosed to me and shown to members of the community to canvass their views. Will it be consistently identified?

475 **Hon. P J Balban:** Mr Speaker, there is no need to have a specific colour code for the whole of Gibraltar. Kingsway is a project which was carried out before our time. It was done with certain specifications. We could not change anything about that project. Red in nature and red as a colour is a colour of warning. It is a colour that we have to be aware of. It is a no-entry sign, a stop sign. In traffic nomenclature and signage, red is a warning. So personally – and I share the opinion of many others – red for bicycle lanes really is a colour which ... Even the psychological testing on colours on infrastructure shows that it is not the best colour for infrastructure. We look at blues, we look at greens, we look at things that are more passive, and you see in other places sometimes where there is a conflict and where a bicycle lane that is blue leads into an area that is shared with a car, for example, sometimes they choose to paint that box in red or they choose to add some other sort of combination, so people are aware something has changed, something is different – be careful.

480 The transport strategy was very clear from the start that we were choosing blue for our lanes and that is the colour that we felt was best, but it does not really matter, as I have seen in cities where they have in certain places green and in other places red, and in places like Sevilla, which has decided to change path and gone from I think it is blue to green, and slowly they alter those colours. So there is no such issue in that respect.

490 **Mr Speaker:** Next question.

Q347-48/2023

Parking spaces –

Number lost in last two years; rationale for removing spaces at Bayside Road

Clerk: Question 347/2023. The Hon. E J Phillips.

495 **Hon. E J Phillips:** Can the Government state the number of parking spaces that have been lost over the last 24 months resulting from the Government's policy to reduce car use?

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

500 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 348.

Clerk: Question 348/2023. The Hon. E J Phillips.

505 **Hon. E J Phillips:** Can the Government confirm the rationale for removing parking spaces at Bayside Road?

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

Hon. P J Balban: Mr Speaker, since May 2021, 24 months ago, there have been a number of pedestrian enhancements rolled out by the Ministry for Transport, as well as provision for sustainable modes of transport parking areas where one car parking space was removed at Line Wall Road to allow the space to be used by 10 bicycles and e-scooters in the heart of town for parking. This potentially means 10 fewer polluting vehicles on our roads.

The removal of 13 spaces at South Barrack Ramp has provided a safe passage for pedestrians, especially school children to and from the main school in the area, thus improving pedestrian accessibility to and from the school, bus stops and residential properties.

Eleven Residential Parking Scheme Zone 3 spaces at Prince Edward's Road were removed and relocated within the ex-Queen's Cinema car park to allow for a new demarcated footpath from Hargraves sports pitch to Forty Steps. The western section of this road has been segregated to allow for the safe passage of pedestrians, an area where it is deemed necessary to connect other existing footpaths in the Upper Town, as well as providing safe access to clubs and out-of-school activities.

Five Residential Parking Scheme Zone 3 spaces at Europa Road, close to the Garrison Gym, were removed and relocated on Windmill Hill Road to allow for the introduction of a segregated footpath in an area lacking pedestrian infrastructure due to the existing constraints on road widths in this location.

Bayside Road will see the loss of 18 free parking spaces, 15 pay and display spaces, two loading and unloading bays and five motorcycle parking spaces. This is as per the plans contained within the Gibraltar Active Travel Strategy released to the public in January 2023 for the introduction of the proposed cycle lanes. You must note, Mr Speaker, that more parking loss is envisaged in this area due to the upcoming developments in the area if approved by the DPC. However, this area is well serviced with ample parking within covered public car parking facilities such as World Trade Centre, Devil's Tower multi-storey car park and Ocean Spa Plaza, therefore the impact is minimum. The proposed developments are also catering for public car parking facilities.

Lastly, Glacis Road will see a loss of seven pay and display parking spaces and seven free parking spaces. However, four loading and unloading bays are to be re-provided to cater for the residents and businesses in this location, which also includes the re-provision of the motorcycle bay by Portland House.

In answer to Question 348, the removal of parking spaces at Bayside Road is in conjunction with the proposed plans contained within the Gibraltar Active Travel Strategy to introduce sustainable forms of transport infrastructure in Gibraltar.

Hon. E J Phillips: I am grateful for that answer by the Hon. Minister. I think, in conclusion, it is right that there is a drive towards reducing numbers of publicly available parking spaces, because I think what he said is that there are alternatives for members of the public to park their cars, should they wish to continue to use them, in other spaces. So he is satisfied, is he not, as Minister for Transport, that what some members of the public feel is a parking loss and a detriment to them ... that there are alternative locations for the parking of their vehicles available to them? Is that what he is saying?

Hon. P J Balban: Mr Speaker, there are certain locations where there is ample parking of different types. So where maybe we have lost free parking spaces, which are free for all, including people who are not resident in Gibraltar, there are areas now which can be paid for, so anyone can use the paid parking. For example, if we talk about Bayside Road, we have Ocean Spa Plaza, we have World Trade Centre and we have, within close proximity, Devil's Tower Road car park as well. So there is ample parking for people who want to use the facilities, and even when the GFA has the stadium down there, they will also be able to park.

Inevitably and invariably there will be some loss of parking spaces. You cannot make an omelette without breaking eggs. Do we want a sustainable future for Gibraltar? Do we want to encourage people to walk using more comfortable and safer pavements, to try cycling as an

560 alternative? Do we? Or do we want to proliferate car ownership by producing more parking
spaces? When we can, we have tried to balance things out, and we have got rid of some parking
spaces we have tried our best, if it is possible, to give parking spaces somewhere nearby, but it
has not always been possible and it will not always be possible. This is why, when I brought it to
the Members opposite – which I am very grateful for – and gave them the opportunity to see the
565 transfer plan, I said very clearly this is not something that we have to be at odds on. This is
something we have to do together, because if I am going to say I am going to get rid of, eventually,
so many parking spaces in Gibraltar and the other side is going to say, ‘Paul, you shouldn’t be
taking ...’ Where are we going to build the bicycle lanes? On stilts above? So I think in that respect,
we must share that common ground.

570 The residential parking scheme is not yet completed, there are still a few more zones to do,
but the whole idea of that plan was that once it is completed, everyone who lives in Gibraltar will
be able to park within the zones, and that should liberate a lot of parking spaces which are lost,
which are free parking spaces for people who do not live in Gibraltar. So that would be the final ...

575 We have done studies, we have looked, and Gibraltar has a lot of car parking spaces. As we
build and people buy and move into their new affordable homes, they go into these homes with
covered parking spaces. It is just a shame that people choose to buy another car to put in that
space, as opposed to saying, ‘I will just have one car.’ But this is our challenge, I think – our
challenge in common.

580 **Hon. E J Phillips:** I accept that it is a challenge in common and I am grateful that he shared the
Active Travel Strategy with Members on this side of the House. He talks about unity between the
Government and the Opposition on this particular question and I share a lot in common with what
he says. But of course, one of the things that we may not have in common is the way in which he
does it, and that is the reason why we have these arguments, sometimes, and questions put
585 before the House.

I just wanted to find out from him what level of buy-in he is getting from the community. It is
all well and good he and I agreeing on something – more cycle use, for example – but ultimately,
when you lose 62 car parking spaces, which is what my hon. Friend here to my right added them
to ... What kind of communication or participation does he have in talking to people about the
590 reasons for the loss and persuading them and giving them the confidence to use other forms of
transportation? That is principally the most important thing here.

The success of his project will depend on people buying into his vision. Not only that, but also
how do we provide for those people who are unable to participate in his vision – the elderly, for
instance? That is a big one coming from members of the community to me, who say, ‘I cannot be
595 expected in my late 70s to be getting on a bicycle, cycling down to Morrisons and taking my
shopping back home, for example, or going somewhere else where I can park in town and have
easy access.’ We have to think about everyone in our community when we are trying to get to
that vision and achieve that vision that he is trying to achieve. I just want to know what level of
consultation he is personally doing with service users and those people who may have lost that
600 type of facility in terms of those 62 parking spaces, because I think that is the most important
thing here.

605 **Hon. P J Balban:** Mr Speaker, does the hon. Member genuinely and honestly think that I expect
everyone, of all ages, to be cycling to Morrisons, regardless of their medical condition or their
ability in terms of mobility? That is quite a statement to make.

Remember, cycling is not for everyone, but neither is driving for everyone because some
people get to a certain age and cannot drive anymore because of eyesight or whatever. So what
happens is that for those who want to cycle – and there are many people who do, because I am
stopped ... You get all of this firing on social media of certain groups of people who keep on hitting
610 the same minority group, and I am told continuously by people who follow and aspire that they
want to see me achieving my goals. This is not the reality.

615 Just having more people walking and cycling means fewer cars on the road, which means that the few people who need to use their cars will hopefully be able to use them a lot more comfortably. Our problem is not car use. If we all had one car per household and we used it ... For how long does a car remain parked? We have all got cars here when we spend endless hours in Parliament. Those cars are parked up somewhere. We are not using them. What is really the use of our cars in our lives? Very, very little, so why do we need four or five of these cars? We do not.

620 The whole point of this is that those who want to cycle ... and there are many people who stop me and say, 'I would cycle but I genuinely feel worried, I do not feel safe. Please, if you can create these cycle lanes, I will go out on a bicycle and I will take my children. At least I will try it out. Then, if I feel unsafe on a bicycle, I will not.' There are a lot of people, and you will be surprised, people of all ages and all walks of life. So what we want to do is just encourage.

625 I keep telling people we have a port, we have an airport, we have a free bus service, we have taxis, we have roads, we have everything, we have pavements – what don't we have in Gibraltar? Gibraltar always wants to have a bit of everything. We do not have cycle lanes. Our cyclists are on the road with the cars. Why can't we enjoy ...? It is just like telling people, 'Walk on the road – get off the pavement and give it to the car.' Let cars park on the pavement – that will sort out our parking problems – and let the pedestrian just walk on the road.

630 This is what we are trying to do. We are trying to make people choose this mode of transport. The hon. Member says, 'No, we would do it differently.' Well, I am very interested. This is why I shared it with him. If new ideas across the floor of the House are 'We will build bridges, overpasses and underpasses', maybe if we had millions and millions of pounds to spend on it ... Other cities have done that in certain areas, but Gibraltar is very small – either we build the bicycle lane 20 cm further that way, or we just do not do it.

635 I can assure you that the research I have done on this is vast, and every time I go away to a conference I come back with other ways of doing the same thing. I genuinely believe in this, not just because I cycle, because if I did not cycle I would still ... It is because I think this is where cities are going.

640 **Hon. E J Phillips:** Given the loss of the 62 parking spaces, I wonder whether he has this information to hand: what loss of parking spaces does he expect in the next 12 months?

645 **Hon. P J Balban:** Mr Speaker, I would not be able to tell you exactly because, remember, there will be an election before the 12 months and we do not know, obviously, what will happen. I can only talk of the next few months. I do not know when the election is going to be, whether it is going to be two, three, four months, or what.

650 There will still be a few more parking spaces to lose, but not an awful lot more. Now I am looking at something they call bicycle streets, which gives us options to be able to lose not as many parking spaces on roads, if that is what we want. Again, remember this is a policy thing. What do we want? Do we want to proliferate the car and create bicycle streets, or do we want to create segregated bicycle lanes? There are options for us to do other things. As we roll things out, I am happy for the hon. Gentleman to ask me the same question and I will give him a rundown on how many parking spaces, but I do not see it as something negative, losing parking. There is no other way of doing this.

655

Mr Speaker: Next question.

Q349/2023
Willis's Road car park –
Automatic doors

Clerk: Question 349/2023. The Hon. E J Phillips.

660 **Hon. E J Phillips:** Mr Speaker, can the Government state how long the automatic doors at Moorish Castle car park have been broken and left open?

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

665 **Minister for Transport (Hon. P J Balban):** Mr Speaker, although the hon. Member has referred to the car park as Moorish Castle car park, the said is officially known and referred to as Willis's Road car park.

670 Upon enquiring with Gibraltar Parking Management Services Ltd as Government's appointed agents for the management and maintenance of government-owned car parks, we are advised that the doors may have now reached their end of life. I am advised that this is being actively looked into and we envisage that they will be replaced in coming months.

675 **Hon. E J Phillips:** Mr Speaker, I think I asked how long they had been broken and left open. I think that was the question I asked. I appreciate that it is end of life for these doors, but I did ask how long they have been in that state, effectively.

Hon. P J Balban: Mr Speaker, I was unable to get that information for reasons which I am happy to speak to the gentleman about behind the Speaker's Chair. *(Interjection by Hon. E J Phillips)* Because the person responsible for giving us these statistics is no longer with us, so we have had difficulty in getting the information required.

Q350/2023
Europa Advance Road –
Completion of works

680 **Clerk:** Question 350/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, when does the Government envisage that the repairs at Europa Advance Road will be complete?

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

690 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the works at Europa Advance Road will be completed once the pipe within Powers Drive has been replaced. AquaGib are currently working on this replacement and it is expected that this will take a further two months to complete.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q352/2023
School intranet problems –
Update

Clerk: Question 352/2023. The Hon. E J Reyes.

695 **Hon. E J Reyes:** Can Government provide an update on any further works done, since the answer provided to Question 149/2023, to resolve several schools' intranet problems?

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, to address the connectivity issues within the schools caused by the dissemination of passwords, an additional system has been implemented. This system effectively prevents unauthorised devices from connecting to and disrupting Wi-Fi and other network services. The system was rolled out in February, and so far a total of 3,840 device, including iPads, laptops and authorised personal devices belonging to teachers and staff, have been successfully onboarded. However, there are still some schools that require their devices to be enrolled on the system. These schools include St Joseph's, St Anne's, the College, St Bernard's and the Hebrew School. To ensure a smooth transition, we are actively collaborating with the Department of Education to address any initial challenges that may arise during this implementation phase. ITLD'S goal is to mitigate any teething issues and provide uninterrupted connectivity for all schools.

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Hon. E J Reyes: I am glad to hear that in a good number of our schools we seem to have overcome the problems.

The Minister has kindly listed the schools that still have not ... Does he have, hopefully, an estimated date by when they should be problem free? I know we are at the tail end of the current academic year, and having come from the teaching profession myself, I ... Everyone is keeping their fingers crossed that come the start of the 2023-24 academic year, everything will be in perfect order. I do not know what feedback, timing wise, the Minister has.

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Hon. A J Isola: Mr Speaker, I am informed that it will take approximately one week for each of the schools, so it is certainly our ambition that by the end of this academic year everything will have been completed, to start in September with everything in full working order.

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Mr Speaker: Next question.

Q353/2023
Water quality –
Independent analysis

Clerk: Question 353/2023. The Hon. E J Reyes.

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Hon. E J Phillips: For the record, it is my question. I am happy to ask it, and I am sure the record will be corrected.

Can the Government confirm whether or not it conducts independent analysis of our water quality?

720 **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): That is a much better-looking Mr Reyes, Mr Speaker. *(Interjection by Hon. E J Reyes)*

725 The current process for the analysis of water quality is that AquaGib, under contract with HMGoG, performs analysis to ensure that water quality is within parameters set by the Environment Agency Gibraltar (EAG). These parameters are set in accordance with the Gibraltar Public Health Act, which transposes EU Directive 98/83/EC on water quality parameters, and EAG consultation with the Drinking Water Inspectorate in the United Kingdom. As part of the agreement with the EAG, AquaGib performs audit checking of its sample process, which is sent to
730 Northumbrian Water in the UK, which then reports back on the validity of AquaGib's samples and results.

Mr Speaker: Next question.

Q354/2023

Escalator outside Hospital – Night-time operation

735 **Clerk:** Question 354/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, can the Government state why the escalator outside the Hospital is constantly running at night without sensors to provide for a power down/up option?

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, the escalator outside the Hospital previously had sensors operating but these were removed after two accidents which have occurred. After liaising with Otis, the maintenance service provider, an immediate decision was made to remove the rapid start/stop system due to
745 these incidents. Discussions with Otis are still ongoing as to the best options moving forward.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. One would have thought actually, insofar as conserving energy and going into a hospital ... I understand that there have been accidents, as he has described, but the rationale for the change now to removing them permanently and having that on ...
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I just wonder how many accidents did take place. Did he say two in his answer? I assume that those accidents were investigated to see whether they may have been contributed to by the individuals themselves. Is it the mechanism? I do not want to go into too much detail. Is it the escalator itself?
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One would have thought this is normal. They are all over the world. He knows, as I do, when you travel, in airports and throughout all parts of business life there are escalators in buildings that have this feature in order to power down and have a power-saving option. I wonder what his view is on that, because clearly that is what we should be doing, conserving that energy, right?
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Hon. A J Isola: Mr Speaker, I empathise with what the hon. Member is saying and you would have thought that we would not have these accidents, but having had two accidents, one of which was more serious than the other, the decision was taken to just remove the possibility of it happening again to some of our senior citizens as they are approach the Hospital.

765 The inevitable consequence will be that we are looking to switch these off at say eight in the evening and put them back on at seven in the morning, which will conserve the energy that we should not be throwing away by having them continuously running. That is a far simpler and easier option than somebody manually switching them off in the evening and put them back on in the morning if we cannot have the stop/start, because we are not going to have them running all night with no use. That seems to be the direction of travel we are discussing now with Otis, the managers.

Mr Speaker: Next question.

**Q355/2023
Obesity –
Rate in Gibraltar**

Clerk: Question 355/2023. The Hon. E J Phillips.

775 **Hon. E J Phillip:** Mr Speaker, can the Government state the rate of obesity in the community?

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

780 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, according to the 2021 health and lifestyle survey carried out by Public Health, 28.9% of the population are obese.

785 **Hon. E J Phillips:** Mr Speaker, that is, no doubt, a concerning statistic for the Minister for Health. I do understand that these reports often identify trends, particularly in public health, where over the many years that we have seen these reports, whether they have been published or not ... I have not seen this particular report on the website yet; I do not know what the reason is for that. I am grateful for the answer because otherwise he would have said, 'Do it yourself and read it, please, Mr Phillips.' I wonder, what is Public Health doing about promoting public health more strongly?

790 I went to the GHA board meeting, along with my colleague Mr Clinton, to hear from Prof. Geoghegan what has been happening in the GHA more recently. I think he characterised it as the good, the bad and the ugly – not good, not so ugly, but something in the middle. I was just wondering what Public Health are doing to encourage more healthy activity and healthy lifestyles, given that very concerning figure.

795 **Hon. A J Isola:** Mr Speaker, the Public Health Department is doing a number of things to reduce the rates of obesity, but the first thing I must say is that this is obviously the survey in 2021 – COVID – so it was self-reported and it was on the telephone, as opposed to what it would have been previously. There were 606 members of the community who self-reported their own weight. 800 So the first point is data – do we have good enough data? – and that is one of the areas where Public Health is working to better determine what the actual rate of obesity is and how serious the problem is, or is not. So that is the first aspect. The second aspect is they have undertaken a scoping exercise, reviewing the drivers of obesity within the cultural context of Gibraltar to see if that will help them to develop a strategy moving forward in terms of what lessons they can learn 805 from that scoping exercise.

They are also doing some considerable stakeholder engagement. They are meeting with the different parts – mental health leads, dietitian leads – within the GHA in order to have a multidisciplinary approach as to what they can do in terms of coming up with a more sustainable

810 strategy, including, of course, the surgeons, and what pathways and audits they have with the NICE standards. The Department of Education is also engaged with our schools in terms of education and what information we can give to our students of all ages in terms of the risk and the dangers of obesity within our community.

815 They are also engaged with a range of research projects exploring some of the drivers – food health servings, sugar content and all these other things that are important in terms of seeking to tackle obesity.

820 My own view is that the first point I made, in terms of data, is perhaps the most important to get an accurate and real picture of how serious or not the problem is, and then hopefully be able to pinpoint the areas where that is and attack those particular areas, rather than a generic scattergun approach across the whole of the community. I am hopeful that that will begin to develop a better way forward.

825 **Hon. E J Phillips:** One brief question, because I think it feeds in exactly. I entirely agree with what he says about this being driven by data analysis. My understanding is that during COVID there was a very strong argument in favour of collection of data because we were jabbing everyone in the arm, so we could then assess weight by comparison to height. I thought at the time that that was the Government's intention, that there was going to be a significant data-gathering exercise to get those data points, as he has articulated. Did that not happen? I understand now that this was a survey done by telephone, given COVID, but I took it from the previous Minister for Health and engagement with the then Public Health Director that this was
830 going to be a concerted effort to get a snapshot of the health of the population by taking those very basic measurements so that we could inform the next report and indeed have a better analysis of the state of the nation's health.

835 **Hon. A J Isola:** Mr Speaker, I will check that. I know when I went to have my COVID jabs, nobody asked me my height or my weight – otherwise, they would have discovered that I was obese – so I do not know to what extent that may or may not have happened; perhaps with younger members of our community. But there is a general across-the-GHA drive to get better data across a whole load of areas, and I know that Public Health is particularly keen in this area too, for obvious reasons, as we have discussed. I will check on that point and come back to him.

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Mr Speaker: Next question.

Q356-57/2023

Hip and knee replacement surgery – St Bernard's Hospital waiting times

Clerk: Question 356/2023. The Hon. E J Phillips.

845 **Hon. E J Phillip:** Mr Speaker, can the Government state the waiting times for partial or full hip replacement surgery at St Bernard's Hospital?

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

850 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 357.

Clerk: Question 357/2023. The Hon. E J Phillips.

855 **Hon. E J Phillip:** Mr Speaker, can the Government state the waiting times for knee replacements at St Bernard's Hospital?

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

860 **Hon. A J Isola:** Mr Speaker, the current waiting time for partial or full hip replacement surgery is 10 months. The current waiting time for knee replacement surgery is 10.5 months.

The GHA is presently working on reducing waiting lists across the board. An announcement will be made in due course. I have informed the House before that we have been working with the GHA for some time in terms of what we are going to be doing in trying to reduce some of these waiting times. Work is actively progressing on this front and I hope to be able to say something shortly in respect of that.

870 **Hon. E J Phillips:** I am grateful for that because I think it is the primary question that is asked of me by, in the main, those more elderly members of our community, but increasingly I am seeing a number of people in their 40s and 50s approaching me, given the concern, because these are very painful conditions for people of a certain age, and now younger, I am given to understand. Obviously 10 months is a very long time to wait, particularly when there has been a very large lead-up time as well insofar as diagnosis, which is what I am understanding as well from this particular issue.

875 Does he know when he will be making an announcement as to how they are going to drive down that figure? It would give a lot of people in our community who are waiting for this specific type of hip and knee surgery a lot of reassurance that they are going to be seen to. It is one that does crop up with me very regularly, I must say, Mr Speaker.

880 **Hon. A J Isola:** Mr Speaker, a number of points arise from that question. I think I often say this when we talk about waiting times, that we have, actually, even with 10 months, which we believe is longer than it should be, a very good waiting time compared to the UK, where there are some 6 million people on waiting lists, with 8,500 just for these sorts of operations, with a waiting time average of over two years. We are at 10 months, they are over 24 months.

885 Notwithstanding that, what are we doing about it? Well, everyone who has passed the assessment that the hon. Member has referred to ... There are some pending the assessment, but those who have been assessed and told they are going to be operated on, almost all of them have by now received an operation date. You will have heard from other answers in relation to operations, and also you will have heard at the GHA public meeting that there are a large number of operations cancelled by the patients themselves.

890 You will also have learnt about the launch of the new TSSU, which comes into action in about a month's time – and I would be very happy to show the hon. Member around, if he would like to go and have a look at it – which will also deal with cancelled operations, which will no longer happen, and will also increase the efficiency of theatre, leaving aside the fact that we are soon going to have a fifth theatre opening at St Bernard's Hospital. So the ability of the TSSU now to turn around equipment which can be sterilised means that you will not just have one a day – you can have two and maybe even three of that particular kind of operation using that equipment on the same day.

895 So there is an awful lot of work going on to reduce waiting times, which are already pretty good. Where we also have a parallel work stream going on is on the assessments, people waiting – they have been referred and are waiting for the assessment – and we have a separate proposal as to how we are going to be tackling those, which I think the hon. Member will be very pleased to hear, as and when we are able to announce it.

900 So I would say to those who are waiting that it is very much work in progress. They should have received a date for their operation to happen maybe this year or early next year. We are very

905 much on the road to recovery in terms of trying to reduce those waiting lists even further than they currently are at.

Mr Speaker: The Hon. Edwin Reyes.

910 **Hon. E J Reyes:** I thank the Minister for bringing the public at large a bit more up to date on that. It is interesting that the Minister said it is more or less an average of 10 months, or 10.5 months in the case of a knee replacement. Then he qualified it by saying post-assessment. A problem experienced by some patients is that they are deemed highly likely to need knee or hip replacements by their GP, who says, 'I will pass the information on to the consultant concerned. 915 You will hear back from them.' I have a particular case in mind of someone who has waited over six months and not heard anything back. That person then made some enquiries and was able to contact, eventually, some department or other at the Hospital and was told the waiting list for the assessment is about two years in length. It is a bit contradictory with the 10 months, so the Minister might, if I can beg him, wish to look into that. I think he already hinted in his answer that 920 he is trying to tackle the problem.

The other problem is we all know what patients can be like and how nervous some people can get. Is there a system that the Minister is aware of where once the orthopaedic department or whoever receives a request from a GP to have a particular patient assessed ... at least a routine letter or note is sent to that person saying their name is down on the list, just to reassure the 925 patient that they are down on the list and an appointment will be forthcoming as soon as possible? It leaves people a bit in limbo: has the paperwork gone from the Primary Care Centre to the specialist unit in the Hospital? That is what brings a big problem, and the uncertainty creates an amount of nervousness, especially ... I think unfortunately it tends to be the more elderly members of our population who end up needing knee and hip replacements. I do not know whether the 930 Minister would, please, for the patients' sake, be able to look into that.

Hon. A J Isola: Mr Speaker, I can assure the hon. Member that the GHA is all over this. I can tell him that the assessments we have are actively being followed through. I can tell the hon. Member that as a general rule of thumb, if we have a hundred people to be assessed, the normal 935 percentage of those who will require an operation is 25%, so the numbers needing an operation are actually very low compared to the numbers pending an assessment, because there are other ways of dealing with it. I did more than hint, I said there was a parallel workstream, in my answer to his colleague, that will be dealing specifically with the assessments. In other words, we have the number that are pending an operation, that have already been assessed and referred and are 940 now going to be operated on, and we have those that are pending the assessment, and both workstreams are being worked on actively by the GHA.

If I can help my hon. Friend in terms of the numbers, waiting times are currently, as I mentioned to my hon. Friend, 10 months for hips and 10.5 knees. In 2019 it was four months, in 2020 it was 945 six months, in 2021 it was seven months. So that increase is the COVID increase that we are trying to recover from to bring the waiting times to what we all consider to be a reasonable level, which is far less than the 10 currently.

So yes, it is actively being worked on, and I am comfortable that we are working in the right way to reduce that as far as we possibly and reasonably can.

950 **Mr Speaker:** Next question.

Q358/2023

**Drug overdose and excess alcohol consumption –
Numbers presenting at A&E**

Clerk: Question 358/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, can the Government confirm the number of people presenting at A&E/hospital as a result of drug overdose or because of excess alcohol?

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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 presenting at A&E as a result of drug overdose or excess alcohol this year up to 15th May 2023 is 46.

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Hon. E J Phillips: That is from 1st January to ...? I am grateful. Thank you. Does the Minister have a breakdown between drug overdose and excess alcohol?

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Hon. A J Isola: Yes, Mr Speaker, 11 in respect of excess alcohol and 35 in respect of drugs.

Hon. E J Phillips: And does the Minister have a further breakdown insofar as the types of drugs that were consumed in order to induce overdose?

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Hon. A J Isola: Mr Speaker, I do not have that breakdown, but I would think I am able to get it for him if he would like that.

Q359-60/2023

**Abortion –
Number performed locally; education and support available**

Clerk: Question 359/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, how many abortions have been performed locally since the House passed the legislation providing for the same?

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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 360.

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Clerk: Question 360/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, since the referendum on abortion and the coming into force of new laws making provision for the same, what exactly has been done in terms of education and support for members of our community who are considering pregnancy termination?

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

990 **Hon. A J Isola:** Mr Speaker, a total of 77 abortions have been performed since the House passed the legislation.

In terms of education and support, the GHA provides a comprehensive informational guide on abortion care that is accessible to the public via the GHA website. There is also a confidential telephone line for people to call for advice and support, in addition to individual counselling and support being available when a woman is considering an abortion.

1000 **Hon. E J Phillips:** Insofar as that comprehensive guide, what level of aftercare is available for women who have undergone terminations of pregnancy at the Hospital insofar as medical and surgical aftercare? Clearly there are going to be, in some cases, very significant impacts as a result of terminations, not only to mental health and the support that the women rightly require at that point, but also in relation to very specific medical and surgical issues that arise in the context of terminations as well. Does he have a bit more information as to the level of aftercare afforded to women in those circumstances?

1005 **Hon. A J Isola:** Mr Speaker, I believe the GHA Well Person Clinic at the Primary Care Centre is available to them throughout. Obviously the GHA is available to them throughout. They have consultations post, obviously, and those are given by appointment. If they need anything else, they would come through the Primary Care Centre, like anybody else. I am guessing there, so I would have to get more information to give you the specifics of what actually happens to individuals because I do not have that here with me.

1015 **Hon. E J Phillips:** Just one question, and if he does not know the answer, that is fine, we can pick this up in correspondence with each other. Is it the case that there is an automatic process of aftercare, that the patient is recalled to the Hospital for that check-up, or is it based on the need of the individual? I say this because termination, for almost all women, is a very difficult decision in the first place, but also during the process and after. Is there a very strong nexus between the GHA and the individual patient insofar as that follow-up is concerned, or is it just on the basis that if a particular patient feels they need support – medical, surgical or indeed the mental health support that is required – it is on the patient to come forward? I am just trying to ascertain the level of involvement from the GHA.

1025 **Hon. A J Isola:** Mr Speaker, when people are discharged from hospital they are given a plan, and I would expect it to apply here as I would to any other form of clinical intervention with any of the people we care for. So my answer to that I very strongly believe would be yes, but I will confirm that to him.

Q361-62/2023

Provision of goods and services to GHA – Companies contracted; price

Clerk: Question 361/2023. The Hon. E J Phillips.

1030 **Hon. E J Phillip:** Can the Government state in full the names of the companies that contract with the Government and/or the GHA for the provision of goods and services to 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): Mr Speaker, I will answer this question together with Question 362.

1035 **Clerk:** Question 361/2023. The Hon. E J Phillips.

Hon. E J Phillip: Can the Government state of those companies that contract with the Government and/or the GHA for the provision of goods and services the contract price?

1040 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, there are many contracts which are entered into by the GHA for goods and services including provisions, foods, clinical equipment, staff, and industrial equipment. In the time available it has not been possible to detail the firms, but if the hon. Member is more specific in the area he is interested in, this will facilitate further information being provided.

We do not make prices for contracts public, as this is commercially sensitive information.

Hon. E J Phillips: Mr Speaker, just in relation to those contracts that are awarded by tender, are those figures made public? They are not in the case of the GHA?

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Hon. A J Isola: Names only.

Hon. E J Phillips: Names only. I am grateful.

Given what he said in answer to Question 361, I appreciate that the Minister might need further time to gather that data. Clearly the question has been framed in a fairly expansive way, I understand that, but the answer is not we cannot provide it or it is an excessive question that we cannot deal with; I think it is the time. I am happy – if the Minister can give me an indication as to the time that he or his Department will require to give me that information – to wait, rather than ask the question again. Is he prepared to accept that accommodation in order to provide that information?

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Hon. A J Isola: Mr Speaker, I would have to ascertain from the GHA the amount of time it would take. The hon. Member will understand that we buy things every day of the week, so whenever I give the information it is inaccurate as from the following day. Whether it is equipment or supplies, some of them may be on a rolling contract, some of them may be individual contracts.

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As the hon. Member will know, we buy potatoes, carrots and onions. Those are normally in one contract, but there will be many other different contracts which relate to the production of food by the Hospital. The same with industrial equipment, the same with services – many of our locums are on contract. So in terms of trying to go through that mass, it would take a team a very long period of time to go through the many hundreds of contracts and, where there is not a written contract, to put in place an understanding of what that contractual relationship is, because there will be services or goods, money being paid.

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If he can tell me what he is after, that would make it very much more doable within a reasonable timeframe. Otherwise, I would ask the GHA whenever they can to get that information for me, but I would not guess what time it would take to come back with anything that is tangible and readable for him. I hope you understand the nature ... There are 1,300 staff in the Hospital. To give you an idea, we have 400 people who come in every day to the Primary Care Centre, 100 to A&E, 440 a month into the minor injuries, plus the rest of the Hospital. We are consuming every day of the week in large volumes, not all under rolling contracts, and so that is a huge number of contracts. So if he can help by indicating what he is particularly looking at, I am very happy to make arrangements do that in a far shorter timeframe than I would if he says everything, because that is almost undoable.

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Hon. E J Phillips: I have listened very carefully to the answer to the question. I think all I was asking for are the names of the companies that contract with the GHA. I appreciate that I have not stipulated written contracts. I am quite surprised that there are contracts that do not have a

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1090 written basis. (*Interjection by Hon. A J Isola*) It is quite surprising, but obviously I know that before he was Minister for Health there was a real issue about controlling expenditure within the GHA, for obvious reasons, and I know it was the Hon. Neil Costa, when he was in this House ... His mission at the time was to deliver efficiencies within the GHA.

1095 I would have thought this type of information would be readily available, but I know he does not have the answer, given the stated reason for that, and I will try my best to break it down into categories that might be easily digestible for his Department, so that we can get this information in the House. But I am grateful for the answer.

1100 **Hon. A J Isola:** Of course there is and has been a drive to document and contract everything that we buy or use. I can give the hon. Member one example. We ordered, about a week ago, some equipment for the ophthalmology unit to be able to do cataract operations, because the current one is end of life and we have to make sure we have the replacement ready by the time that end of life is reached. That contract was signed after the equipment was ordered because we wanted to guarantee that it was going to arrive by a particular date. When you are dealing with life and death, you do not have the luxury of being a lawyer and saying, 'I am not doing it until the document is signed.'

1105 So I think we have to have an element of understanding, which is why I said that every day of the week it will be out of date the day after, because things happen the day before. It is very much a live environment, and that is the point I am trying to make, that it is continuously moving. So if he can guide me in a particular direction, that would be a lot easier.

Mr Speaker: Next question.

Q363-364/2023
Barclaycard and Revolut –
Withdrawal of services from Gibraltar

1110 **Clerk:** Question 363/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the outcome of its discussions with Barclaycard given its recent decision to withdraw its services from Gibraltar residents but not to those of the Isle of Man or the Channel Islands?

1115 Before I sit down, I would just like to mention I declared an interest when I submitted the question as being one of those clients affected.

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

1120 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 364.

Clerk: Question 364/2023. The Hon. R M Clinton.

1125 **Hon. R M Clinton:** Mr Speaker, can the Government advise whether it has been in touch with Revolut over its decision to suspend opening new accounts for Gibraltar residents?

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

1130 **Hon. A J Isola:** Mr Speaker, the Government has been in touch with the relevant counterparts in the United Kingdom government reference both Barclaycard and Revolut and is awaiting definitive feedback.

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

1135 I have a copy of the letter that Barclays has sent out to customers in Gibraltar. What they say is you need to provide a UK address, and they define a UK address as England, Scotland, Wales and Northern Ireland. Apparently residents of the Channel Islands and the Isle of Man got a similar letter, and then that was rescinded. But the letter that has been sent to account holders in Gibraltar says:

If you do not update your UK address, your card will unfortunately stop working on or after 30th May 2023 and we will close your account on or shortly after 21st June 2023.

1140 So there is a very tight timeframe in which, if there is any scope, to suspend this decision. Otherwise there will be a lot of people – although I cannot say, hand on heart, how many in Gibraltar, but I imagine a sizeable number – who will effectively be deprived of the facility of the card, which many people have had for years – certainly I have had mine for more than 30 years – with not much in the way of an alternative. There is that time pressure and I just wonder if the UK
1145 government is fully cognisant of the fact that there really is very little time left to either have a reversal of the decision from Barclaycard or complete confirmation from Barclaycard that they are not going to change their minds.

Hon. A J Isola: Mr Speaker, the point that we have we have raised quite firmly is precisely the
1150 point the hon. Member makes, that it is the discriminatory aspect of it. If they had removed the Crown Dependencies, then we would all be in the same boat together, however difficult that was to stomach. The challenge comes in that they are treating the Crown Dependencies differently to Gibraltar, and that is precisely the point we have made to Treasury, who are taking it up with a number of different people through the Barclaycard chain. You know what big organisations are
1155 like, they are big beasts and they do not move very quickly, and when they do, they do move very quickly, as they have done in this instance with the card. So to turn that around is difficult.

If I am going to be honest, I very much hope they do, but with the length of time it is taking, it seems to be less and less likely that there is going to be a change in that direction. But we are certainly pressing Treasury. They are fully aware of the consequences of this, in terms of the
1160 number of people who have been using them for 30 or 40 years and who will no longer have access to something they have become very accustomed to. In terms of financial services, there is an obligation to look after your client, and that is something we have also asked them to consider.

I have had a number of reports back from them in terms of the different people we have
1165 spoken to, because they started at the sanctions to check that it was not ... They did not know anything about it, so we knew that it was not linked to that, and they have followed through the different departments of Barclays to find the appropriate decision makers.

All I can tell the hon. Member is that as soon as I hear back from them I will be in touch with
1170 him to update him on the position, but there is absolutely nothing more I can do. We discussed this on a television programme recently. These commercial decisions of firms are one of the major reasons why we took the decision to set up the Gibraltar National Bank, so that we were safe from these sorts of decisions. But there are obviously still other things that we need to do to ring fence ourselves from some of the services like these, for which, as I also mentioned, we are looking at options as well.

1175 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister and I sincerely hope that the UK Treasury have some success in impressing upon Barclays their responsibility to treat us fairly, as their customers, as they are doing with the Isle of Man and the Channel Islands.

1180 Just one question – and the Minister may or may not be able to answer – specifically on the Barclaycard, and then I just want to ask one supplementary on Revolut. The Minister is a lawyer, obviously. Given the conditionality of this letter, does he have a view as to whether this is actually a formal termination notice under their terms and conditions of two months' notice, given the conditionality of the nature of the letter, i.e. give an address or else? Is that something the Government has looked at, as to whether this is the correct form of termination letter to clients?

1185 **Hon. A J Isola:** Mr Speaker, the Government has not looked at that point and I do not think the Government would have any locus to do it. I have considered myself whether they are complying with or breaching their own terms and conditions. I would have thought they would have been carefully looked at by their lawyers before they issued the letter, to ensure that they were in compliance with the terms and conditions. I will ask that question, but I as I say, I do not have a view.

Mr Speaker: The Hon. Roy Clinton, do you want to continue with the Revolut thing?

1195 **Hon. D A Feetham:** If I can be allowed?

Mr Speaker: Yes, of course.

1200 **Hon. D A Feetham:** My own personal experience: I have had a Barclaycard since I was at university. In fact, my account has been suspended, even before the deadline they provided. I provided an alternative address because I do have a place in England as well, and yet they suspended the account, which was very odd. I am just making the point that the Hon. Minister perhaps could consider this as well. It is very odd, because the emails that were sent to everybody in Gibraltar were not predicated on the basis that you had to be tax resident in the UK; it was just an alternative address, a UK address. Habitually banks will provide services to people who may have an address within the jurisdiction but are actually tax resident or habitually resident elsewhere. That is the reality. I have made my own enquiries with Barclays and have not had a satisfactory answer, but that is the reason, I think, why my friend has been asking the question, because he knows that from my own experience they never respected the deadline.

1210 **Hon. A J Isola:** Yes, I was not aware of people, having given UK addresses, being suspended in any event. I was not aware of that. I am aware of a number of people who have sought to engage with Barclaycard, and it is nigh on impossible. I have been sent some reports that were sent through a chat line on the Barclaycard website which are quite unhelpful. So I will again raise that point in terms of the suspension as well. There is no mention of tax or residency, it is simply a UK address, so I am surprised that the hon. Member has had that issue.

1220 **Mr Speaker:** Mr Speaker, I will just move on to the question about Revolut – I never did have a card, so I have nothing to declare in that respect. Is the Minister aware of any particular angle in respect of Revolut? I have read in the financial press that Revolut is going through growing pains and I can speculate as to why they may cease taking on new customers in certain jurisdictions. I just wondered if the Minister has any insight as to why Gibraltar.

1225 **Hon. A J Isola:** Mr Speaker, no. The Revolut statement was very curious in the fact that it said they will review it in a couple of weeks, which I thought was very odd in terms of the statement they made, for the next few weeks. Simultaneously with that, there are rumblings in the UK as to whether they will be licensed or not by the regulator in the UK, and it seems they will not be. I do

1230 not know why they issued the statement in the way they did, or whether they anticipate any change in allowing people back in. The Revolut one obviously stops new clients but respects the existing cardholders, which is different to the Barclaycard one, where in the Crown Dependencies they are able to stay but they are not taking any new clients; with us, they are not even allowing you to stay. I think these are the differences that are what we believe to be most unfair, and that is what we are working on with the UK government.

Q365/2023

**Mount Alvernia, Dr Giraldi and St Martin's –
Number of staff through recruitment agencies**

Clerk: Question 365/2023. The Hon. D A Feetham.

1235 **Hon. D A Feetham:** Mr Speaker, as at the date the question is posed, 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?

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 are a total of six staff members working at Mount Alvernia employed by recruitment agencies, two staff members employed via Meddoc, one staff member via Med Cleaning Services and three staff members via ABC Cleaning.

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There are a total of 56 staff members working at the Dr Giraldi Home employed by recruitment agencies, 13 staff members employed via Meddoc, 39 staff members via ADA and four staff members via WE CARE.

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There are a total of 19 staff members working at St Martin's employed by recruitment agencies, five linked through supported employment and 14 agency workers contracted via Gibraltar Joinery and Building Services.

Q366/2023

**St Bernadette's –
Plans to purchase new bus**

Clerk: Question 366/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government have plans to purchase a new bus for use at the St Bernadette's centre?

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

1260 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, yes, sir. I am informed that the Care Agency is looking into purchasing options with local suppliers to replace the current bus at St Bernadette's. The current bus is 16 years old and is beyond economical repair. The cost of repairs is approximately £12,000 and it is therefore not financially feasible to repair this one.

1265 I am informed by the Care Agency that the hon. Member can be reassured that the service of transporting service users to the centre and back home has not been disrupted, as alternative arrangements are in place in the interim.

1270 **Hon. D J Bossino:** Mr Speaker, I can vouch for that as somebody who has, as he can imagine, for obvious reasons, direct contact with that particular service. The reason why I raise it is because it is obvious for me and from complaints I receive from ... well, not users but certainly the helpers and bus drivers, that the buses – there are more than one – currently in use are in a very dilapidated and rickety state, to be as diplomatic as possible.

1275 Is he able to provide further information as to when he thinks the new bus will be purchased and functioning? And secondly, if I may, Mr Speaker, is he able to provide information to this House as to the likely cost of that?

1280 **Hon. A J Isola:** Mr Speaker, we are currently going through a tendering process with the suppliers of vehicles, so I do not have a price for him, and that has not been evaluated yet, so I cannot give him a delivery time either, I am afraid. At this moment in time they have invited the prices and they are waiting the prices, and then the order will be placed once the most competitive and suitable vehicle is identified. Will it be leased or will it be purchased outright? These are the sorts of things that are currently under consideration.

1285 **Hon. D J Bossino:** I will not hold him to it – I know this is information which will be of interest to certain individuals and certainly to me – but is he aware, maybe even from experience, or is he able to give us some form of rough timeline? I know he has set out the process, but maybe he has an idea of what he would expect, the period of time we are likely to be looking at.

1290 **Hon. A J Isola:** No, I do not have that, but what I can tell the hon. Member is that it is urgent for us and consequently in the pricing models, delivery times will be a relevant factor in terms of looking at which order is made.

1295 **Hon. D J Bossino:** Finally, Mr Speaker, he talked about one bus. I understand that there may be a requirement for two. This I say only anecdotally, so I do not say it with any authority. Is he aware that the need of this particular centre is just for one new bus? Is that the position? I understood that they may require two.

1300 **Hon. A J Isola:** Mr Speaker, I am not sure what the requirement is, but what I can tell him is that in my meetings with Care Agency we have discussed a number of vehicles and I am not able to recall if one of those vehicles is also for Saint Bernadette's or not. I do not want to put my foot in it, because it may be and it may not be, so I will ask the question as to whether one of the other vehicles we have been discussing with the Care Agency relates to Saint Bernadette's, or not. We have talked about other vehicles and I do not know if they are for Saint Bernadette's or not, so I do not want to give wrong information. I will get the answer to that and come back to him.

1305 **Mr Speaker:** Next question.

Q367/2023
Crutches and fracture boots –
GHA returns policy

Clerk: Question 367/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the crutches and fracture boots returns policy at GHA?

1310 **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 issues crutches and fracture boots through various departments on the basis of clinical need.

1315 The fracture boots are single-patient use, due to infection-control measures. For this reason, the public are advised to dispose of them when they are no longer needed and not return them to the Hospital.

1320 With respect to crutches, the GHA does encourage patients to return them to the physiotherapy department. The GHA is in the process of identifying a drop-off zone within the department. Crutches are then returned and checked that they are fit for purpose. They are then cleaned and reissued, where appropriate.

1325 **Hon. K Azopardi:** Mr Speaker, I welcome that clarification by the Minister. The purpose of the question was because I was getting information that both in the case of fracture boots and indeed crutches, people were being told not to return them. So clearly that policy is not the case in relation to crutches, and perhaps that message should be more consistently deployed by those who are communicating with patients, because I am aware of some patients being told that crutches do not need to be returned.

1330 In relation to fracture boots, I understand the distinction he makes in terms that they have taken the view as a matter of policy, presumably based on advice, that as an infection control measure they are single use, but what is that based on? If it is acceptable to return crutches, why isn't it acceptable to return fracture boots? I am not understanding it, because presumably measures can be taken to cleanse anything nowadays in the sophisticated environment that we live in.

1335 **Hon. A J Isola:** Mr Speaker, I do not know the answer to that question as to why fracture boots for infection purposes cannot be returned but crutches can. I would have thought you could put them into one of our brand new sterilisers and that should do the trick, but that is the advice that obviously the GHA have had and that is reflected in the policy. I will enquire as to why it is fine for crutches to be returned, but not for ... I am guessing there is some good reason for that to happen, but I do not know what that good reason is, I am afraid.

1345 **Hon. K Azopardi:** I would welcome that, Mr Speaker, not only because it seems to me massively environmentally unfriendly, because the fracture boots are plastic, normally to just chuck them if you if you cannot deal with it, but also because from my own initial inquiries – of course I am no expert in the field and that is why I field the question – it seemed to me that the NHS policy on fracture boots is not the same and that they do return them. So he may want to make inquiries and I would invite him to do so.

1350 **Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member and I certainly will.

Q368-69/2023
Rheumatology service –
Plans to improve; numbers treated for rheumatoid arthritis

Clerk: Question 368/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, are there any plans to improve the rheumatology service available to patients?

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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 369.

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Clerk: Question 368/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many patients has the GHA treated for rheumatoid arthritis in the calendar years 2021 and 2022, broken down by years?

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Hon. A J Isola: Mr Speaker, the rheumatology service is currently being delivered by an experienced NHS consultant who provides both regular telemedicine consultations and regular face-to-face clinical sessions at St Bernard's Hospital. The service is additionally supported by a resident team, including a clinical nurse specialist and a non-consultant hospital doctor. The Clinical Director for Medicine and the Medical Director are looking at various ways of developing this service further. The GHA is also in the process of advertising for a substantive rheumatology consultant.

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The number of patients treated for rheumatoid arthritis broken down by years is as follows: 2021, 213; 2022, 240.

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Hon. K Azopardi: Mr Speaker, when he says there is a clinical nurse specialist, is this a nurse specifically trained in rheumatology?

Hon. A J Isola: Mr Speaker, no, I do not believe that is the case, not from what I have in front of me.

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Hon. K Azopardi: Mr Speaker, that was indeed my information, so I was asking for confirmation. Obviously it is welcome news that the GHA is considering the substantive appointment of a permanent consultant rheumatologist, which is, I think, what he said. We would want to see if the Government has any idea of the timescale of that appointment.

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At the moment, I understand that the visiting rheumatologist comes every three months or so, and although, as he says, he does conduct virtual consultations with patients, it is not the same. He will understand also that the patients are given specific medication which needs to be monitored by the rheumatologist. Sometimes it is a bit of a mixed bag to get advice from other doctors, so it would be welcome, certainly, for there to be a substantive consultant in that area.

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Also, we would like to hear more information perhaps from the Minister on whether, given the clinical nurse specialist is perhaps not specifically trained in rheumatology, there are also plans afoot about the training of nurses in this area.

Hon. A J Isola: Mr Speaker, I think in the answer the hon. Member will have gleaned, from the reference that the Clinical Director for Medicine and the Medical Director are looking at various ways of developing this service further, an implicit acceptance that we could do better, and that is what they are seeking to do.

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I think the appointment of the substantive rheumatology consultant is an important step and obviously that will only happen if he has the appropriate necessary support staff to enable him to do the work he needs to do, or she needs to do, so I think the work that is being done ... The three months visit – I am not sure, I thought they were less than three months, but the face-to-face visits are supplemented by the telemedicine consultations, which I agree are not as good as face to face, and that is obviously what has led to the decision being taken to advertise the position of

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1405 substantive consultant in that respect. So I am hopeful that we will improve in terms of our delivery to those patients who are suffering from rheumatoid arthritis and other diseases, and I hope that we will be in a position to do that shortly.

In respect of the qualification of the clinical nurse specialist, I will enquire to determine whether he or she is or is not.

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Hon. K Azopardi: And finally, Mr Speaker, in terms of physio in rheumatology, again my understanding is – and the Minister will correct me if I am wrong – that there is no physio support for rheumatology patients, or at least not as satisfactory as they would expect. Of course, he will understand that given the nature of the condition – it affects joints – physio support is quite important. Can I invite him, when he enquires about the nurse, to also enquire about physio if he does not have the information in front of him now?

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Hon. A J Isola: Mr Speaker, I would fully expect physio support to be available, but not perhaps to the degree that the hon. Member has made reference to. I will get that confirmation and respond to him because I do not have the information to be able to confirm that in front of me.

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Q370-71/2023

Spanish ambulance services –

Entities contracted and financial terms; cost in 2022 and 2023

Clerk: Question 370/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, with which entity or entities have the Government or GHA contracted the supply of ambulance services in Spain for Gibraltar patients and what are the financial terms of that or those contracts and the duration of those contracts?

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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 371.

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Clerk: Question 371/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: What was the cost payable by the Government or GHA for the supply of ambulance services in Spain for Gibraltar patients in 2022 and 2023 up to and including 30th April 2023?

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

Hon. A J Isola: Mr Speaker, the GHA contracts the services of three Spanish ambulance providers. These are Ambulancias Andalucía S Coop, Helicopteros Sanitarios SA and Socorrismo y Servicios SL. These providers are engaged based on each company's commercial tariff rates. They are used by the GHA on an ad hoc basis as and when required.

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The total costs of the supply of ambulance services in Spain for Gibraltar patients were as follows: 2022, £392,322; to April 2023, £202,863.

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Hon. K Azopardi: Mr Speaker, just exploring the answer to Question 370, if I may first, so I understand ... From what he has said – and again, he will correct me – there is not a specific arrangement with these three operators beyond their standard tariffs. In other words, they will

1450 have arrangements and the GHA calls on these three operators to use ambulances and it is at whatever rates they provide them to everybody else. This is not a specific, unique, tailored arrangement for the GHA. Is that correct?

1455 **Hon. A J Isola:** No, Mr Speaker, the reference to those rates is that there is not a formal arrangement with the three of them, the same. What the GHA is working towards is to have one set of terms and conditions and the three of them can operate within those terms and conditions. They are currently working through a new contract for all three suppliers on the same basis, because there will be instances where one is going to take longer than another. If you can wait, you wait; if you cannot, you need to go to the next one along, to make sure you get them during
1460 the time that you need them. Those arrangements are currently under discussion between the GHA and the three different providers.

These ambulances are normally not emergency ambulances, they are normally non-emergency transfers. However, they do act as backup to the GHA if it is out on an emergency. Obviously, since
1465 Brexit the issues of non-EU nationals working in Spain on an ambulance is problematic and the arrangements that have been entered into enable that to happen in cases of emergency but nothing else, hence the need for these contracts.

Hon. K Azopardi: And to be clear, these costs that are being incurred in 2022 and 2023, the
1470 £392,000 in 2022 and the £202,000 in the first four months of this year – that, to a very large extent, presumably is responsive to the fact that Gibraltar ambulances are no longer able to cross the Frontier with our patients because of the decisions made in Spain. Is that correct?

Hon. A J Isola: Mr Speaker, as a result of the withdrawal of the United Kingdom from the European Union, ambulance drivers in Spain – I guess the same would be in Portugal if you are
1475 trying to get to a Portuguese hospital – are not able to work in Spain because they do not have the appropriate registration and qualifications. So in those cases where we have pre-planned visits to Spanish hospitals from Gibraltar patients, an arrangement is entered into with one of these three ambulance providers for them to come and do the transfer to and from. As I said, the Gibraltar ambulance is still operating in emergency cases.

1480 **Hon. K Azopardi:** Mr Speaker, I wonder if he has a breakdown of the numbers provided by the three providers. I wonder if he has it. If he does not have it, perhaps it would be helpful for him to write to us.

In terms of the 2023 cost, which is a four-month cost, over four months it is more than half of
1485 the cost for the entire year 2022, so just projecting it forward, you could end up quite easily, if that third of the year is reflective, at a figure in excess of £600,000. Is that a cost that we would hope to address if there is a treaty concluded with the EU?

Hon. A J Isola: Mr Speaker, I am not going to speculate as to what would or would not be
1490 covered by a treaty. These are costs that are incurred as a result of our departure from the European Union and obviously, in the interests of patients, it is cost that we necessarily have to incur.

Hon. K Azopardi: Perhaps I did not phrase my question properly. What I was really getting at
1495 is in the event that there is a treaty concluded, is it within the scope of what is being discussed and negotiated that we should return to the situation we had before, where our ambulances were allowed to cross the border with our patients?

Chief Minister (Hon. F R Picardo): Mr Speaker, for the reasons I have already indicated, it is
1500 not in any of our interests that we should discuss the detail of what is being negotiated. The hon. Gentleman knows, as the public knows, that we are looking at an extraordinary level of fluidity in

1505 respect of persons and in respect of goods, if we can agree that, but I do not think it is in our interest at this stage to go into any greater detail or indeed to set out expectations in public that other negotiating parties would then know we would have to achieve in order to have achieved what we have said publicly we were going to achieve.

1510 **Hon. K Azopardi:** Mr Speaker, can I ask about the contractual arrangements, if I may, assuming these continue as they are? Did I understand his explanation that the GHA is reviewing the current arrangements in the hope to standardise arrangements with the three providers, with perhaps one form of contract and one form of rates? Is that really what he was saying?

1515 **Hon. A J Isola:** Yes, Mr Speaker. The GHA is presently in discussion with the three providers to enter into an agreement common to all of them, based on an ambulance service contract heads of terms which would be drafted by the GHA.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q374/2023

Governor's Lookout Scout Activity Centre and Campsite – Works carried out and cost

Clerk: Question 374/2023. The Hon. E J Reyes.

1520 **Hon. E J Reyes:** Can the Government provide details of works carried out, together with related costs, during the financial year 2022-23 at Governor's Lookout Scout Activity Centre and Campsite as indicated they would do through answer to Question 21/2023?

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

1525 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the costs during the financial year 2022-23 at Governor's Lookout Scout Activity Centre and Campsite were £27,582.55. These costs relate to the completion of the perimeter security installation, general maintenance and upkeep of this, which totalled £22,233.60, and repairs to damages caused as a result of a break-in during the Christmas period,
1530 which was £5,348.95.

Hon. E J Reyes: Mr Speaker, because of my hearing difficulties, can the Minister please repeat the figure he gave in the initial part of his answer, in respect of the costs?

1535 **Hon. Prof. J E Cortes:** Mr Speaker, the Scouts may have done other works raising their own funds, but the costs that the Government provided for were £27,582.55.

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

1540 I do not think it would be correct for me to go into further questions looking forward, because some of it could be subject to what is in the confidential Estimates Book, so we will leave that for the Budget debate, with your leave, Mr Speaker, so that we make sure we are in keeping with the details provided.

Q375/2023

**St Martin's School hydrotherapy pool –
Whether now fully operational**

Clerk: Question 375/2023. The Hon. E J Reyes.

1545 **Hon. E J Reyes:** Further to the answer provided to Question 138/2023, can Government confirm that the hydrotherapy pool at St Martin's School is now fully operational?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am pleased to reply that the necessary works have been completed and the water testing results were received last Friday, confirming that it is now fit and ready for use. Arrangements will now be made with the relevant professionals for hydrotherapy to be available.

1555 **Hon. E J Reyes:** So, Mr Speaker, the good news is that following the water testing and so on, it is ready for use – but it is not actually in use yet. I think the Minister has hinted that it is probably going to be imminent. Perhaps I can pressure him a bit more for a date.

1560 **Hon. Prof. J E Cortes:** Mr Speaker, it was important to make sure that the system was working, that the water quality was correct, and the test only came in last Friday. There are meetings going ahead this week – they may have already been held – with physiotherapy and the other professionals who have to manage the children who use the pool, and those protocols are being sorted out – also, the GSLA, which kindly will be looking after the maintenance of the pool. Those arrangements are being made, so I am expecting that use will be made very soon indeed and I am
1565 happy to share that information when it actually happens.

Mr Speaker: Next question.

Q376/2023

**Cleaning materials in schools –
Reason for shortage**

Clerk: Question 376/2023. The Hon. E J Reyes.

1570 **Hon. E J Reyes:** Can Government offer an explanation as to why there seems to have been a shortage of cleaning materials in schools during the current academic year?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1575 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am informed that towards the end of the financial year some cleaning material orders were reduced as a result of increased product cost. This was done administratively by conscientious staff, but was corrected as soon as it came to my notice.

1580 There is now a system to ensure that this does not happen again. In any case, we have included provision in the Estimates soon to be before this House of an increase of £10,000 to this particular budget.

1585 **Hon. E J Reyes:** I am glad to hear that explanation, Mr Speaker, but can I perhaps try to get out of the Minister, when he says they were conscientious staff who tried their best possible not to be overdrawn on the budget, is he referring to the head teachers of particular schools or he is referring to perhaps a senior clerical officer at the Department of Education who handles the thing? I am trying to get at whether it happened across the board, generically, or it was just individual head teachers taking individual decisions.

1590 **Hon. Prof. J E Cortes:** Mr Speaker, this was centrally done, but it did not affect all the schools because some schools are smaller, have less demand and the orders are not so big.

Towards the end of the financial year, costs are going up, you have to meet your budgets, and therefore there was some reduction in some of the supplies. As soon as it came to me – and this is a system that will now be in place ... Supplies will not be reduced in future without referral to the Minister, so that there is not ... But I have to support the conscientiousness of the staff. It has now been resolved and, as a result, we have added to the budget for this coming financial year, which I am sure the hon. Member will welcome.

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Mr Speaker: Next question.

Q377/2023

College of Further Education classroom facilities – Provision after move from John Mackintosh Hall

1600 **Clerk:** Question 377/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of what classroom facilities will be made available to the College of Further Education for use as and when they move out of facilities currently being used at the John Mackintosh Hall complex?

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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 Gibraltar College will be provided with the same number of classrooms currently being used at the John Mackintosh Hall complex. The classrooms will be provided within the existing College and new temporary outdoor buildings.

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Hon. E J Reyes: Perhaps using more layman's terms, when the Minister says temporary outdoor buildings ... what is colloquially known as portakabins – that sort of system?

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Hon. Prof. J E Cortes: Mr Speaker, these are lightweight buildings. It has been through the planning process. It was passed at the DPC last week, so the plans are public and I am very happy to make them available. There is also reconfiguration of the current College; it is not all new. It is going to be provided like for like.

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Hon. E J Reyes: Within the good news, the number of classrooms and so on ... If we give up two classrooms, are the other two being provided ... end up with more or less the same internal area, or is there a big loss in availability of space in which to set up learning materials for students?

1625 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it has all been worked out and it is planned accordingly. The space used in the College annexe is not that large. It has been planned out and the plans are available, there in the public domain. This clearly is temporary because we are about to embark

on the new College at the Cross of Sacrifice site, so this is expected only to be in use for a short time.

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Mr Speaker: The Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, the hon. Member says this issue has been before the DPC. Are there any listed building related issues that impact on the expansion which is going to be going on that he has mentioned? He is shaking his head. I thought I would raise that point to give him an opportunity to explain the position.

Hon. Prof. J E Cortes: No, Mr Speaker, none of the listed fortifications are touched by the areas where this is happening.

Q378/2023

Bishop Fitzgerald and Governor's Meadow Schools – Completion dates and costs

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Clerk: Question 378/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government update this House with estimated completion dates for the new Bishop Fitzgerald and Governor's Meadow Schools, together with details of costs so far and final estimated costs for these two new schools?

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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 target completion date for both schools is 18th June and they will open at their new sites at the start of next term. The costs are being met by the developer, Elford Ltd, and are estimated at £29.2 million for both.

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Hon. E J Reyes: Is the Department of Education, through government funding, going to incur any costs, for example in the kitting out of learning resources and so on that would come under Government of Gibraltar expenditure, or is the provision of learning resources within the classrooms already covered within the £29.2 million of the developer?

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Hon. Prof. J E Cortes: Mr Speaker, there will be some cost to Government, but nowhere near the level of the full construction and main kitting out, which is what the £29.2 million covers.

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Hon. E J Reyes: Thank you. So there will be some costs. Am I right in assuming that I could, by looking into it, find that information in the Government's estimates for the coming year because no expenditure has been incurred so far, so all the costs will be reflected in the estimates for the 2023-24 financial year?

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Hon. Prof. J E Cortes: I am not certain of that, Mr Speaker. I have to look into that. We are talking about loose items mainly, so it is not actual construction. There will be quite a number of legacy items being brought over from the old schools, the ones that are in good condition still. We are talking about loose items. It is likely in the Estimates Book, but I cannot recall exactly. I really do not want to mislead the hon. Member and I would rather find out and let him know during the course of the next couple of days.

1675 **Hon. E J Reyes:** Yes, I am content with that, Mr Speaker, if the Minister can find out. The reason why I ask is because in very similar terms when we spoke about the opening of Bayside and Westside, the Minister was able to provide details saying bricks and mortar is £x, and £x was the fitting of the classrooms. I am in no immediate hurry, but with an upcoming Appropriation Bill, if the Minister does have that information it will be extremely useful for both sides of the House.

1680 **Hon. Prof. J E Cortes:** Mr Speaker, it is a very different kind of project because it is being done by a private developer. There is interaction. I meet every two weeks to make sure that the project is on target, but the funding is different, so I really need to look into it in more detail and I am very happy to share it.

1685 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
If my recollection is correct, I believe the arrangement that was entered into with the developer was that they would build this site in exchange for the St Anne's and old Bayside site. I am looking at Press Release 750/2021 and a figure of £21.2 million was mentioned. Is it that the
1690 Government now has to pay the difference between £21.2 million and the expected outturn of £29.2 million, which would indicate there will be £8 million that the Government has to pay the developer? Would I be correct in that assessment?

1695 **Hon. Prof. J E Cortes:** I do not think so, Mr Speaker. I think there were adjustments during the course of negotiations, but again I would need to consult. I would be very happy to provide that information. I am happy for the Hon. Mr Clinton to remind me later or drop me an email. I believe that that is not additional, but I need to find out.

1700 **Hon. K Azopardi:** Just following up from that, perhaps when he does ask, is it that the premium that was agreed in respect of the Bayside/St Anne's plot has been reduced by that sum to the extent that any cash that was going to be paid to the Government has been reduced by the added cost? Otherwise, there would have to be a renegotiation, as he says.

1705 **Hon. Prof. J E Cortes:** Mr Speaker, I need notice of that. It is not directly ... I can look into that certainly, but clearly it is not what I was asked, so I do not have that information here.

Mr Speaker: Next question.

Q379/2023
Takeaway and restaurant extraction filters –
Frequency of inspections

Clerk: Question 379/2023. The Hon. E J Phillips.

1710 **Hon. E J Reyes:** Mr Speaker, can the Government state how often the extraction filters on takeaways and restaurants are inspected by the relevant government department or agency?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1715 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, takeaways and restaurants with kitchen extraction systems are what the

Environmental Agency considers high-risk premises, which are inspected by environmental health officers every three months.

1720 As part of the routine food hygiene inspection, officers check extraction systems and their filters are cleaned and maintained to ensure the removal of hot air, smoke and fumes from cooking. Food business operators are required to maintain such systems to prevent grease and dirt build-up and to prevent cooking smells and noise from becoming a nuisance to those who live or work in close proximity.

1725 As and when required, or when there are particular concerns or complaints, the Environmental Agency works closely with the Gibraltar Fire and Rescue Service to provide further inspections.

Mr Speaker: Next question.

Q380/2023
Street cleanliness –
Number of complaints received

Clerk: Question 380/2023. The Hon. E J Phillips.

1730 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on the number of complaints it has received in relation to street cleanliness?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1735 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, official complaints through our reporting channels, that is to say phone calls and emails, have been 14 in total. All complaints, whether they are made formally or informally, are followed up by the Department.

1740 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. He has obviously distinguished between formal and informal complaints, because obviously we all receive informal complaints from time to time. I do not know whether he has a running tally of informal complaints or whether they are logged in any way; sometimes informal complaints have a very strong basis and therefore should be actioned. I wondered whether he had any data on that.

1745 **Hon. Prof. J E Cortes:** Informal complaints are mainly what we pick up on social media. If any of the team in the Department or myself picks up a complaint on social media – Twitter, Facebook or whatever – we action it, but it is very hard to keep tabs on that. Unfortunately, people tend to use that medium. I do not mind them using it, they have every right to do so, but then they do not follow up with a formal complaint. And it is a little bit ad hoc because not everything on social media will be picked up by the Department, so I would encourage people ... If they want to put it on social media, they have every right to do so, but they should also follow the formal avenue because then we can log it better, action it better, and the reply might be more significant than the one I have had to give.

1755 **Hon. E J Phillips:** Mr Speaker, I understand the answer to the question. Of course the Government is reacting to social media. It is a form of media that is used these days for negative and positive reason, but I wonder whether the Government is doing much more than just listening to sometimes the echo chamber, as we have described it in this Chamber.

1760 I appreciate that many have expressed very serious concerns. Even yesterday, when I was walking up to Governor's Street, the centre bit between Cheers and Government Street was

strewn with rubbish, and this was 8.30 in the morning. That is just my example, but we receive many complaints, informal or formal complaints by email to us, and of course the Government receives those as well.

1765 I just wonder whether there is a more proactive way of dealing with this in terms of supervision of the contract that this community is paying millions for, because I think it is right, as the Government is held ultimately accountable insofar as that contract and the delivery of that service to our community. Of course we can point fingers at those doing the work outside the remit of the direct control of the Government, rather than the directors of the company doing the work,
1770 but is there any oversight, any scrutiny that the Government can put in place so that it can really have a proactive approach to street cleanliness, so that the complaints we see and the photographs we see can be a thing of the past – appreciating nothing in life is perfect, but at least have some form of proactive monitoring of street cleanliness in Gibraltar?

1775 **Hon. Prof. J E Cortes:** Mr Speaker, this exists. The Cleansing Department has environmental monitors, as has the Housing Department, and they are tasked with monitoring the cleaning and the effectiveness of the cleaning contract. So this exists. People are out and they will report anything that they spot to the cleaning company.

1780 As we know, something can be cleaned now and be dirty in half an hour's time, and that is the problem, so there is a lot of work that has to be done always in cleaning but also in hoping that people are not going to trash the place with trash, but there is a unit that does do that work.

Hon. E J Phillips: Mr Speaker, just one very small question. I have been very tempted, myself, when I am walking my dog in the morning, to post certain images of rubbish deposited – white goods, sofas, mattresses – in the area where there is a sign saying please take them somewhere else. The commendable work done by those enforcement officers who are attempting to get the evidence to ensure that these people are prosecuted for disposing very badly of sometimes dangerous materials on our streets needs to be dealt with. He agrees with me it must be a question of enforcement, but we have to stop this type of activity. It is very unsightly and in
1785 relation to tourism it must be doing a very damaging job, as has been seen recently.
1790

I wonder what other measures the Government will consider insofar as this, apart from increasing the penalty that should be imposed on people.

Hon. Prof. J E Cortes: There is a big issue of civic pride and we know that is the case. The penalties are being reviewed. I meet with a number of government departments and NGOs in what we call the Litter Committee – we last met a couple of weeks ago – and we are looking at increasing the penalties, so that is the first step we are going to take. I think this is done by regulations, so it is something that is going to be gazetted within the coming weeks, and we are looking at other legal aspects.
1795

1800 Obviously, education is a big thing and we cannot do enough to educate people. I would like to think that some of the posts on social media could be taken not just as a criticism of the state that people find it in, but also as pressure on those who carry out these activities and leave these goods and so on, for them to realise that it is not acceptable socially, no matter what side of the House you are on.

Q381/2023
Camp Bay public toilets –
Cost of renovation

1805 **Clerk:** Question 381/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the total cost to the taxpayer of the renovation of the public toilets at Camp Bay?

1810 **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 total cost of the renovation of Camp Bay toilets was £169,579.43.

1815 **Hon. E J Phillips:** Mr Speaker, could he confirm how many toilets that comprised? It seems like a hell of a lot of money to spend on a toilet or two. I would be grateful if the Minister could give us a little bit more information about that.

1820 **Hon. Prof. J E Cortes:** No, Mr Speaker, Camp Bay is not one of the beaches I frequent, so I could not. I need to find out how many toilets we are providing. But construction costs these days are high, and this would have been the lowest of at least three quotes. This is what things cost.

Q382/2023

**Planning permission granted by DPC –
Benefits secured**

Q385/2023

**Abandoned and neglected buildings –
Incentives re repair and re-use**

Q386/2023

**Regeneration of Old Town –
Progress**

Q387/2023

**Social Security building –
Listing under Heritage and Antiquities Act**

Q388/2023

**Conservation and enhancement of heritage –
Government financial support**

Clerk: Question 382/2023. The Hon. E J Phillips.

1825 **Hon. E J Phillips:** Mr Speaker, can the Government confirm, out of all the developments completed over the last 12 years during their time in office or of those developments that are presently underway, what environmental planning gains or other additional public benefits have been secured by DPC granting planning permission of those said developments?

1830 **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 385 to 388.

Clerk: Question 385/2023. The Hon. D J Bossino.

1835 **Hon. D J Bossino:** Which new incentives will be provided for the repair and re-use of abandoned and neglected buildings?

Clerk: Question 386/2023. The Hon. D J Bossino.

1840 **Hon. D J Bossino:** What progress has been made on the regeneration of the Old Town since the beautification of Castle Steps and Governor's Parade?

Clerk: Question 387/2023. The Hon. D J Bossino.

1845 **Hon. D J Bossino:** Will the Government consider listing the recently vacated Social Security building under the Heritage and Antiquities Act?

Clerk: Question 388/2023. The Hon. D J Bossino.

1850 **Hon. D J Bossino:** In what way will Government provide financial support to projects in order to conserve and enhance heritage?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1855 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to Question 382, over the last 12 years we have introduced or strengthened a number of environmental planning requirements for all new developments. These include requirements for all demolitions, or rooftop extensions or replacements to conduct a bird and bat survey ahead of any works to safeguard these species; the requirement for new developments and extensions to introduce bird and bat nests throughout
1860 the development to increase urban biodiversity; increased protection for existing trees and the requirement for replacement of any affected; requirements for increased landscaping and green areas; landscaping consultations with the Department of the Environment to ensure that this increase is consistent with our climate objectives by ensuring that species are suited to our
1865 Mediterranean climate and prevailing weather conditions at the site; strengthening the energy performance requirements for new and existing buildings through the energy performance of building rules and, most recently, introducing the near-zero energy building standards, which require all new-builds to meet higher performance standards and include minimum percentages of renewable energy; requirements for the inclusion of minimum numbers of electric vehicle charging points in all new developments; requiring dust control plans and construction
1870 environmental management plans for all major developments; provision of green and brown roofs; biodiversity gain assessments and compensation for any potential loss of biodiversity; and provision of cycle lanes. In respect of additional public benefits, the planning process regularly involves discussion with applicants for designs to be modified in order to avoid or minimise overlooking of other properties, encroachment into public spaces etc.

1875 In answer to Question 385, this is an ongoing discussion we are having with interested parties, which include private property owners, heritage stakeholders and the town planners. At the moment, the cost of repairs is borne by the owner or occupier. We are seeing increasing commitment from the private sector to engage in urban renewal projects. Improvements to the façade of a building are eligible for tax relief, which are requested and approved, and notices for
1880 improvements are issued on a regular basis by the Environmental Agency or on behalf of the Urban Renewal Officer, who is based at Town Planning.

1885 In answer to Question 386, I have previously highlighted some of the projects we are working on, with more to follow in this financial year, including placing interpretation material throughout the Old Town. We are proposing improvements to the Landport tunnel area, the Moorish Castle gatehouse and the former prison. As I have just explained, the Urban Renewal Officer continues to survey the old town and to issue notices for remedial action, with considerable success. The

1890 new St Mary's School is a prime example of the best principles of urban renewal, giving new life
to a building while keeping its heritage value. If he has kept himself up to date, he will have seen
that the Government's example in renovating areas such as St Mary's and Governor's Parade and
inviting interest in areas such as Road to the Lines is leading to a cascade of privately funded
improvements in adjacent areas and further afield. There have been an increasing number of
private urban renewal projects going through the planning system, all of which are closely
scrutinised by DPC to ensure retention of the character of our Old Town.

1895 In relation to Question 387, the vacated Social Security building, this will be considered should
the Heritage and Antiquities Advisory Council so recommend.

1900 And finally, in answer to Question 388, as the hon. Member knows, a budget is allocated every
year to restore heritage sites. Recent and current examples include Southport Gates and the
Tower of Homage as well as the restoration of the Convent façade. This year will see a
continuation of such works, with funds allocated for heritage projects including the Mount and
the Northern Defences. Indirect support has been provided in relation to other developments
including Orange Bastion, North Gorge, the Ex-Casino development and St Mary's School by way
of advice provided by the Ministry of Heritage. We continue refurbishing many of our city plaques
as well as restoring and repainting our old street signs and installing interpretation panels which
1905 promote heritage. We work closely with many charities and volunteer groups, providing them
financial support. One example recently was Alabare, a former servicemen's charity which worked
on Lord Airey's Battery last year and on O'Hara's Battery a few weeks ago. We have other non-
government entities working at Princess Caroline's Battery and the surrounding area. These are
all supervised and financed by Government. The Gibraltar Heritage Trust is also supported
financially, both directly and by assisting their projects, as are the Museum and the Garrison
1910 Library.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to the hon. Member for that
answer. I am conscious that we all have a function to attend in a few moments, so with the benefit
of that first answer, I wonder whether we might now adjourn the House to tomorrow at three
o'clock in the afternoon, when we will commence with questions addressed to me, but after which
1915 we can continue with supplementaries to the Hon. Minister and others.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Thursday,
25th May at 3 p.m.

1920 I now put the question, which is that this House do now adjourn to Thursday, 25th May at
3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 25th May at 3 p.m.

The House adjourned at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 6.48 p.m.

Gibraltar, Thursday, 25th May 2023

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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*]

Questions for Oral Answer

CHIEF MINISTER

Q435/2023

**Disposable vapes –
Number imported in last 10 years**

Clerk: Meeting of Parliament, Thursday, 25th May 2023. Answers to Questions.
Question 435/2022. The Hon. E J Philipps.

5 **Hon. E J Philipps:** Mr Speaker, can Government state how many disposable vapes have been imported in the last 10 years, separated by year?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is not available, as there is no legal requirement to collect this data. I have, nonetheless, asked Customs to keep a record as from this month.

15 **Hon. E J Philipps:** Just a related question to that. I am grateful that the Minister has now confirmed that we will be able to collect that data. I share with him, and the Minister for Financial Services actually, the need for collecting data so that we can make better decisions.

20 Does he share with me the concern of many in the community in relation to the unlawful disposal of these particular vapes? And is there anything that the Chief Minister might be able to help us with, insofar as policy, moving forward? He knows that Australia is moving very close to a full outright ban, which I do not think is something that the United Kingdom, our closest jurisdiction that reflects the laws that we have best here ... I wonder whether he might be able to help me with that point.

25 **Hon. F R Picardo:** Mr Speaker, as the hon. Gentleman knows, I have always found it difficult to understand what it is that persuades a mature adult to put a piece of paper with rolled-up, crushed leaves in its mouth, light it and proceed to allegedly enjoy it, knowing the damage it is doing to the respiratory system that keeps him or her alive. Vapes are an alternative to that, which does different damage to the respiratory system. It is now becoming clearer and clearer that small particles of plastic pass into the lung from vaping. I therefore believe it is important that we should
30 have data in order to be able to determine whether we need to make policy decisions of the sort

that the hon. Gentleman is making, not least from the point of view of the cost to the Health Services of these continued practices.

35 New Zealand has passed a law which provides that it becomes illegal to sell tobacco to people born after a particular date. That is to say anybody who has been smoking for their lifetime can continue to smoke, can stop smoking and start again; it is not a problem. But if you are born after a particular date, it is illegal to sell you tobacco or to provide you with tobacco. Those are the sorts of things that are extraordinarily progressive. I do not know whether we would ever go down that route, because there are potential civil liberties issues that arise, but that is the level of drastic action I think is necessary that we consider as policymakers if we are serious about saving people
40 from themselves – civil liberties issues there – and indeed saving a lot of money for the Health Service in respect of the treatments that arise as a result of these practices.

Hon. E J Phillips: It is an interesting debate that we may well have if a Member of this House files a motion.

45 One of the interesting things I learnt last week from the GHA board, especially the Director of Public Health, who said very clearly that vapes, in effect, help those who are quitting smoking, so the damage is being done less to their lungs, but actually what she is finding is that younger and younger people are accessing vapes and that is damaging their lungs for exactly the reasons the Chief Minister has put forward. So the problem I suspect we will have in our community – and I wonder whether the Chief Minister may have a view on it – is the access that children are having
50 to vapes. That is probably the most important challenge for us as a community, I would have thought, in respect of this particular activity.

Hon. F R Picardo: Yes, Mr Speaker, I agree, and indeed the hon. Gentleman knows that we
55 passed legislation to prevent access by young people to vapes in the way that was becoming indiscriminate. Indeed, one of the answers the Hon. the Minister for Education gave, I think in recent months, was that we were procuring systems in order to detect the use of vapes in laboratories in the senior schools.

60 These are important issues. Young people sometimes do not know better. I do not say that out of any disrespect for young people, who are sometimes more visionary than we can be, stuck in our ways as we are, but when it comes to whether or not it is cool to do a thing, whether or not there is peer pressure applied, people might do things which it might not otherwise make sense to do. And so anything we can do to help young people in particular not to fall into the trap of early addiction in respect of vapes, tobacco or any other noxious substance we must do, I agree.

65

Mr Speaker: Next question.

Q436-37 and Q450/2023

Devil's Tower Road –

**Rational for slip road by E1 development;
modifications to avoid weekend chaos; cost of new roundabout**

Q449/2023

Eastern Beach parking –

Readiness for use by summer beachgoers

Clerk: Question 436/2023. The Hon. E J Phillips.

70 **Hon. E J Phillips:** Mr Speaker, can the Government explain in detail the rationale for the slip road by the E1 development?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 437, 449 and 450.

75 **Clerk:** Question 437/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government set out what modifications it has made to Devil's Tower Road to ensure that chaos does not return to our streets each long weekend?

80 **Clerk:** Question 449/2023. The Hon. D J Bossino.

Hon. D J Bossino: Will the Eastern Beach parking facility be made available for users of the beach this summer?

85 **Clerk:** Question 450/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the cost of the new Devil's Tower roundabout?

Clerk: Answer, the Hon. the Chief Minister.

90

Hon. F R Picardo: Mr Speaker, there is no slip road by the E1 development. The eastern end of Devil's Tower Road was realigned to tie in with the new roundabout constructed under the tunnel project. The redundant section of Devil's Tower Road has been retained as a means to access the E1 development and the future wine vaults project. There will be no through road along here.

95 The conversion of Devil's Tower Road into a dual carriageway in 2010 was part of the overall traffic management strategy to deal with increased traffic flows arising from the decision to build the runway tunnel. No further modifications have been made to Devil's Tower Road in that respect.

100 The Eastern Beach multi-storey car park will have its full parking capacity available for beach users in time for the bathing season.

The new Devil's Tower Road roundabout was included as part of the overall contract to build the tunnel, entered into by the former administration. Due to the protracted nature of the works on the latter, which have been undertaken over three different periods involving different contractors, it is not possible to provide an exact figure of cost. However, I am advised that the cost is approximately £750,000, but I want to record in *Hansard* that the figure is not exact.

110 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answers. I just wanted to further drill down into Question 437. I should have just one question. Obviously, the Chief Minister is aware, as we all are in this House, of a number of weeks ago, during a long weekend, the chaos that ensued on that particular stretch of road. As we confront another long weekend due in our community, many will be concerned about how they transit to Spain if they wish to go on holiday for that particular weekend. I was just wondering what was done before the tunnel was opened. I assume the Government has done a lot of work in terms of mitigation of traffic issues around Kingsway, and I just wondered whether this type of issue was anticipated from the outset and what the thinking was around traffic build-up in that area, in terms of the closure of Kingsway with the traffic lights that they have there. I just wonder whether there are any significant plans now to readdress those issues. We have heard of ambulances being stuck within those queues and whether they now can use the traditional route across the runway in those circumstances. I just wonder how the Government is reflecting on its experience of the opening of Kingsway and what modifications it might be thinking about now, so that we can communicate that to the community.

120

Hon. F R Picardo: Mr Speaker, first of all, we have to understand who is causing the chaos. Before we analyse the solution to the chaos we need to understand the cause of the malaise, and the cause of the malaise is the Frontier. At the Frontier, the cause of the malaise before our
125 departure from the European Union might rightly be said to be difficult Spanish frontier guards, and after our departure from the European Union, when Spanish frontier guards are not enforcing the Schengen Border Code to the full extent, it is Brexit that is causing that there have to be some checks even when the Schengen Border Code is not being enforced to its full extent. So that is the problem. The problem is the pinch point. The pinch point is the Frontier and the question of where
130 fault lies at the Frontier.

Then, when we analyse what happens after that, south from the Frontier, we need to remember what the position was before. I am grateful that the hon. Gentleman opened that part of the debate because it is important that we recall what Gibraltar could be like on a bad, rainy
135 Thursday afternoon after 3.30 when schools were out if, before leaving the European Union, we had a particularly difficult Spanish government. I recall a Spanish foreign minister of a particular name – who was appointed at the same time as we were elected – who loved causing merry hell in Gibraltar. I often remember the frontier queue reaching 6 Convent Place. I knew there was a frontier queue because there was traffic outside Convent Place beeping its horn, and I would then seek to ameliorate it in some way – and that was with the third lane operating on Winston
140 Churchill Avenue, with all of the traffic going down Winston Churchill Avenue, down Devil’s Tower Road, going into Eastern Beach, coming out of Eastern Beach, going up Devil’s Tower Road and then going up the rest of Winston Churchill Avenue, down Corral Road etc. and on to Queensway and Line Wall Road. So the queues got that bad.

That sort of chaos – and I am using the hon. Gentleman’s word – occurred regularly during the
145 week, even before we left the European Union and before we had the tunnel open. It could also occur during the weekend. It did not so often occur during the weekend for a simple reason: at the weekend, people have a choice of whether or not to go to Spain at a particular time. And so people would say *Hay mucha cola* – ‘There is too much of a queue, I will stay here,’ or ‘I will go later,’ or ‘I will make sure I leave earlier.’ There is that sort of choice. During the week, at 3.30
150 school is out, at five o’clock work is out, at six o’clock work is out – everybody is trying to get across at the same time. There was less choice. So the chaos that the hon. Gentleman refers to off’ occurred before we left the European Union, when it should not have occurred, and before we had a tunnel.

Cut forward to the opening of the tunnel. Hon. Gentlemen will forgive me for reminding them
155 that the plans that we have in place are the plans that they put in place, which were put in place by them in good faith and would have had to go through the test of electricity that every plan has to go through – that is to say interaction with reality. So you have a perfectly plausible plan provided for in the time that they were in government as to what would happen when the tunnel operated. The tunnel systems are designed at the time that they were in government, in good
160 faith, to deliver what is a very plausible plan. And then of course the first contact with reality requires that the plan should be tweaked and amended, and that is where we have been.

Hon. Members will also know that absent a long weekend, which I accept has not happened since he asked his question ... since the last weekend we have not had instances of that sort of
165 chaos because different mechanisms have been brought into play. Different types of contraflow have been tried, to work out which is the best contraflow. In other words, do you have one lane going south on Devil’s Tower Road with one clear lane of that dual carriageway? And do you queue in the tunnel or do you not queue in the tunnel? Or do you have two lanes of traffic going south on Devil’s Tower Road, going through, only one of them queuing in the tunnel, and a contraflow on the westerly-bound Devil’s Tower Road, which permits a clear route through a contraflow in
170 the tunnel to the area north of the runway but not going to Spain?

All of those different permutations had to be tried. It was our view that they must be tried and our view that we had to change the permutations that were provided for by the former administration, which required that both barriers come down at any time on each of the cores

175 Hon. Members will know that there are, at both ends of the tunnel, barriers that come down
related to the lights that he has referred to. The system put in place, which we inherited, was that
the lights went red for both lanes going in a particular direction and that the barriers came down
for both lanes going in a particular direction. That means that if you are not going to permit
180 queuing in the tunnel, you cannot bring down one barrier if you are queuing cars on the on the
right-hand side lane of one core and keep open the left-hand side of that core because the
software that they provided us with, you press the button, they both come down. It is not a
complicated thing; it just needs to be reprogrammed so that it is possible to control one lane in a
core and not have to control both lanes in the core at the same time. So all of those things were
being tried, and when we had the most recent frontier queue we tried the permutation which
185 involved queuing in the tunnel on one lane of one core, not queuing in the tunnel on the other
lane of that core, and keeping the other core divided in two with a contraflow, and that seemed
to work.

Why not queue in the tunnel? Well, the reason for not queuing in the tunnel is based on the
advice from the Fire Brigade relating to the Mont Blanc tunnel fire. The Mont Blanc tunnel is
190 40-odd kilometres long. There was a tragic incident there, where there was a fire. Many people
died. They could not get out of their cars. They could not get their cars to the end of the tunnel
because there was a huge fire. The Government's view is that in a tunnel – which is more of an
underpass than it is a tunnel – which is 500 m long, not 50,000 m long, which is what it would be
if it was close to the Mont Blanc tunnel, where you have the potential to keep one lane always
free, you can safely queue in one lane of one of the cores without having any of the risks
195 associated with the Mont Blanc tunnel fire because you can always get out of your lane with your
car. In those circumstances we have tried different permutations.

None of us here is an expert in traffic management. We are now advised by the same people
who would advise them if they were here, that what systems are being tested now and have been
tested, we say, successfully – we are told, at the last instance of queuing – should ensure that we
200 never see a case of the sort that we saw at the time of that long weekend unless the Frontier
completely seizes up and we still have people seeking to go into Spain.

On a Friday, if people are going on holiday and want to get out that night because they have a
hotel booking that night and they meet the traffic I referred the hon. Gentleman to earlier, that is
to say the weekday traffic – so on a Friday school is out at 3.30, work is out at five, at six and at
205 seven, and all of the Gibraltarian traffic to go behind enemy lines for the weekend starting on a
Friday ... If all of that meets at once ... well, you do not need me to tell you. You have got the Hon.
the Minister for Transport. That number of cars is a square peg that will not fit into a round hole
without a traffic jam of the proportions that we have seen many times before.

There is no administration that can fix that because there is no contraflow, there are no
210 barriers, there are no lights, there is no tunnel that can deal with that if you have a pinch point at
the top. So whether it is Caruana's tunnel or Picardo's tunnel, the reality is the same and we should
not pretend otherwise to people, because that is why people start to think that politicians are
dishonest, when they play games like that.

215 **Hon. E J Phillips:** I am very grateful for his analysis, I always am, but just one question, because
he talks about pinch points, and of course volume, although not in that definition a pinch point, is
a serious consideration. Likewise, the closure of the barriers at the Frontier when we originally
crossed the width of the runway. We have removed that pinch point and hopefully things should
improve with the technical improvements that he talks about and the constant testing of that
220 particular route across the Frontier.

A long-term solution to the problem is to try to discourage the frontier workforce from using
cars to come to Gibraltar, for a variety of different reasons – our green community, and it has
been echoed by the Minister for the Environment and the Minister for Transport for years,
because it seems to me that the volume of traffic ... our frontier workers who are using our roads
225 to bring their cars in and out every day, and also our citizens who wish to go on vacation on

weekends. So the long-term objective is to reduce the numbers of vehicles coming into Gibraltar by various means, such as park and ride, that have been spoken about in this House on numerous occasions. I wonder whether he might share his thoughts on how we might go about doing that and whether that is the Government's policy in trying to reduce the volume of traffic coming to Gibraltar from Spain.

Hon. Chief Minister: Mr Speaker, thank you. I think we are *ad idem*, as we might say in court – we are of one mind – but not on the use of park and ride, because park and ride I do not think avails us of any solution other than the cars come in from Spain and are just parked in a particular area, and in the context of what he is talking about, that area, that park and ride car park, is south of the tunnel and would still have to get itself out through the tunnel and would still be queuing in Devil's Tower Road. So I do not think that is the best location for a park and ride for that purpose. It is a good location for a park and ride for arrivals into Gibraltar by tourists and others who might want to visit Gibraltar, but not necessarily by frontier workers. I do not think it was ever designed, even by the former administration, with that in mind. The Hon. Minister for Transport has passed me ... A picture is worth a thousand words. I do not know whether he can see it. I am sure the Minister will happily send it to him by that modern device called WhatsApp. What we have here in this picture is a huge number of cross-frontier 'scooterees' and cyclists, and the runway shows us every day a huge number of cross-frontier workers coming in on foot, not just on bikes and scooters.

So it is fair to say that we should seek to further discourage the use of vehicles by cross-frontier workers. It is also fair to say that a very large number of cross-frontier workers already walk more than most people in Gibraltar do because they walk from Spain into Gibraltar, across the runway etc., and some of them use public transport to boot. What have we done already to encourage that? Well, the hon. Gentleman knows that we have introduced charges for parking in Gibraltar, that Gibraltarians – that is to say people with red ID cards – can park in multi-storey car parks, but others, even with workers' ID cards, have to pay. It is important that in seeking to encourage a particular activity by a third party, we recognise what it is that we are doing already to encourage that activity and the fruits of it, because I am sure that more people walk since we introduced the parking charges, more people might take a taxi or a bus since we introduced the parking charges because the taxi or the bus might be less than the parking fee. That is, I think, the most that we can commit to.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I am not sure how to pursue my question with regard to the new Devil's Tower roundabout because the Hon. Chief Minister premised his answer on the basis that it was an estimate – I think was the word he used – because in effect, if I recall, it is not a cost which is broken down. In other words, it forms part of the overall cost of the tunnel project. But he did offer a – (*Interjection*) He is saying from a sedentary position that it was not an exact sum, but he came up with a figure which is quite exact, £750,000, so at least we have a more-or-less figure, albeit not exact. But I will pursue it, subject to the caveat that he put forward during the course of his reply.

The information that I have received is that it was around £40,000 in terms of the soil costs at £2,000 per tonne. That was put to me as already a very expensive price tag. He has come up with a figure which is many times a multiple of that. Is he able to confirm that sum that I have just given him in relation to the cost of the soil? And can I ask him to provide a further breakdown in relation to that £750,000 for the construction of the roundabout? We will then need to deal – with your permission, Mr Speaker – with the maintenance costs thereof.

Hon. Chief Minister: Mr Speaker, I can assist him with the details I have, and maybe that would be helpful to him. The roundabout was designed in 2009. The reason it is so large is because it is

280 meant to cater for the volumes of traffic to and from Spain with an allowance for growth, including that which the Eastside may be expected to receive. The approximate breakdowns that I have are as follows: excavation and filling to formation level, £100,000; initial road resurfacing of base course and binder, £205,000; roundabout features and finishes including kerbs, lighting, topsoil and planting, £225,000; final road resurfacing, including the wearing course, £88,000; highway signage, £35,000; and contract preliminaries, £99,000.

285 **Hon. D J Bossino:** Mr Speaker, by way of second supplementary, he mentioned the design and he gave a date of 2009. What has been put to me as well is that the roundabout need not have been so large. In other words, he does say that the roundabout was that size not just because of the project that was then envisaged, but also because of, he said, the possible developments at the Eastside. The contrary point has been made to me that because there are now more
290 developments, which are the developments steered by the Members opposite, which were not ours and were not envisaged in 2009 when we were in government, the roundabouts ought to have been smaller and therefore cheaper. Does he have a comment to make in relation to that?

Hon. Chief Minister: Yes, Mr Speaker, of course – that his information is, as usual, completely
295 wrong, that the roundabout is the size that was designed in 2009, that the volume of traffic to the Eastside anticipated under the Sovereign Bay project was higher than the volume of traffic envisaged now because the massing proposed by the Multiplex Reuben Brothers project was actually much greater than the massing proposed now, and that therefore every single one of the premises that he has based his question on is entirely fallacious and wrong and he should roundly
300 chastise the person giving him the information, who, if they were a person with information and access to information at the time, has clearly forgotten most of the facts, and if they were not, is simply making it up.

Hon. D J Bossino: Mr Speaker, all of that is perfectly possible, but I will not take his word for it.
305 I will make further inquiries. I will certainly put on inquiry everything that ... He knows that everything that he says puts me on inquiry.

Can I ask him which company – or companies, because in his helpful response in relation to the breakdown it is possible that various companies were involved in the construction of the roundabout ... Can he provide me with details of which company/companies those were?
310

Hon. Chief Minister: Mr Speaker, he knows that as to being put on inquiry by things we say, the feeling is entirely mutual. Every time he greets me with a good morning, I check my watch to ensure that noon has not passed, and then I check to ensure I still have my watch. (*Laughter*) But despite that, given the friendship that has joined us for so many years despite our current political
315 differences – I put it no higher or lower than that – he should know that the information I am giving him should put him on inquiry, not in relation to me but in relation to the people who provide me with the information, who are the technical people who prepare answers to questions. This is not something that a Minister makes up.

I do not have the names of the companies that provided the services. I imagine they are probably different companies. I am very happy, if he wants, to write to him with the details of which company did what in respect of the two, four, six things that I have told him, or I am quite happy for him to ask questions next time. (*Interjection*) Sorry? I am quite happy for him to ask questions next time. He is nowhere near answering questions, Mr Speaker, however much he might think he is. It is a matter for the people of Gibraltar, they can decide who should ask the
320 questions and who should answer the questions, but my gut does not tell me that he is going to be answering questions any time soon. I am happy to provide the answers next time, if he asks, but I have no doubt he will be put on inquiry as to what my gut feels, or not.
325

330 **Hon. D J Bossino:** Mr Speaker, this is a third question. I see the Speaker is already going towards pressing his microphone button.

Yes, let's agree that we are, as he says, mutually put on inquiry. I do exactly the same thing, and I will take the comment that he has made suggestive that I am a thief in the jest that he has imparted it. That is why I made sure that I did not stand up and ask for a point of order. One has to be philosophical, quite frankly. I have been to two funerals already this week, so this is a fact of life.

335 Mr Speaker, can I ask him one final question, which I alluded to in my first supplementary? Is he able to state which company and what the cost of maintenance of the roundabout is, going forward into the future?

340 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he is going to take in the same jest that I am going to take his suggestion that I say things which need to be checked up on – that is to say that I say things which might not be true – the suggestion that I had to check whether I had my watch or not as he walked past, because we do have to be philosophical. We have both been at one of those funerals of an old friend, and there are more things in heaven and earth than are thought of in either of our philosophies, and we have to be alive to that in particular in this place.

345 I do not know which is the company that is doing the ... I assume what he means is the gardening. I do not know who it is. There is one company I do not want to mention across the floor of the House because it may not be, but I am sure it is, that does most of the Government's public planted areas. There is a contract with that company and that contract dates from the time before we were in office, but again, if he asks that question either at this or future meetings of the House, I will be delighted to answer it if the people of Gibraltar so determine that I should.

Hon. D J Bossino: Mr Speaker, I had a supplementary from my questions on the Order Paper because –

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Mr Speaker: So you are going to be asking about Question 449?

Hon. D J Bossino: Yes, Mr Speaker, that is right. That is one of the ones that he grouped together.

360 In relation to the Eastern Beach car park, which, as Mr Speaker has just said, is Question 449, he said – and I am sure that beach users will be very happy to hear the answer, which is that the Eastern Beach parking facility will be made available to them for the summer ... If I can take him to the answer he provided me during the course of the meeting of the House of 19th January, where we were talking about eligibility, he expanded on it and he said:

we need to work out as a matter of policy how we provide for that, and we expect to be making a statement, which will be quite detailed, about people in the area and

365 – and this is where I emphasise –

the summer use of the car park etc., which we have not yet finalised.

I am assuming that he did not intend to provide that type of detailed information across the floor of the House pursuant to a question that I would be posing for him to answer, and that he intends to, at some point, make the detailed statement which he promised across the floor of the House. And if that understanding is the case, may I ask him when he expects to provide that statement?

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Hon. Chief Minister: Mr Speaker, why use a few words when you can use many? Yes, I do intend to make the statement referred to. I am not yet able to give the exact date when I will, but

375 the fact is that the Eastern Beach car park will be available for Eastern Beach users for the period
of the summer months, as I have already indicated. That will be detailed more specifically in the
statement to come, which will also provide for parking arrangements for those who live around
Eastern Beach.

Hon. D J Bossino: Mr Speaker, I will use the words that I deem appropriate and I do it, I think,
380 to assist him, so that I can convey precisely what is going on in here, so that it can hopefully get
to him and he can understand fully and there can be no doubt as to what it is that I am asking.

Can I ask him what it is that is delaying the statement in relation to such an issue, given that he
promised this on 19th January and here we are, end of May, very close to the summer season, not
yet in a position to make a statement of that nature? Can I ask him what is the cause of the delay?
385

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is completely wrong in the premise of
his questions again, despite having eaten a fair dose of tongue for lunch, obviously. He assumes
that we are delaying and he assumes that we cannot make the statement. Far from it. We think
that there is a moment to make the statement, which is closer to the beginning of the bathing
390 season, when we have more accurate facts at our disposal because obviously we will then know
the exact number of parking spaces that will be available in the car park as the works come to an
end or are held for the period during the summer. And so there is no delay and the statement will
be made at the right moment before the opening of the bathing season. If we were to make the
statement too far before the opening of the bathing season, we would find that we would have
395 to make it again before the opening of the bathing season. For example, I remind him of the fact
that he, some months ago, asked us to tell him whether or not it was possible to put bins out on
a Saturday night, having forgotten the Government statement some years ago about not putting
bins out on a Saturday night. He has even forgotten that he had forgotten about putting the bins
out on a Saturday night. But so be it. I hope he accepts that the Government is going to make the
400 statement at the time not of its choosing, at the time when we are advised is the best moment to
do so to ensure that beach users and those who live around Eastern Beach will have the
information timeously in order to be able to use the information in the way that they need to be
able to park legally.

Hon. D J Bossino: Mr Speaker, what I find somewhat surprising in the reply is that at this stage
405 of the game the hon. Member has said that he is not yet aware of the number of parking spaces
which are going to be available. If I may, simply to widen the point because the question strictly
was about Eastern Beach users, but this will impact because he has said before, in answer to two
questions, that it will impact on the first phase purchasers of Hassan Centenary Terraces, who for
410 a period of time will be using that facility until, as he has explained, the second phase is complete
and then they will have their own parking spaces in that particular development available to them.
But is he telling us now and expecting us to accept and believe that he does not yet know how
many parking spaces are going to be available? What is determining that?

Hon. Chief Minister: Mr Speaker, I am very surprised that he is surprised. He obviously has
415 never really had regard to how construction contracts work, how the lay of land can change and
how that can affect the number of parking spaces.

What the Government wants to do is not just make political points for the sake of being heard,
the Government wants to actually improve the lives of people in the area and improve the lives
420 of beach users. What we want to do, therefore, is to maximise the number of car parking spaces
available for people who use Eastern Beach, for people who live in Beach View Terraces, for people
who live in E1, for people who live in Devil's Tower Road, and of course for people who live in
Hassan Centenary Terraces or will be living there after we start the completions during the months
of July, August, September etc. In doing so, we want to ensure that the works in the area – and
425 they are ancillary works in the area ... I suppose he does go around Gibraltar and he will have seen

430 that there are pavements being completed etc. That will make more spaces available, and therefore, in order to give an accurate number ... Accuracy is everything, because if I got it wrong by one space he would be getting up saying he is surprised that I got it wrong by one space. And so, in order to do the job that we have to do, in order to ensure that we are siding with the people who use Eastern Beach, who live in Devil's Tower Road, in E1, at Beach View Terraces, at Hassan Centenary Terraces, all of that area, we are going to do what we have to do to maximise the number of spaces available, even if that means that I cannot today tell the House what the number of parking spaces available is because I am fighting for more.

435 **Mr Speaker:** Next question.

Q438/2023
Principal Auditor's reports 2016-17 and 2017-18 –
Update re tabling

Clerk: Question 438/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the tabling of the Principal Auditor's reports for 2016-17 and 2017-18?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Principal Auditor has informed my office that there are still a small number of amendments to be carried out on the financial statements for the year ended 31st March 2018. The Principal Auditor has further advised me that his reports on the Public Accounts of Gibraltar for the financial years 2016-17 and 2017-18 are practically finalised.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for enquiring as to the status of these reports, but as we in this House have been enquiring – certainly on this side of the House; I am sure he has, as well, on his side of the House – after these reports for some time now, and in February we were still at the adjustment stage and now we are in May and it is almost done and 'soon' ... Does the Chief Minister have a sense of what the Principal Auditor means by 'soon'? Does he expect to be able to table it at the next session of this Parliament? I hear that the Principal Auditor may be reaching the end of his term of office and he may be due to retire, and I presume that we would all in this House like to have his reports before he retires.

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Hon. Chief Minister: Mr Speaker, what the hon. Gentleman is asking me to do is to crystal ball gaze. He is asking me to speculate, and an answer cannot be based on speculation if it is going to be accurate and if it is going to honour that I want to ensure I do not mislead this House. I am here as Chief Minister of Gibraltar, not as '*Rappel*' or any other soothsayer, Mr Speaker.

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Hon. R M Clinton: Mr Speaker, I am not asking the Chief Minister to predict the future, (*Interjection*) otherwise I would ask him for the Euromillions numbers. All I ask is does he have a date. Has he been given any date by the Principal Auditor?

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Hon. Chief Minister: Well, no, Mr Speaker, that is not what the hon. Gentleman asked me. If he had asked me whether I had been given a date, I would have said no. He asked me whether I had any idea as to what 'soon' could mean. That was to ask me to crystal ball gaze and I am not going to. I am not able or permitted to do that in the context of accuracy in this House.

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Hon. R M Clinton: Mr Speaker, if these reports remain outstanding for much longer, is there anything that the Chief Minister thinks we as a House should be doing to request the Principal Auditor to expedite his work and present his reports? We have the power in this Parliament to summon people. Is it that we need to form a committee of the House and request the Principal Auditor to attend?

It is just getting to the point where it is frankly unacceptable that the last report was six years ago. We cannot in this House do our work of scrutiny, nor can the Government receive reports as to how various departments are operating without the work of the Principal Auditor's department. Does the Chief Minister have a view as to what would be the next step if these reports are not forthcoming by the next session?

Hon. Chief Minister: Mr Speaker, the Principal Auditor is constitutionally and statutorily independent, and any attempt to interfere with his independence, including his decision as to when he files his report, I think would be deprecated and should be deprecated. I have no view, therefore, as to what we should do next. I am not going to venture into speculating either as to what the potential parliamentary devices that might be used should or could be, because I believe that we should not be even appearing to interfere with the Principal Auditor's independence.

Mr Speaker: Next question.

Q439-40/2023

Historic 3% abatement –

Claims from retired public sector workers; settlements

Clerk: Question 439/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether it has received any claims from retired public sector workers in respect of the historic 3% abatement; and, if so, for which sectors and in what number?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 440.

Clerk: Question 440/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether it has settled any claims from retired public sector workers in respect of the historic 3% abatement; and, if so, for which sector and on what terms?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, there have been a total of 84 claims from retired public sector workers in respect of the historic 3% abatement. Of these, 68 claims were from the Gibraltar Fire and Rescue Service and 16 claims, to date, from the Royal Gibraltar Police.

All 68 claims from the Gibraltar Fire and Rescue Service retirees have been settled.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. If I can start with the 68 of the fire brigade, I did ask for the terms of the settlement. Is the Chief Minister in a position to advise the House of the terms of settlement?

Hon. Chief Minister: Mr Speaker, yes, sir. With effect from 1st July 2014, Her Majesty's Government of Gibraltar agreed the reinstatement of the 3% salary abatement to Gibraltar Fire and Rescue Service and Royal Gibraltar Police officers. It was subsequently agreed to extend this arrangement only to officers who had retired from the GFRS between 1st April 2013 and 30th June 520 2014. This included four GFRS retirees whose pension awards were revised with effect from 1st July 2014. That is to say the date on which the 3% salary abatement was reinstated for serving officers. The agreement was subsequently extended to all existing GFRS pensioners and/or GFRS service widows and orphans pension scheme pensioners who were active on 1st January 2020, who were 64 in total, with their pension awards being revised as from that date. The 16 claims 525 received to date from retired officers from the Royal Gibraltar Police are currently under consideration.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the expansion of his answer. In terms of the 16 police officer claims, what is the difference between their claim and the fire brigade claim? Is there any difference between the two? What would be the difference in settlement? 530

Hon. Chief Minister: Mr Speaker, I am not sighted on the detail of the difference, but I believe it is substantially different and that is why different treatment has been given to the settlement. 535 In one it was advised that the claims were affordable and in the other it was advised that the claims were not affordable, because of the different structure in the way that the abatement was dealt with, the period of the abatement and how it would be changed. That is the reason, and I understand that that reason has been provided to successive administrations of the Government of Gibraltar in relation to the claims made by Royal Gibraltar Police officers. 540

Hon. K Azopardi: Mr Speaker, can I just ask, on the RGP claims, the number of 16, is that a finite number? Those claims arise also from that point which he indexed on firefighters. I think he said something like they had retired from 1st July 2014. I think he said something like that. So is it also a group of people who retired from that point on, or is it a different date? And can I ask him, have there been analogous claims also from officers in the Prison Service? 545

Hon. Chief Minister: Mr Speaker, I do not have any claims from people in the Prison Service and I do not have any information with me which would tell me the answer to the hon. Gentleman's first question. 550

Mr Speaker: Next question.

Q441 and Q455-58/2023

Eastside project –

£90 million premium; Catalan Bay parking; construction of marina; location of relocated entities; commencement and completion dates of phases

Clerk: Question 441/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether the £90 million premium 555 paid for the Eastside project is in any way refundable and/or were any extra benefits conceded to the developer to secure the premium on the last day of the financial year?

Clerk: Answer, the Hon. the Chief Minister.

560 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 455 to 458.

Clerk: Question 455/2023. The Hon. D J Bossino.

565 **Hon. D J Bossino:** Is the loss of parking spaces as a result of the cordoning off of the area on the reclaimed land by Catalan Bay expected to be replaced in time for the busy summer period?

Clerk: Question 456/2023. The Hon. D J Bossino.

570 **Hon. D J Bossino:** Does the Government support the construction of a marina as part of the Eastside project?

Clerk: Question 457/2023. The Hon. D J Bossino.

575 **Hon. D J Bossino:** Have all the entities been reallocated from the Eastside reclamation; and, if so, where?

Clerk: Question 458/2023. The Hon. D J Bossino.

580 **Hon. D J Bossino:** Please provide details of the commencement and completion dates of the Eastside project broken down into each of its phases.

Clerk: Answer, the Hon. the Chief Minister.

585 **Hon. Chief Minister:** Mr Speaker, as you would expect in an agreement as complicated as the one for the Eastside, being one which will endure for a number of years, there are a number of circumstances whereby termination is possible by both sides. I can assure you that there were no extra benefits conceded to the developer to secure the premium on the last day of the financial year. The negotiation was led for the Government by Mr Albert Mena and he is not known to concede benefits. The termination conditions have been one of the most difficult topics to deal with since these negotiations started. These have been carefully discussed and evolved over the many months of detailed negotiation. These have been amended, in fact, during that period to adapt to the changing circumstances, for example the grant of outline planning permission. As you would expect, there are a number of circumstances that allow the developer to request a return of the premium. These include the Government not providing the leases to the land or the grant of rights to develop, planning permission not being granted by the DPC in the form that has been presently indicated, and planning permission being curtailed in a way that makes the project not viable. There are, of course, a number of more detailed provisions, but it is not in the interest of Gibraltar or this project to provide this level of detail across the floor of the House at this stage.

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600 The parking area on the reclaimed land by Catalan Bay is under the ownership and control of the Eastside developer. There is, nevertheless, an obligation on their part to provide a minimum of 250 parking spaces for general public use, with access and proximity to Catalan Bay, at all stages of the Eastside project. HMGoG will ensure that that obligation is met. The agreement over the Eastside is an extremely complex one that has taken many months of careful negotiation. The reason for this is having to cater for a transformational project that will span a number of years.
605 During the site's development and construction, the agreement will have to be flexible to cater for its impact on the area. In negotiating this agreement, both parties, the developer and Government, have therefore worked in partnership to seek to minimise that impact and cater for the fluid changes at the site as the development progresses. It must be understood that the precise order in which everything at the site will be done will necessarily evolve as and when issues present themselves. The parties have committed to work together in good faith to address these
610 issues. Prior to and until completion of the design and construction of the permanent car park

615 facility, which will provide for 500 parking spaces, TNG will, throughout all relevant stages of the development of the Eastside project, make a minimum of 250 parking spaces with access and proximity to the Eastside available for use by the general public at no cost within the Eastside area. That is exactly what was said in the press release. This number of 250 is in line with the number of parking spaces that were available previously at the site. Clearly the precise location of these spaces may need to change as parts of the site are developed and to ensure the health and safety of those using that parking, which is always our paramount concern.

620 The Eastside plot requires coastal protection measures to be built to allow the development to proceed. The developer proposes to achieve this by the construction of an arm that will protect the reclamation. HMGoG supports this, as it will deliver the necessary protection whilst at the same allowing the creation of various amenities, including a marina, within the sheltered waters behind it. Indeed, the administration represented by Members opposite had previously encouraged and supported a marina as part of the project, as is reflected in all the relevant material from the environmental statement passed at the time.

625 All entities which were present on the Eastside plot have been relocated. Some of these moved to the Brewery Crusher site, others to Coaling Island Wharf and one to the British Lines area.

The timings and phasing of the Eastside project are a matter for the developer to decide.

630 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. I will obviously restrict my supplementaries to my own question in respect of this whole project.

635 The Chief Minister says that the agreement is complex but there is the possibility of termination by both sides. I think this is something I would like to delve a bit more into. Can the Chief Minister contextualise this in terms of timeframe? When the termination is possible by TNG, is there a timeframe within which they have that ability to terminate, or is it open ended?

640 And in terms of the £90 million premium, are there any ...? I am trying to find the right words, Mr Speaker. Are there any conditions attached to that money in terms of the Government's ability to use it? In other words, is it in any way blocked? Is it held in an escrow account by the Government or the Government's lawyers, in that the Government may not have ready access to it? What sort of conditions has the developer put on that money to protect itself, to ensure it can get that premium back should the various conditions that it sought not be met?

645 Also, Mr Speaker, if I can just add one more to this, the Government talks about *its* terminating the deal, but if it does that, would the Chief Minister say it would be entitled to keep that £90 million premium; and, if so, on what grounds?

650 **Hon. Chief Minister:** Mr Speaker, there are no conditions attached to the payment of the £90 million. The £90 million is in the Government General Account, full stop. There is no escrow, there is no control of that money by the purchaser. The money is with the Government. The purchaser, who is represented by a hard-nosed businessman who does business around the world and does not lose money, does not believe that the Government of Gibraltar is a risk if it had to pay back £90 million, and therefore there is no question of the Government having been asked even to agree to keep the £90 million in an escrow account or otherwise, other than completely in its own control in the Government General Account, and the Government has given no undertaking not to spend the money in whatever way we consider is necessary or appropriate.

655 Indeed, I think it would be contra-parliamentary for us to have done so, because parliaments do not bind their successors and our successors would have been able to spend the money in the Government General Account, because it was not in escrow, because it was not subject to an agreement to be not spent in any particular way. So the hon. Gentleman is completely wrong to suggest that there is any control over that money. I am surprised that he has thought it necessary to ask. The Government has made an announcement that it has received £90 million. We have received £90 million, not subject to any control over that £90 million. Otherwise we would have been failing in our duty of candour to the general public to have said that we had received £90 million when we might only have received a notional payment of £90 million that we could not

665 use. It is in the Government General Account available to use for any purpose, without any control
by any third party, without any undertaking by the Government not to spend every penny if we
wanted to because we thought it was appropriate or it was necessary to do so.

670 Second, Mr Speaker, in the context of timing, there is no time in the document. There are
conditions in the document. It would be very strange to have a document that talked about a time
period in respect of a potential refund. What you have are conditions set up, which if not met
would give rise to a repayment. This should also not strike the hon. Gentleman as unusual because
675 in the context of the Multiplex deal and the Reuben deal, my administration negotiated the
repayment to them of their premium when they withdrew from the Sovereign Bay deal that they
had done with the GSD administration. So again, that amount was refunded and it was refunded
I think some seven or eight years after they had paid the money. But there are conditions set out,
680 as there were in the deal that the GSD administration did with the Multiplex Reuben Group, and
it is logical that that should be the case. In any commercial transaction for the sale of land you
would deal with those sorts of conditions, and in most instances the conditions relate, of course,
commercially and with the Government, to being able to build the scheme that you believe you
are going to be able to fund with the premium that you have paid and the construction costs that
685 you are estimating. So, here, the sweep of the conditions relate to being able to get planning
permission not for what the Government has agreed but for the type of massing that is agreed,
even though the DPC may require that they build it in a different way, a different shape, a different
height etc., but for the massing that has been agreed with the Government as landlord. The hon.
Gentleman looks at me quizzically. That has been the case under every administration of the
Government of Gibraltar since the AACR. Every administration that has done a development deal
has done it on that basis, so he should not think that there is anything new or to look quizzical
about in that context.

In the context of termination by the Government, there are some circumstances where the
Government can terminate and retain the premium.

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Hon. R M Clinton: Mr Speaker, I am grateful to Chief Minister for his answer. Obviously, I will
ask but I guess the Chief Minister will say it is confidential: would he release what those conditions
are for the termination refund of the premium?

695 Secondly, he did mention Mr Mena having negotiated the deal on behalf of the Government,
and I find that a bit surprising given that I believe he also works for the same firm as TNG. I think
TNG are their clients. I would have thought the Government would use somebody independent if
they felt the need to use a third party. And also, why didn't the Government itself negotiate with
the developer? What was the need to involve Mr Mena?

700 **Hon. Chief Minister:** Mr Speaker, for the reasons I gave in my first answer, I am not going to
disclose the conditions of termination.

705 Second, I am surprised that the hon. Gentleman is surprised, but obviously he has not thought
through what it was that could be happening. I did not say that Mr Mena was representing the
Government as a lawyer. The Government was represented by Isola & Isola. TNG was represented
by Hassans. Mr Mena had been the Financial Secretary who negotiated the deal with me. Chief
Ministers do not become involved in negotiating the detail of long commercial leases. Woe betide
a Chief Minister who thought that he could lock himself up in a room for the weeks that it took to
negotiate the detail of each clause of this lease, because you would not be able to turn your
attention to any of the other issues that relate to Gibraltar. Of course you negotiate the sweep of
710 the terms and conditions. That is what I did when we announced the heads of terms. I negotiated
that with Albert Mena, with Joseph Garcia and with the representatives of the TNG group who
were not their lawyers. Then the two sets of lawyers got into the room with one representative
of TNG and one representative of the Government. Who better to be the representative of the
Government than the Financial Secretary who had been involved in doing that work at the time
715 that he was Financial Secretary, now not as Financial Secretary but not as a lawyer either, because

he was not acting as a lawyer? We had lawyers acting for us, they had lawyers acting for them. Perfectly proper, perfectly straightforward, absolutely the right way to do things. Completely the wrong way to do things to have a Minister negotiating the detail of the lease – a waste of ministerial time if you were to go down that route.

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Hon. R M Clinton: Sorry, Mr Speaker, this will be my last question on this, but – (*Interjection*) I am just going to address the last matter that has arisen. The former Financial Secretary is just that, the *former* Financial Secretary. In what capacity was he acting on behalf of the Government? Was he engaged as a consultant, an agent of some sort? You have the Financial Secretary. Surely there would have been a handover, otherwise we would be employing financial secretaries who have retired ad infinitum, if they are not capable of handing over negotiations. In what capacity was Mr Mena employed?

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Hon. Chief Minister: Mr Speaker, as an agent, and it is completely improper to suggest that simply because the current Financial Secretary was not handling that negotiation and had had a handover, he was not capable of handling the negotiation. This negotiation is hugely detailed. I do not think the hon. Gentleman has even an iota of understanding of the level of detail that a negotiation of this sort entails if he thinks that it can be handed over successfully with a memo that sets out what was discussed at the time of the heads of terms. There is a huge amount of detail. Therefore, the Government appointed Mr Mena as agent to negotiate on our behalf as our representative, with our lawyers taking instructions from him and obviously him being in direct contact with us whilst we were sitting at the table in the treaty negotiation or elsewhere.

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It just is impossible to believe that hon. Members have any understanding of what a negotiation like this entails if they think that what I am referring them to is unusual. It would simply have been to drop the ball for Gibraltar not to have done it like we have done it and not to have led to the very successful outcome that we have secured for Gibraltar, which secures a project that is going to once again bring the GDP of Gibraltar to Gibraltar, as Sir Joe has said, over a development period of 10 years and delivers the biggest premium ever paid to the people of Gibraltar for land in Gibraltar, an area of land that when they were in opposition before 1996 they used to call a rat-infested tip. Not bad, £90 million for a rat-infested tip.

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Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I thought my hon. colleague was asking a very simple question: was Mr Mena paid or did he do it for free?

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Hon. Chief Minister: Mr Speaker, I am afraid that is not the question that I was asked by the hon. Member, but given that is the question I am being asked now, I am very happy to answer it. Of course he was paid.

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Hon. K Azopardi: Mr Speaker, can I ask on this question, Question 441? The Chief Minister has indicated that the £90 million premium is refundable. He has indicated it is subject to conditions etc. Is there any part of the £90 million that is not refundable? Can I ask him that? And in relation to the conditions, is the building of the marina one of the conditions which would trigger the ability of TNG to seek the refund of the premium if they cannot do it?

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Hon. Chief Minister: Mr Speaker, all or part of the £90 million is refundable, depending on which part of the mechanism for refunding part of the £90 million comes into play. I do not anticipate, however, that we will ever refund a penny of the £90 million, because I do not think that there will be any failure by the Government to comply with its obligations. Neither do I think that we will seek to forfeit the lease, because I do not think there is any chance that the purchaser, PA Global Foundation, is going to fail any of its obligations under the lease.

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770 As to the reasons why any part of the £90 million might be refundable, I have indicated already that the ones I have set out are the ones I have set out. The ones I am not prepared to set out do not include anything to do with the marina.

Mr Speaker: The Hon. Damon Bossino.

775 **Hon. D J Bossino:** Mr Speaker, if I can start with the parking ... He has rattled through quite a lengthy reply because there was a bunching of questions from my friend and from me. In relation to the car park he said, I think, that there are 250 parking spaces which are going to be made available for general use, and that must include users of the beach in summer, in particular, when it becomes very busy and it is in high demand. He also said that the precise location of those parking spaces is going to be determined by the pace and manner of construction. He mentioned
780 issues such as safety, which obviously are relevant. Given that we are now at the end of May and, as I said earlier, very close to the bathing season, and there does not seem to be, at least at this stage, much sign of movement in terms of construction in that area, is he not able to say that the area which was very quickly cordoned off about two or three months ago ... whether that area in particular is going to be made available to users for this summer, or at least, if not, that that area
785 has been identified for beach users?

Hon. Chief Minister: Mr Speaker, I think that the hon. Gentleman needs to once again consider the answer that I have given. I have told him that the same number of parking spaces that were available before are going to be available now, and therefore, if those other parking spaces were
790 available before, they will be available now, otherwise they will be provided. The number will be the number. But that is no longer something the Government delivers. It is something that the purchaser of the plot delivers and they will deliver it in keeping with their obligations under the lease. There is no reason to think that they will not. There is no reason to suggest to beach users that they will not have the same number of car parking spaces available that they had last time.
795 There is no reason to create the spectre of the possibility that maybe, perhaps, they will not have exactly the same number of parking spaces available that they have now. They will.

Hon. D J Bossino: Mr Speaker, let's premise this further question on a positive note, shall we? We welcome the news that the 250 parking spaces which were lost as a result of the cordoning
800 off of that particular area will be made available, and that is something which I assume has been negotiated in pursuance of this particular public interest issue by the Government in its negotiations with the developer. All I am asking him is, given the proximity of the dates that we are talking about, with the bathing season about to start in the next two or three weeks, if I am not mistaken, whether he, as Chief Minister of Gibraltar, is able to say where those parking spaces
805 are going to be provided ... not totally in the hands of the developer, and when he may decide. Does he know now? Is he advised now – maybe he does not have that information available to him now – where those 250 parking spaces are going to be made available?

Hon. Chief Minister: Mr Speaker, he is taking it in a particular direction: 'Does he, as Chief
810 Minister of Gibraltar, know where the parkings are going to be available?' The Chief Minister, the Deputy Chief Minister of Gibraltar in the last throes of a negotiation between the United Kingdom and the European Union, which involves Gibraltar and Spain also, for a treaty about our future relationship with the European Union, not in where we are going to park to go to the beach on a Saturday this bathing season.

815 We have negotiated a deal that does, as I have told him, ensure that 250 parking spaces are going to be available by the opening of the bathing season. I believe that will be in exactly the same area where they have been for all the past years, because there is no movement on the plot. I have not checked, Mr Speaker, and I have to tell him with the very greatest of respect, and I have to tell every Catalan Bay Beach user with the greatest of respect that they pay me and the Deputy

820 Chief Minister now to seek to bring home this important treaty for Gibraltar or to stand up to those who are proposing things which might mean we cannot bring the treaty home for Gibraltar, not to be checking about where the parking spaces are. But the parking spaces will be there and we have ensured there is a contractual obligation to provide them – 250, exactly as I have set out. But really, do we need to start thinking further in this House about where they are going to be?
825 As long as they are provided in the vicinity of Catalan Bay, as I have suggested, I do not see what the hon. Gentleman is trying to get at, other than to get up and ask me another question so that people outside this place can hear his voice. I understand it is an election year, but there are more important things to think about.

830 **Hon. D J Bossino:** Mr Speaker, he is employed by the people of Gibraltar not just to negotiate what is a very important treaty for our immediate medium- and long-term future. I have told him before that we wish him the greatest of success in that endeavour, but there is a question on the Order Paper, and instead of trying to, like he does on each occasion, belittle the questions that I ask, instead of trying to cast aspersions as to why I may be asking one question or another, and
835 making reference to being very close to a general election and that I am electioneering, all he needed to say was that he does not have that information available. I think he said his gut tells him (1) that he is going to win the election and (2) that he thinks it is going to be, as I suggested in part of my supplementary question, in the area that has just been cordoned off because there has been very little movement in relation to construction. But he does not have that information –
840 and I offered that to him. He does not have that information. He can relax, he does not have it. What he should not try to do is belittle the questions, which are important for people. And I am paid to do that.

Mr Speaker, if I may move on, we have had this point made before in relation to the arm of the marina. Let's for one minute put to one side the marina. He has already stated that the
845 Government supports the construction of the marina. I put to him in a previous meeting of the House the extent of the arm of the marina, and I think he assuaged the concerns as had been relayed to us on this side of the House that the co-ordinates of the arm are such that they reach all the way to what used to be the Caleta Palace Hotel, across the horizon. In other words, that if the construction of the arm as originally envisaged by the plans as submitted by the developer go
850 ahead and are approved as they stand, they will entirely block and blot the horizon from Catalan Bay village. I am further told that the hon. Member has had meetings with the individuals concerned within the Catalan Bay residents' population that that is not going to happen, but can I ask him please whether he has that information, what co-ordinates he has in relation to the length of the arm? As things stand, from the plans as they have been submitted it seems that
855 those individuals who have those concerns may be justified in those concerns.

Hon. Chief Minister: Mr Speaker, that was a very lengthy preamble to a question, a lengthy preamble that suggests that the treaty that we are negotiating, and indeed all the other things that we are doing, are as important as parking at Catalan Bay. Of course, that is not to say that
860 parking at Catalan Bay is not unimportant, but I wager if we did a straw poll of the people of Gibraltar and we asked them whether they thought it was as important and that we should spend 15 minutes on it in this Parliament, they would probably say not, especially given that we give it sufficient importance to have negotiated and ensured that there should be 250 parking spaces, the same number of parking spaces that was before available all of the time where they were
865 before in the vicinity of Catalan Bay.

I did not mention my gut on this occasion and I did not mention electioneering. That word came out of his mouth. I was simply reflecting on what he is doing in the cold reality of the chronology of the lifetime of this Parliament. That is the reality of what he is doing. We each pursue our politics in the way that we think is appropriate, but if you want to be Chief Minister, the most important thing to pursue is not car parking at Catalan Bay – let's be clear – and we all
870 know that what he wants to be is Chief Minister.

875 The question of the marina arm is one that we must ensure is not exploited for party political
purposes. We are talking about a development that is hugely important for the socio-economic
development of Gibraltar. We are talking about the development of a new city in Gibraltar, an
Eastside city, and that has enjoyed support across the floor of the House, although we might have
supported one permutation or another, but all of the permutations supported by the GSD involve
a marina on the Eastside, all of them. So it would be a little to incur the wrath of those who say
that politicians are cynical and change their positions just for the sake of changing their positions
for the GSD now to come here to pretend that they might not be in favour of a marina at the area
880 of the Eastside. It is one thing to be in favour of a marina and it is quite another to be in favour of
any marina regardless of the damage it may do, and so for that reason I met with those who have
an objection to the marina as they say they interpreted the plans that were published. I gave them
an assurance, which I had received also from the developer, that it was utter nonsense to suggest
that the marina arm published in the plans reached across the horizon of the opening of Catalan
885 Bay to be vertical to where the Caleta Hotel had been. That assurance they have and I made that
assurance public at the time, so I am surprised that in respect of something I have already made
public I am being asked by the hon. Member. That is not to say that I have the co-ordinates here
with me, because the co-ordinates would require me to give a degree north, a degree south, a
degree east and a degree west in order to be able to say I have given the co-ordinates. I do not
890 have the co-ordinates, but I have the indication I can give him, which is probably going to mean
more to anyone than the co-ordinates. The indication is that the marina arm goes no further than
the area of where La Mamela used to be, and that I understood was satisfactory, or more
satisfactory, to residents of Catalan Bay and indeed to all residents of Gibraltar who use Catalan
Bay and who love Catalan Bay.

895 There are other issues with the marina that have to be dealt with, and the environmental
impact assessment deals with them. There are concerns of individuals in Catalan Bay, who I have
said I will meet again on this subject and I will meet again. I saw one of them on television saying
it was undemocratic – was the terminology he used – that I had not met them again because I had
said I was going to meet them again. Well, look, it is not undemocratic. It is not an appropriate
900 reference to the fact that I have not yet met them again because we have not yet had responses
in the DPC as to the issues that relate to the marina etc. I will meet them when we have those
because I am concerned that we should have a marina that applies the highest environmental
standards and does not cause some of the problems that hon. Members will know some residents
of Catalan Bay – by no measure the lion's share of them – have expressed about that potential
905 marina. Indeed, the Minister for the Environment has shared the view with those residents of
Catalan Bay that some of the things that they put are just environmentally incorrect and on some
there is an environmental difference of opinion.

But please let us not fall into the hypocrisy at a political level which will lead to politicians being
accused of cynicism, that the GSD today is going to say that they are the party that is against the
910 marina at the Eastside, when I have the documents from Sovereign Bay which provided for a
marina on the Eastside and they said that this was the best project in history. He stood for election
in 2011 defending the Sovereign Bay project, saying this was one of the great legacies of the GSD.
Here is the environmental statement. I have not pulled it from the file, it is still available online:
2005, a marina on the Eastside, GSD Government. Let's not fall into cynicism. This is what makes
915 people deprecate politicians.

Mr Speaker: I think we have now exhausted –

Hon. D J Bossino: Mr Speaker –

920 **Mr Speaker:** No, we have exhausted the topic on this particular question. Can we go to the
next –?

Hon. D J Bossino: Mr Speaker, if I may, can I ask one question on –

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Mr Speaker: I know, but the answer has been given. My judgement is that an answer has been given. We just cannot go around – *(Interjection by Hon. D J Bossino)* Well, one final, right?

Hon. D J Bossino: Very grateful. Mr Speaker, the hon. Member has stood up and has given a very long reply. Most of it, I venture to say, has been party political electioneering, (**Hon. Chief Minister:** Like yours.) and that is fine, as far as I am concerned, but then he should not criticise me for imputing that to me. This is a political Chamber, as both he and I have said in the past, and I think it is right and proper that we should express our political divergent views in this Chamber and the frustrations that people express to us on this side of the House about them on a daily basis and want to chuck them out as soon as possible. That frustration has to be portrayed and delivered here because at the end of the day this is a political Chamber.

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But can I ask him to do one thing? Can I ask him to check and put himself on enquiry about what has just come out of his mouth? Can I ask him to check, please – he may not be able to say so across the floor of the House now – that as I understand what he has said in reply, the information is that the arm, which is what the question was about by way of supplementary, does not extend across the horizon and the extent of that horizon as it affects Catalan Bay beach and village? It is very obvious from a layman's analysis of the plans as submitted by the developer at the DPC. If you draw a line from the tip of that arm all the way down, you get to where Caleta Palace used to be, which is the full extent of the beach. It is very clear and very obvious. That is one of the points of concern which would be assuaged if he were able to say why that is wrong. I know he is smiling and underlining, so I am sure he is going to come up with a killer blow, but so long as that killer blow is accurate and it assuages the concerns of those individuals who he knows have raised it with us, as they have raised it with him, then that is a good thing, we have achieved something good. So can I ask him to check that position, because that does not go to – we can mention the business because it is no longer in existence – La Mamela restaurant; it is certainly not the case. Can I ask him to confirm the position? And I would ask him, please, to provide, if not to me or not across the floor of the House, the co-ordinates to those individuals who have made that point in meetings with him and with Mr Cortes.

Hon. Chief Minister: Mr Speaker, I am smiling out of fondness for the hon. Gentleman because, for reasons he will recall better than anybody else in this House, he does take me back to the future when we go at each other hammer and tongs like this. I know that we both do it for good reason and we both enjoy it too, but it does feel like Bayside circa 1989 – and I say that with affection, not with deprecation. I am going to say the rest with deprecation.

I have already given the assurance that the hon. Gentleman is asking me to give. He has, perhaps in a slip of the tongue, accepted that it is very clear and very obvious that it gets to the Caleta Hotel area on the basis of a layman's analysis. We are not here to do laymen's analysis. Laymen are free to do laymen's analysis. We are not here to do laymen's analysis. They can put a layman's concern to us, but I am giving him the satisfaction that I have given to those laymen based on checking with the technical officers of the Government, with the planning officers of the Government and with the developer, and indeed the developer itself has checked to ensure that any plans that it proceeds with do not do what it has been suggested the plans submitted do. So I can give the hon. Gentleman the further satisfaction that not only does the Government believe that the arm does not reach across the opening of Catalan Bay, which would not be a bay if that arm were to enclose it; the developer does not believe that that is what they are going to do and they are not going to do it. That is the assurance that I can give everybody in Gibraltar from this House, that we will not box in Catalan Bay, that the name of the business that he mentioned that I mentioned, which is La Mamela, is the maximum southerly extent of the arm. Those are the assurances we have been given. That is what the DPC has indicated it will agree. That is what the developer itself is saying they want to do. But in the context of trying to understand how, when

980 *he* was defending a government record, when *he* was standing for election to an administration that was in government, *they* were announcing a development which included a 300-boat marina – that is to say more than we have proposed – with a boutique cruise liner berth and terminal. I think that would have reached Ceuta, not the Caleta Hotel. So let's be clear, because what we do not want to do is, in defending the interests of the people that we represent, create cynicism about us in the people that we represent.

Mr Speaker: Shall we move on to the next ...?

985 **Hon. D J Bossino:** I had a question on [*Inaudible*]

Mr Speaker: Okay, so what we are talking about here is that there are supplementaries to come on Questions 457 and 458 – is that what you are referring to? All right, but I would ask you, when you pose your question, to contain the extent of your preamble.

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Hon. D J Bossino: Yes, I think in relation to Question 457, Mr Speaker, I had a reply which was full in the sense that I think he said that they have all been reallocated and he has given me the details of the new destinations, so unless I am wrong in that understanding – I did not take a full note – I think the reply was full and I do not think I need to seek to extract any further information from him in relation to that.

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In relation to Question 458, which was the details of the commencement and completion dates of each of the phases, the phases are set out in the plan, and I think he said – I stand to be corrected – that that is going to be totally and wholly determined by the developer. I think he is nodding his head. But is he able to expand that answer in any way? Whilst I accept what he is saying, does the Government not have an interest that certain phases should happen first? I appreciate that some of the phases are crucial for the construction of the bit in the middle, which I think is phase 4, which is where the land reclamation is going to be built, and presumably that is where the housing, the gardens and the green area are going to be constructed, but is he able to provide any further information on the details of the phasing now?

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Hon. Chief Minister: Mr Speaker, I want to be very clear. He is asking about the phasing, so perhaps if he understands how I have interpreted the question he might better agree with me in terms of what I am saying. What I am saying in respect of the phasing is in respect of the developer's development. So if they want to build the hotel first, they can decide to do that. If they want to build some of the luxury housing along the seafront first, they might decide to do that. There are deliverables and the hon. Gentleman knows what they are because they were in our press releases. Those deliverables, which are deliverables to the Government, do have to be delivered within a particular timescale. So, for example, there is affordable housing that needs to be delivered in ... That is not phasing. Those are deliverables to the Government. Those are part of what I called, I think during the course of the negotiation, I think in the course of the press releases and in the interviews, the additional considerations. So you have the £90 million, which is the cash, and then you have the additional consideration, which is the things that the developer has to do. Those are timed. Those have to be done within a particular period.

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But when the hon. Gentleman asks about phasing, phasing is about how the developer delivers his development, and those are really up to the developer to a very great extent because the Government does not want to get involved in that, insofar as we do not get involved in that in any development that the Government might provide land for in exchange for a premium. We do not want people to land bank, so there are longstop dates for things to be done because that is the right way to ensure that you stimulate development, but I must say to the hon. Gentleman I do not think we are dealing with a developer that is interested in land banking or is trying to avoid actually providing the development as soon as possible. I think that we are dealing with a developer who is hungry to develop in any event.

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1030 **Hon. D J Bossino:** Mr Speaker, I was thinking, the way that the hon. Member has put it, of deliverables. I can think of two immediate public interest issues which I am sure hon. Members opposite would want to see happening sooner rather than later. One is the removal of the unsightly rubble as soon as possible, and the other one is the construction of the affordable housing. The hon. Member does refer to the press release, which I assume is the one that was issued on 18th October announcing the project, which is a very lengthy and detailed press release, but I have not been able to identify ... I have not read it in a few weeks, but I have not been able to identify from a quick read now whether those deliverables are set out in any firm way in terms of dates. Is he able to provide that information, or am I asking the question on a wrong premise?

1040 **Hon. Chief Minister:** Mr Speaker, he is asking the question on the wrong premise based on the rubble because as I have already told him, before there is any development on the Eastside the coastal protection works have to be done, and the rubble, I have told him, is going to be used as part of the coastal protection works. So the rubble goes in the preliminary phase of the development of the plot. In fact, the removal of the rubble is an essential element for the development of the plot because it is put into the caissons that create the marina arm, the coastal protection arm. So that is the first one.

1045 Second, as I have indicated to him, there are timings which are relevant to the deliverables, so he cannot be barking up the wrong tree because he is asking me the thing that I told him was actually delivered against the timetable. I do not actually have here the exact timetable, which I can share with him if he wishes to write to me or if he wishes to ask the question next time, but the provision of the affordable housing and other aspects of the deliverables need to be provided within a particular period of time.

1055 **Hon. D J Bossino:** Just one very brief ... and I think by way of assistance, although I recall the last time I used that word he threw it back at me in the reply, so I say it with some trepidation, but by way of assistance, does he agree with me that that information in terms of timings on deliverables is not available in the announcing press release that I referred to, so I would need to file ...? I think that is information which is publicly available, in fact, but if not, I will ask a question at the next session of the House.

1060 **Hon. Chief Minister:** Mr Speaker, he is as useful as a chocolate teapot, as usual, but I am happy for him to ask the question if he wants it to be set out in *Hansard* because this is an important thing. I have not got it with me at the moment.

Mr Speaker: Let's go on to the next question.

Q442/2023
UK guaranteed £500 million facility –
Whether extended

1065 **Clerk:** Question 442/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the UK guaranteed £500 million loan facility, whose termination date is 3rd December 2023, has been extended; and, if so, under what terms?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

1075 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I answer the hon. Gentleman, can I just say that my magnificent parliamentary team has provided the answer that I could not find in my papers. The TNG Global Foundation will construct the low-cost apartments within 36 months of the date of full planning permission. I hope that is helpful.

Hon. D J Bossino: *[Inaudible]* that's the position?

1080 **Hon. Chief Minister:** Yes. There may be others, but that is the one he asked me about.

Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: Yes, that is the one he asked me about.

1085 **Hon. D J Bossino:** *[Inaudible]* yes, yes before that...

Hon. Chief Minister: Well, no, I thought you had asked me about the apartments.

Hon. D J Bossino: *[Inaudible]*

1090 **Hon. Chief Minister:** You asked me about those, too, yes.

Hon. D J Bossino: *[Inaudible]*

1095 **Hon. Chief Minister:** If you like, I suppose.

Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: Mr Speaker –

1100 **Mr Speaker:** Yes, let's continue. Let's stop this banter.

Hon. Chief Minister: Mr Speaker, the position remains the same as my reply to Question 314/2023.

1105 **Hon. R M Clinton:** Mr Speaker, yes, his answer to Question 314/2023 was:

no update can be provided at this time. Discussions are ongoing and the House will be updated once these are finalised.

I can tell the House that discussions have progressed very well. I will, of course, update the House during my address at the Budget on the state of play ...

1110 We are now at the end of May and the clock is obviously ticking. Can the Chief Minister add anything at all to what he said – and this was back in March – as to where we are in the renegotiation of this loan? I think both parties will have recognised that this has to be negotiated, so I would have thought that as we are getting closer to December some ideas would be starting to gel and the Chief Minister would have a better idea as to what the UK's position is.

Can he answer at least one basic question, Mr Speaker, and that is: is the UK government prepared to renegotiate the loan?

1115 **Hon. Chief Minister:** Mr Speaker, I can answer that question, of course. The UK government is not renegotiating any loan. That is a completely false premise on which to base the question. There is a huge difference between a loan and a guarantee, a huge difference. If I had made that

mistake, Mr Clinton would be having my guts for garters in a way that would be rope for him for months.

1120 There is no question of the UK government renegotiating any loan, but I can tell him that I am very pleased with the progress that we have made in relation to the issues that relate to the guarantee and that I will be able to give the House a full update at the time I told him in answer to Question 314 I would give the House a full update, which is during the course of the Budget debate. During the course of the ceremonial events around the coronation, I even had the opportunity to discuss the matter very favourably with the Chancellor.

Hon. R M Clinton: Mr Speaker, just for the sake of absolute clarity, can I then take it from the Chief Minister that the UK government is prepared to renegotiate the guarantee?

1130 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q443-44/2023
UK guaranteed £500 million facility –
Whether extended

Clerk: Question 443/2023. The Hon. R M Clinton.

1135 **Hon. R M Clinton:** Mr Speaker, can the Government advise the number of registered PAYE taxpayers as at each of the following dates, being 31st March 2020, 31st March 2021, 31st March 2022 and 31st March 2023?

1140 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 444.

Clerk: Question 444/2023. The Hon. R M Clinton.

1145 **Hon. R M Clinton:** Mr Speaker, can the Government advise the breakdown of tax arrears as per table ITO.12 as at each of the following dates, being 31st March 2022 and 31st March 2023?

Clerk: Answer, the Hon. the Chief Minister.

1150 **Hon. Chief Minister:** Mr Speaker, regarding Question 444, table ITO.12 has now been updated on the government website. However, I now hand over a schedule with all the information requested.

Answer to Question 443/2023

The total number of registered PAYE taxpayers at each of the following dates is as follows:

Date	No of taxpayers
31 March 2020	38,354
31 March 2021	39,012
31 March 2022	36,848
31 March 2023	37,924

Answer to Question 444/2023

Breakdown of Tax Arrears as at 31 March 2022

	£ million
Individuals	5.5
Self-Employed	1.8
Companies	8.7
PAYE	7.2
TOTAL	23.2

Breakdown of Tax Arrears as at 31 March 2023

	£ million
Individuals	6.2
Self-Employed	2.4
Companies	6.1
PAYE	8.3
TOTAL	23.0

1155 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for providing a schedule. It does make life a lot easier this side of the House.

1160 The last numbers I found on the website were for 31st March 2021, and at that point the total arrears of tax was £23.6 million. In 2022 we see it was £23.2 million, and now in 2023 it is £23 million. That is not a huge movement in numbers and I am just surprised at the size of the PAYE arrears number. I would have thought that amount is deducted from employees and should be paid over quite promptly to the Government. Does the Chief Minister have any view on the management of this arrears number and why we should have such a large PAYE arrears number?

1165 **Hon. Chief Minister:** Mr Speaker, I am very happy with the management of the arrears because I think the people who are managing our arrears at the Central Arrears Unit are doing an excellent job – a Central Arrears Unit, as the hon. Gentleman knows, which was disbanded by the GSD when they were elected and was reinstated by the GSLP Liberals when we were elected. That is why the arrears have kept coming down. What we inherited was a much higher amount of arrears. The arrears are coming down year on year, and if the hon. Gentleman looks at the total amount ... he has accepted that it is lower this year than it was last year overall.

1170 Of course the numbers change, but you cannot simply say that the numbers are higher, because you do not have the proportions of taxpayers, for example. In the context of individuals, if the hon. Gentleman relates Answer 443 to Answer 444, he will see that the number of individuals in PAYE employment for 2022 was 36,800, with an arrears figure of £5.5 million. If he looks for the answer to why that figure may be up £0.7 million, from £5.5 million to £6.2 million, in 2023, he might find the answer in the fact that the number of individuals employed for PAYE purposes is up over a thousand, 37,900. So 36,800 people had an arrears figure of £5.5 million and 37.9 million people have an arrears figure of £6.2 million. The growth in the arrears is much smaller than the growth in the number of individuals employed, so more individuals employed as a proportion are keeping to their obligation to pay – or, indeed, employers, because it is the employer that pays the PAYE – and that analysis holds good also in respect of ... well, in fact, we do not have the number to do it for self-employed individuals. But in relation to companies, the arrears in respect of corporate taxation is down £2.6 million. It was £8.7 million in 2022; it is £6.1 million in 2023.

1185 So my thanks go to the people managing this areas because I think they are doing a good job. Of course, nobody should be in arrears. In some circumstances people fall into arrears for reasons that we might all say are understandable but unacceptable, and in most instances people fall into arrears for reasons that are just unacceptable, and that is why we thought it was right to reinstate

1190 the Central Arrears division that they had disbanded and why I think they are doing a very good job, and indeed why the Tax Office itself is doing a very good job in ensuring that arrears stay as low as they can stay.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his analysis.

1195 If I can go back to Question 443, which he has kindly given to us in a schedule, has the Chief Minister been given any kind of analysis as to the reasons for the movements in those numbers in terms of the increase and decrease over the various years, obviously from 39 to 36.8 and up to 37.9? I imagine COVID would have something to do with it at the beginning, between ... I would have thought it would have been earlier perhaps than these numbers suggest in 2020, but I am just asking does he have any analysis as to the reasons for the movements in the numbers of taxpayers?

1200 **Hon. Chief Minister:** Mr Speaker, not only do I have it, he has it. He has it in the Employment Survey report for those years, which will tell him exactly what those numbers represent.

1205 I will tell him what my own analysis of what those numbers represents is, namely that after 31st March 2020, a lot of people who are unregistered registered themselves because they wanted to receive BEAT, and a lot of companies that had unregistered labour registered that labour because they wanted those people to receive BEAT. That is the reality. And then it comes down because then you come into the post-COVID period, where people are actually starting to rationalise etc. within the confines of the rules that we, together, put in place to ensure that there were not mass redundancies of people. And then that starts to creep up as the general recovery from COVID happens, which is the number that we now have, which is the 37,900 figure, which is very close to the figure as it was in the pre-COVID period in March 2020. I think that speaks to a good recovery. It speaks to some quite disgraceful behaviour by people who were unregistered and registered themselves simply for the collection of BEAT and suggests to me that there may still be some people out there who are unregistered, doing the work that they used to do on an unregistered basis before BEAT became necessary.

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Mr Speaker: Next question.

Q445/2023
Spanish tax haven blacklist –
Update re removal

Clerk: Question 445/2023. The Hon. R M Clinton.

1220 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update as to Gibraltar's removal from Spain's tax haven blacklist?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government, in collaboration with the United Kingdom government, is currently in discussions with officials in Spain on the mechanics for the removal of Gibraltar from the Spanish blacklist, which is now agreed.

1230 **Hon. R M Clinton:** Mr Speaker, if I can refer the Chief Minister back to his answer to my Question 315 – and he did mention about timing – he said, and I quote:

Should the process not progress within a reasonable timescale, we will, more in sorrow than in anger, withdraw from the application of the treaty.

Is it in the Chief Minister's view – we are now at least two months past, from March – that we are still within a reasonable timescale?

Hon. Chief Minister: Obviously, Mr Speaker, otherwise I would have said so.

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Hon. R M Clinton: And can he share with the House a view as to when he would consider that reasonable timescale has expired?

Hon. Chief Minister: Yes, Mr Speaker, when I announce that we consider it has expired. The work that is being done is to determine with Spanish officials how the Spanish legislative process will deliver the result. It is a different legislative process to ours.

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Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can I just ask about the original answer that he gave? I think he said that there had been discussions which had progressed well, focusing on the mechanics for the removal of Gibraltar's inclusion on the Spanish tax list, and he then used the phrase 'which is now agreed'. Is he referring to a recent agreement in respect of the mechanics? Is that a recent development?

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Hon. Chief Minister: No, Mr Speaker, I am referring to the removal from the blacklist because the question is questioning whether there is an update. I just want to confirm that it is agreed that we are being removed from the blacklist, that the question is the mechanics for that process to take effect. I did not want to leave that in the air because I did not want hon. Members to think that there was a possibility that we might not be removed.

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Hon. K Azopardi: Mr Speaker, our removal from the blacklist we had understood was agreed as part of the Tax Treaty, so this is not a new agreement, this is a reference to the agreement initially, pursuant to the Tax Treaty, that there would be our removal. There has been no recent agreement which puts any kind of difference or nuance on the historic agreement. At the moment, the only update then, for clarification, is as to the mechanics of the removal. Is that what he is saying?

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Hon. Chief Minister: No, Mr Speaker, and as I have said before and he may not recall, when we announced the issue of the Tax Treaty we said that we would be removed after two years as long as there was agreed compliance by Gibraltar with the terms of the Tax Treaty. It is agreed that Gibraltar has complied and therefore it is agreed that Gibraltar will be removed from the blacklist, and the question is what are the mechanics for that to be delivered in the Spanish legislative process, which is different to ours. It is not by notice in the Gazette, as we would do it, it is actually the amendment of a primary piece of legislation, as I understand it, which is done in a particular way.

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Hon. K Azopardi: So is it that the mechanics have now been agreed? Is that what he is talking about?

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Hon. Chief Minister: The mechanics is what they are discussing. Mechanics is not susceptible to agreement. It is discussion about how it is going to happen, the Spanish legislative process etc.

1280 **Hon. K Azopardi:** Mr Speaker, while I appreciate the update, is it not the fact that we are not
much further down the road, other than there have been discussions? The document at the time
talked about our removal within two years of the entry into force. The two years of entry into
force was in March. We are now past the point of the two years of entry into force, so that has
not happened as envisaged. We are simply trying to probe the state of play, and it strikes us – and
perhaps he can clarify – that really all he is saying is that we are discussing the mechanics, but
1285 there is no end in sight at the moment, at least not an obvious one.

Hon. Chief Minister: Yes, Mr Speaker, there is an end in sight and within two years we secured
the agreement that we would be removed because we had complied with the provisions of the
Tax Treaty. That process has begun and that process will culminate within a reasonable period.
1290 And if it does not, we should all put *'el grito en el cielo'* and withdraw from the application of the
Tax Treaty.

So we are very satisfied that we are seeing the delivery of the other side of the obligation here.
If it were to go on for an extra few weeks or months but is in the process of happening and is
legitimately in the process of happening, is not in the process of being delayed, it would be foolish
1295 to have that prize, which is the removal from that blacklist, with all that it implies, put in jeopardy,
because it will be hugely important for Gibraltar.

I would urge the hon. Gentleman to think with his Gibraltar hat on, because if he were sitting
where I am sitting he would be doing exactly the same thing, not seeking to put a finger in the
wood and twist it, which will have no benefit for Gibraltar or its people.
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Hon. K Azopardi: Mr Speaker, I am not seeking to put anything on any wound, and I always try,
I think, when I ask my questions, to put my Gibraltar hat on.

He has just said in his answer that within two years they have managed to secure the
agreement of Spain to remove us from the blacklist, but that is not what the document says. What
was supposed to have been agreed in 2019 already was that Spain would remove Gibraltar within
1305 two years of its entry into force. That is what it says: from the unilateral declaration by the
Government of Spain on delisting for this purpose and within two years of its entry into force,
Spain will adopt the appropriate measures. So the agreement was already there. That is what we
were all told. They did not have to secure anything within the two years. The two years are now
1310 up. All we are asking for is clarification on where we are. And when he says there is an end in sight,
well, there is no obvious end in sight if we still do not have a date and we are past the two years.
That is all we are saying – and this is not asking the question with a Gibraltar hat on. I do not see
that.

1315 **Hon. Chief Minister:** Mr Speaker, obviously I do not see it that way, otherwise I would not have
put it to him as I did.

Mr Speaker: Next question.

Q446-48/2023

Public sector employment –

Vacancies in GDC, Civil Service, Government agencies and authorities

1320 **Clerk:** Question 446/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many jobs have been advertised within the GDC in 2023?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 447 and 448.

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Clerk: Question 447/2023. The Hon. D A Feetham.

Hon. D A Feetham: How many vacancies are there within the Civil Service?

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Clerk: Question 448/2023. The Hon. D A Feetham.

Hon. D A Feetham: How many vacancies are there, as at the date the question is posed, within government agencies and authorities, identifying the agency and authority?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, a total of four positions have been advertised within the GDC since 1st January 2023 to date.

There are a total of 187 vacant posts within the Civil Service as at 11th May 2023.

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The number of vacant posts within government agencies and authorities is as follows: at the BCA, one; at the Care Agency, 42; at the Care Agency Drug and Alcohol Rehabilitation Services, four; at ERS, seven; at GEA, 31; at GHA, 123; at Gibraltar Port Authority, three; at Gibraltar Sports and Leisure Authority, six; and at the Housing Works Agency, two.

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Mr Speaker: Next question.

Q451/2023

Government press releases – Deletion of archive

Clerk: Question 451/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why has the Government deleted its archive of press releases issued by it from before 2020?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not deleted its archive of press releases issued before 2020. As a result of the migration of the government website to a new internal platform, press releases were only kept visible for a period of three years. This has now been corrected and press releases are available online going back to 2014.

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Hon. D J Bossino: That was a temporary ... I was going to say glitch, but it is not really a glitch. It is just a temporary effect of the migration that he talks about. I ask him to confirm whether that understanding is correct.

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And secondly, by way of supplementary, why do the press releases only go from 2014, given that the hon. Gentlemen had been on that side of the House since 2011, and presumably they did so because of the implementation of their own policy?

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Hon. Chief Minister: Mr Speaker, yes, I think the migration took place in phases and some of the data moved later. That is why, for a period, it was not available.

Second, I think there was a wholesale change in 2014, and so on our website you have up to 2014 and I think on another website you find all the ones that predate that before there was the

1370 wholesale IT-style change as to hosting of data, but that older data still lives in some other place and it is searchable and you can find it. For example, we quickly found the press release from 2005 that related to the Eastside marina that the GSD backed.

Mr Speaker: Next question.

Q452/2023
Coronation celebrations –
Why low key

1375 **Clerk:** Question 452/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why were the celebrations in Gibraltar for the King's coronation so low key?

Clerk: Answer, the Hon. the Chief Minister.

1380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does not agree with the hon. Gentleman's view that the celebrations in Gibraltar for the King's coronation were, in any way, low key. In fact, the following took place.

1385 An impressive coronation parade took place involving the three services led by the massed bands of the Royal Gibraltar Regiment together with members of the regiment, the Gibraltar Sea Scouts Pipe Band and the Band and Drums Association. Additionally, all of Gibraltar's essential services were involved. Indeed, I should say I believe it is the first time we have seen that sort of parade with the three services in Gibraltar – really a seminal moment of parade for His Majesty the King.

1390 Three cheers were called by His Excellency the Governor in Convent Place, exactly where King Charles had been proclaimed King in Gibraltar on 11th September.

Every single school in Gibraltar celebrated the coronation on 4th May, with visits by His Excellency the Governor, myself and Minister Cortes.

1395 A special commemorative 10p coin was handed to every single student in Gibraltar to ensure the occasion was properly marked – indeed, as the Treaty of Utrecht suggests, in perpetuity because people will have their coins forever.

Main Street was decorated – indeed, dare I say it, decked out – with bunting and Union Jack flags.

Large screens were erected in Casemates Square for the public to watch and listen to the coronation.

1400 His Excellency and I proudly attended the Coronation in London marking the representation of the Government and people of Gibraltar for the first time ever at a coronation of a British monarch and King of Gibraltar.

1405 **Hon. D J Bossino:** We will agree to disagree. I have known the hon. Gentleman long enough ... and he seems to be a shadow of his former self, not just in relation to his weight, because when I read his press release, which was issued back in January – I think at the time we already knew when the coronation was going to be held – he said the Gibraltar Government 'is planning a celebration fit for a king'. Given the hon. Gentleman is one for a party, and given his GMFs and all the rest of it, I expected something similar, but I suppose – and this is perhaps the political point to make – the real reason why it was, in our view, lacklustre, despite him trying to spin it in a different way, is because the Government simply has no money. Can I ask him to comment in relation to the things I have just said?

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Hon. Chief Minister: Mr Speaker, I am surprised that my physical appearance is the thing that
1415 the hon. Gentleman wants to start his question with. I assume that he does because he is doing it
in a way that is designed to be favourable rather than unfavourable. I will take the compliment. In
fact, I am two thirds of my former self, having lost one third of my body weight, and I am very
pleased to say that I am being closely followed by the Minister for the Environment, who is finally
fulfilling his pledge, which he made when Minister for Health, to lead a healthier lifestyle and lose
1420 weight. I would encourage other members of my team to do likewise, *(Interjection)* and indeed
everyone beyond this place.

The hon. Gentleman seems to have missed the guidance from the Palace and what the King
himself asked. What the Government did was tailor what we did in keeping with the guidance
from the Palace. In some areas in the United Kingdom, people organised some street parties. We
1425 sought advice on organising a street party here. We were going to organise a street party involving
children. The advice we had was that it was unsafe to do and that children should celebrate in
their schools, so the children celebrated in their schools and not in the streets because that was
the specific advice that we had.

On the GMFs, I am not surprised to hear him make reference to them because he and I enjoyed
1430 many GMFs. Indeed, Mr Feetham enjoyed many GMFs and ... Well, Mr Feetham did not quite
enjoy them – Mr Feetham turned up with his usual scowl – but Mr Bossino, as the photographic
evidence shows, turned up to stick his snout in the trough every time. We used to laugh about
that phrase. That is the only reason I have used it. I did not mean it in a negative style, only because
we have laughed about it together. *(Interjection)*

1435 Of course expense is an issue. Expense has to be an issue in everything that we do, and we
have to make sure that we look after the pennies so the pounds look after themselves. That is
how we have run Gibraltar in the past 12 years when there is – *(Interjection)* The hon. Gentleman
laughs because we spend more money. We spend more money on elderly residential services, we
spend more money on residential care services, we spend more money on our schools, we spend
1440 more money in our learning support assistants, we spend more money on our civil servants. We
spend more money. They complain we spend more money, but then they are never prepared to
say which money we should not spend, because they never want to annoy the learning support
assistants who would have to be dismissed if we adopted their austerity, all of the people who
would be disappointed if we were to lower their salaries in keeping with their positions.

1445 The Opposition also has to take into consideration and the hon. Gentleman has to remember
that it was a long weekend, and on the coronation, on the long weekend, the numbers of people
in Gibraltar might not have been the same as they were on the 4th when we organised the events
that we organised, when we organised the parade etc.

So in keeping with the directions from the King, we organised a party fit for this King, who I
1450 think is doing a magnificent job, is a visionary when it comes to the environment and has
demonstrated that for one reason he has been the best prepared person to take this role because
already he is doing Gibraltar and the rest of his kingdoms and domains proud.

Hon. DJ Bossino: No, sir, my lifting of a finger is because I have only asked one supplementary.
1455 Mr Speaker, as I said in relation to my first supplementary, we agree to disagree. I think an
opportunity was lost. There are many British expats up and down the coast. I think it could have
been, indeed, a touristic opportunity to have made more of the celebrations, but it was not to be
and it certainly was not, in our view, fit for a king, as the hon. Gentleman himself announced back
in January, but he is prone to hyperbole and that is it.

1460 He talks about bunting and other things. Can I ask him what the total cost of the rather
lacklustre celebrations was?

Hon. Chief Minister: Mr Speaker, it really is quite remarkable for the hon. Gentleman to fly in
the face of the guidance that came from the Palace as to how these events should be organised,
1465 which should not be ostentatious, which should be in keeping with the sign of the times.

1470 In the United Kingdom, there was concern that the cost involved there for the official events, which of course ran into the millions of pounds, should run into the lower millions of pounds because the King had so directed. So when you say 'fit for a king', you have to follow the King's advice. It is quite something to organise for a king something which a king has not asked you to do and in fact has asked you to avoid doing. Perhaps that is a demonstration of the loyalty of this side of the House.

1475 I do not have the figure with me as to the cost of the bunting etc., but if the hon. Gentleman asks, I am sure it can be provided. If he asks for it at the next House, it can be provided then, or if he wishes to write to me, I can provide it in writing.

Mr Speaker: Next question.

Q453-54/2023
Runway crossing –
Tourist transport access; fee payable to MoD

Clerk: Question 453/2023. The Hon. D J Bossino.

1480 **Hon. D J Bossino:** Has consideration been given to allowing special access for tourist transportation across the runway?

Clerk: Answer, the Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** I will answer with Question 454.

Clerk: Question 454/2023. The Hon. D J Bossino.

1490 **Hon. D J Bossino:** Please state what the amount of the fee payable by the Gibraltar Government to the MoD in respect of the agreement to cross the runway is.

Clerk: Answer the Hon. the Chief Minister.

1495 **Hon. Chief Minister:** Mr Speaker, no consideration can be given by the Government for any special access to cross the runway, as the Government does not control the runway.

Additionally, payments of the fee payable by the Government to the MoD in respect of the agreement have started this year. However, we are not at liberty to give this information before the Budget debate later this year because it is a cost that starts this year, so we cannot debate it across the floor of the House yet.

1500 **Hon. D J Bossino:** I accept the answer in relation to the fee that the Government is paying the MoD for the occasional use that has to be now made – well, no, it was announced at the beginning – for crossing the runway.

1505 But in relation to the answer to the first question on the Order Paper, yes, it is correct that the MoD runs the runway – it is their runway – but surely the Government can make representations, as, indeed, it has done in relation to the arrangement that it has reached in connection with the crossing of that runway, to deal with this issue. The reason why we are asking that question is because it was witnessed by some of us, and others have reported to us that ... We have seen coaches full of tourists in one of those traffic jams, about two or three weeks ago, and they were just stuck there like the rest of the traffic. It just did not give a good impression of Gibraltar, so we just thought of asking the question and posing the question to the Government to see whether it

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would consider giving a special dispensation to that type of transport, so that the visitor experience to this place is as least disagreeable as possible on those occasions when there is a traffic jam.

1515 **Hon. Chief Minister:** Mr Speaker, the visitor experience is the same as when it was the runway that used to close because the traffic was backed up and the runway closed and the coaches were in the traffic jam on the runway. Now the traffic jam might be on the way to the tunnel instead of on the runway, but it is the same visitor experience, it does not change, because they are the same roads with the same capacity.

1520 The position I have set out already to the hon. Gentleman, at least in other meetings of the House, him or Mr Phillips, is that the MoD will not agree to have public service vehicles – and these would be foreign public service vehicles that the hon. Gentleman is referring to – crossing the runway. They will only agree to bicycles and scooters crossing the runway, not otherwise mechanised vehicles crossing the runway unless there is an emergency and the runway has to be
1525 reopened because the tunnel has to be closed; not closed for a moment, closed because of a fire, unable to reopen etc. That is the position taken by the Military Aviation Authority (MAA). They consider that is the safest way of ensuring the integrity of the runway and the absence of foreign objects on the runway.

1530 So it is not a question of desire or persuasion, it is a question of health and safety. Are we prepared, in order to have Spanish coaches crossing the runway, to risk – and that assessment of risk is not one we are able to make for ourselves, but subject to the MAA's decision as to risk ... when there is an alternative? Remember that we have always crossed the runway, but when there is an alternative the balance of risk changes, and it has changed.

1535 The decision makers and the risk assessors are the MAA. We have sought that they should change their position. They have come back to us saying that they will not. I have told him that I have said in this House before within three months that we had sought that public service vehicles should be able to cross the runway – it is the same question, but this one is asking that foreign public service vehicles should be able to cross the runway, and the answer is the same one because it is about public service vehicles.

1540 Mr Speaker, on the first point, as I have told him, we cannot debate it now but he has the information. It is in the Book; it is just that we cannot debate it.

Mr Speaker: Next question.

Q459-60/2023

Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views – Expected delivery dates for apartments; construction costs

1545 **Clerk:** Question 459/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state what are the current expected delivery dates for the apartments at Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views?

1550 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 460, Mr Speaker.

Clerk: Question 460/2023. The Hon. K Azopardi.

1555 **Hon. K Azopardi:** Mr Speaker, how do the awarded construction costs of the Bob Peliza Mews and Chatham Views developments compare with the original projected construction costs of each development or original tendered sum, if different?

Clerk: Answer, the Hon. the Chief Minister.

1560 **Hon. Chief Minister:** Mr Speaker, the first phase of Hassan Centenary Terraces is due to be completed towards the end of July 2023. The second phase is programmed for completion in May 2025. Chatham Views is due to be completed in November 2025. The first phase of Bob Peliza Mews is due for completion in June 2025 and the second phase in May 2026, subject to AquaGib Ltd's relocation being completed in accordance with the required handover date.

1565 No final awards of tenders were made and so there is no original tendered sum to compare with. The projected construction cost is not an accurate comparator to an awarded construction cost.

1570 **Hon. K Azopardi:** Mr Speaker, I hear the caveat he places that the original projected construction cost is not a comparator, but I have actually asked for what the original construction cost was, so does he have that information? That was my question. I was not asking him for his opinion as to whether it is an adequate comparator; I was making the comparison and I just wanted to have that information.

1575 **Hon. Chief Minister:** No, Mr Speaker, that was not the question. The question was *how* do the awarded construction costs compare with the original projected construction cost of each development. He did not ask what was the original projected construction cost, he asked how they compared, and that is why the answer is that they cannot compare because a projected construction cost is what you think it might cost. You then negotiate with a preferred tenderer. The price will go up or down; invariably it will go up considerably. To compare that original projected cost, which is not the negotiated cost with a final tenderer, with the final cost agreed today with a final tenderer is to compare apples with sweet potatoes. It does not make any sense, and that is what his question was. He did not say, 'What is the original projected construction cost?' He said, 'What is the comparison?'

1580 **Hon. K Azopardi:** Mr Speaker, I think anyone reading this question would understand that I was asking what the original projected construction costs were. Does he have them with him? Does he have the original projected construction cost of the development?

1590 **Hon. Chief Minister:** No, Mr Speaker.

Hon. K Azopardi: Mr Speaker, if he is saying it was a different question, I will ask him next time. He is saying it is a different question – is that right?

1595 **Hon. Chief Minister:** I am very clear, Mr Speaker, that it is a different question, because the question is how do the awarded construction costs compare with the original projected construction costs, which is asking for a difference. It is asking for a percentage; it is not asking what is the original projected construction cost. If he wants to ask me that question, he can ask me that question and we will provide the answer, of course, at the next meeting of the House. It will be a different question. He would not need any leave because it would be a completely different question.

1600 **Hon. K Azopardi:** I will ask him that question more specifically, if we are stuck on that nuance. The point is that presumably when the purchase prices were fixed and they went out to the market

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and people bought, it must have been against some kind of projection, and he will agree with me it was against some kind of projection, presumably.

1610 **Hon. Chief Minister:** A projection, Mr Speaker, but not an awarded construction price – a projection that also envisaged that the final construction price would be higher than the estimate that is usually made as to what construction costs would be. To try and compare that now to the actually negotiated, finally agreed, signed price is comparing apples with sweet potatoes, but if he wants to ask me what the projected cost is, we will have it, I am sure, and we will be able to provide it. We do not think that it is rational to compare it to today's final construction price.
1615 *[Inaudible]*

Mr Speaker: There is no need for that, Chief Minister.
The Hon. Damon Bossino.

1620 **Hon. D J Bossino:** Mr Speaker, as a supplementary to Question 459 he has given us dates in respect of each of the individual phases for each of the individual developments mentioned. Are those firm dates? The reason why I ask this is because it is only in relation to the second phase of Bob Peliza Mews. I have put an 'M' – I do not know whether he said March or May; I think it was May 2026. He said that that is dependent on the AquaGib reallocation issue that needs to be
1625 addressed. So can I ask him that by way of first supplementary? Are these all firm dates subject to the second phase of Bob Peliza Mews, which is dependent on this issue?

Hon. Chief Minister: Yes, Mr Speaker, those are firm dates, but the AquaGib relocation is subject to a required handover date. I also do not envisage that that will be delayed because I think that that has now been set in stone as well, so I am very clear that these are committed
1630 dates that will be delivered dates.

Hon. D J Bossino: Is he able to provide further information in relation to the AquaGib point as to when the facilities there are going to be reallocated? I draw comfort from the fact that he has
1635 said that this date is pretty much firm, but the reality is that in his first answer he qualified that slightly because of this issue. Is he able to provide any further information as to when that is likely to be resolved?

Hon. Chief Minister: It is resolved, Mr Speaker. It is just a question of it happening. It is
1640 resolved, it is in the process of being done and then demolition etc.

Mr Speaker: Next question.

Q461/2023
Sir William Jackson Grove –
Extension of leases

Clerk: Question 461/2023. The Hon. K Azopardi.

1645 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the Government's policy or intention in respect of the possible extension of leases at Sir William Jackson Grove?

1650 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is no policy at present and no representations have been received from the management company for any extensions.

1655 **Hon. K Azopardi:** Mr Speaker, is the Government prepared to consider representations on the issue? They may not have received representations from the management committee, but I have certainly had discussions with a few people who have been asking me about that, and I have said, 'Well, I do not know what the position is, so I will ask the Government,' hence the question. So it seems to be at least bubbling under with some people. It may not have reached the management committee.

1660 **Hon. Chief Minister:** Well, Mr Speaker, they must be very specific concerns because, as the hon. Gentleman knows, people tend to go to an opposition after they have not had a positive reply from a government, but the Government does not have a record of having had any representations made whatsoever here. And of course the management company would be relevant because, as I recall, in respect of these leases I think that the subleases are for a day less than the head lease and it is the management company that holds the head lease, so there would have to be an extension of the head lease to the management company so that the management company could then provide the extensions of the subleases. There is no other way of doing it. The Government is open to those possibilities. There is no question of us not being open to those possibilities. We have done it in other areas, and therefore it would not require a policy change. It would require an approach from the management company or companies of the affordable estates, each or any of them, and the Government would be happy to take the advice of its land property agents as to valuation of an extension in order to be able to provide them with such extensions – coextensive extensions for the head lease and the subleases.

1675 **Mr Speaker:** Next question.

**Q462/2023
Small Boats Marina –
Sale of berths**

Clerk: Question 462/2023. The Hon. the Leader of the Opposition.

1680 **Hon. K Azopardi:** Mr Speaker, does the Government intend on selling berths at the Small Boats Marina?

Clerk: Answer, the Hon. the Chief Minister.

1685 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, I can confirm it is the intention to offer the berths at the Small Boats Marina for sale on the terms outlined in my previous Budget speech of 2021.

1690 **Hon. K Azopardi:** Mr Speaker, is that policy going to be in relation to ...? I cannot recall offhand what he said in July 2021. I do try to follow what he says slavishly, but not every single line and comma of his speeches, believe me, however much I try.

1695 Obviously the births there are mostly rented. I am not sure to what extent anybody has taken up that historic offer, or indeed whether the mechanics for that offer have been put in place. Can I ask him: has that policy that he announced back in 2021 been taken to fruition so that people are buying already, or is this something that still needs to be put in place so that people can take up that offer?

Hon. Chief Minister: Mr Speaker, I am not impressed – it was only 120 pages in 2021, so he should know it off by heart.

1700 The issues here are not insurmountable, but it has required the recasting of the type of lease/licence that would be given – sorry, the lease that would be given, rather than the licence that is presently awarded. We have been in discussion with the management company of the Small Boats Marina and with the land property agents of the Government to set out how to ensure this is done in a way that is orderly.

1705 Of course, the advantage to people is that at the moment they can sell their vessel but they cannot sell their berth. If they want to sell their vessel and the person who buys it does not have a berth, then the person has to put the vessel in a commercial marina or sail it to Spain if that is their preference. By buying your berth, you are in a position to be able to sell your boat and your berth when the time comes, subject to the usual caveats as to ensuring that the purchaser is a bona fide purchaser for good value and a desirable person. So those are the issues that are being worked out. We have to ensure that there is no question of riparian rights being passed when you create a lease over water access rights to and from the land and in a way that provides documentation that banks can accept for making lending facilities available, which is one of the things that we have been told by those who wish to buy, that it has to be an acceptable lease for banks. We have had a lot of interest expressed and we are being urged to pursue the policy by those who have urged the interest, and we want to pursue the policy. It is just a question of finalising those technical details.

1715 I refer the hon. Gentleman, for ease of reference, to paragraphs 1246-64 of my magnificent 2021 Budget speech.

Hon. K Azopardi: Mr Speaker, and there I was thinking that it was in paragraph 935, but there you go.

1720 Can I ask him, have the discussions reached the stage where, on advice from Government's property agents, the prices have been able to be set for the berths? And are they all the same, or are they all different depending on size? Can he perhaps tell us a bit about that?

1725 And once that policy is there, what happens when berths become available? I also understand there is a massively long waiting list. When a berth becomes available, will it be available for rent to someone on the waiting list? You can envisage the situation, if the waiting list is as long as it has been suggested to me – hundreds of people – and people buy, then you are simply creating a logjam where the people are not then on a waiting list for available berths but really will need to buy berths. It creates a market in berths, doesn't it?

1730 **Hon. Chief Minister:** I entirely agree with the hon. Gentleman, which is the reason why we stopped the policy of the sale of the post-war housing, which the hon. Members had introduced when in government, which depleted the housing stock of the Government, and for that reason, in respect of housing, we were not prepared to do it. Berths are different. Berths are more of a luxury; housing is a necessity. For that reason we thought it was appropriate to seek to recover some of the costs that the taxpayer had invested in the Small Boats Marina in this way, but of course in the knowledge that we were providing, in the marina on the Eastside, which has previously always been supported by the GSD, an additional 200 berths – I forget the number, whatever the number was – which were going to be provided also for the list of people who are awaiting berths. But any new berth that becomes available – that is to say if somebody does not buy and gives up the rental – will go to those on the waiting list for rentals. I am conscious that that list increased when we had delivered the 700 berths that would have annihilated the 700 waiting list that there was at the time. So it is a waiting list that arose thereafter. It is a waiting list that will largely be dealt with by the berths that are being developed on the Eastside marina, which the Government has backed on the terms that I have set out and hon. Members opposite have always backed and the terms that I have set out already, and it will be a way of dealing with that waiting list also.

1750 **Hon. K Azopardi:** Yes, of course we have historically backed a marina on the Eastside, although I think the issue is not whether we backed it or not, but the issue is whether the current marina proposal has a detrimental effect on Catalan Bay, and I think that is an important nuance as well. When we are talking to each other on these issues – and he said it is important not to create disrespect in the political classes – I think it is important also to be respectful of those nuances, because those nuances are important. We have always made the point. Not going away from the point that of course we supported a marina on the Eastside on a sustainable development basis, 1755 but also our concern today is whether that marina, because of the extension of the arm that my learned friend has talked about, will have a detrimental effect. That is a matter for further discussion on this question.

1760 I asked him specifically on this issue whether the Government had been able to land on the setting of prices, and I was wondering whether he had a bit more information on that.

1765 **Hon. Chief Minister:** Mr Speaker, yes, I do appreciate the nuance that he brings to the debate on the marina, and I would just remind him that the marina that they backed – and I think he was in government at the time that Sovereign Bay was announced; certainly Mr Bossino was defending Sovereign Bay in the General Election of 2011 – was for a bigger marina with more berths and with a cruise liner terminal, with an arm that was longer. Oh, yes, any layman’s analysis will show that it was a much longer arm. *(Interjection)* Sorry? *(Interjection)* Well, because at that time I was a layman. *(Interjection)* No, now I have ministerial responsibility, but at that time I was a layman. *(Interjection)* As far as I am concerned, the marina they backed was a bigger marina with a much greater environmental effect, putting cruise ships on the Eastside by Catalan Bay. A cruise ship on its own, one of the modern ones, would cover the area from the Caleta Hotel to Eastern Beach. 1770 From the Caleta Hotel to Eastern Beach you could not get away from it. That is why they needed a bigger roundabout at Eastern Beach.

1775 Mr Speaker, we have been given advice on what the cost of the berths should be, and ranges, and we have yet to make a final determination. We will make an announcement when the lease provision has been agreed and when the final prices have been fixed.

Mr Speaker: Next question.

Q463/2023
Midtown development –
Update re tender for residential top floor

Clerk: Question 463/2023. The Hon. the Leader of the Opposition.

1780 **Hon. K Azopardi:** Mr Speaker, can the Government provide an update as to the adjudication of the tender in respect of the residential development on the top floor of the Midtown development?

1785 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the tender has not been awarded and the Government is reconsidering its options in this respect.

1790 **Hon. K Azopardi:** Reconsidering to the point of withdrawing the ability of awarding a tender in respect of that property? And, if so, can I ask why?

Hon. Chief Minister: Yes, Mr Speaker, including that possibility, based on what we have seen of the tenders submitted.

1795 **Hon. K Azopardi:** Mr Speaker, obviously he has seen the tenders and I have not, but what was
put out in the notice of the expressions of interest almost a year ago, 10 months ago, was for a
residential development on the rooftop of Midtown. I think we have asked before. They said they
had a few tenders they were considering. I think the Hon. Deputy Chief Minister answered that
1800 question at that stage. A development of that type which was subject to the expressions of
interest would presumably be subject to the payment of a premium which would go to
government coffers and the taxpayer would be richer. I am not sure I understand what the policy
reason behind not doing it is. Is there perhaps an explanation that he can give?

Hon. Chief Minister: Mr Speaker, I am advised by the Deputy Chief Minister that it is about the
1805 nature of the developments and the size of the premium which might make the consideration be
that the taxpayer, for that amount of money, would not be interested in seeing the use of the
plot – if we can call it that, even though it is in the air – in that way. So it may be something that
does not proceed now and we put it out for tender again in a number of years to see whether the
consideration proposed then is higher. It may be us in government, it may be somebody else. We
1810 are not yet decided to do that, but we are considering even that possibility.

Hon. K Azopardi: If the issue is that you are not happy with the level of premium, it is not an
issue that you can negotiate with the highest bidder or anything like that? That is not something
that you are looking at?
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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, one of the options the Government
has is to go back to the highest bidder and seek to renegotiate the premium or to change the
massing or the size or scale of the development, but as things stand at the moment the
Government is not satisfied, really, with any of the submissions that have been made.
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Mr Speaker: Next question.

Q464/2023

Residence and ID cards – People residing on boats

Clerk: Question 464/2023. The Hon. the Leader of the Opposition.

1825 **Hon. K Azopardi:** Mr Speaker, has Government stopped issuing residence or ID cards to people
who reside on boats; and, if so, why?

Clerk: Answer, the Hon. the Chief Minister.

1830 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Register of Occupation Act 2021 requires a
person in occupation of a private residential property in Gibraltar to register on the Register of
Property Occupation themselves and all other occupants living in the property, whether this is
owned, rented or licensed by them. Persons residing on seafaring vessels are unable to register,
given that these are movable properties and not residential property. The Civil Status and
Registration Office is, therefore, unable to issue civilian registration cards and permits of residence

1835 to persons residing on seafaring vessels, given that they are unable to comply with the provisions
of the Register of Occupation Act 2021.

Hon. K Azopardi: Can I ask, if that is an issue that has emerged following the Register of
Occupation Act, is that something that the Government is going to look to amend, that legislation?
1840 Hitherto, people have been receiving residence cards with an address of a boat. I do not know if
he has seen them, but I have seen several where people have ID cards with a particular boat, and
those people are perhaps living on a boat, working in Gibraltar, paying Income Tax and Social
Insurance. Their children might be at school. It is affecting their health and education access rights.
Their inability to renew their residence cards is affecting all those issues, so will the Government
1845 consider a practical way forward for those points?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman might correct me if I am wrong, if he
remembers the position, but I believe actually that under his administration people were not able
to register from yachts. We introduced an element of flexibility at one stage, I think as a result of
1850 some of the difficulties we had at the Frontier at one time.

Our concern now is that we do not have an accurate handle on people actually being resident
or not resident in Gibraltar. This is important. It is important from the point of view of ensuring
that people who are taking health and education provision in Gibraltar are entitled to that health
and education provision, they are properly registered here and properly resident here. A number
1855 of instances have been brought to our attention, actually, of people abusing the flexibility that we
had provided for registration on boats, and in fact the position is not entirely, therefore, only as
the hon. Gentleman has provided.

Of course, all rules catch out innocent parties too, and there are people who no doubt
genuinely are living on a vessel in Gibraltar. This has been their home for some time. They are
1860 registered there and they are complying with all the proper formalities and they have no intention
of using the fact that they are resident on a boat for the purposes of avoiding any of their
obligations. So the Government is considering this. We have looked at it in some detail. We are
awaiting a policy paper from CSRO on the subject, which may require some input from our land
property agents because of the register point. But at the moment we have had to take this
1865 decision in order to ensure that we are dealing with the concerns that we had as to abuse and as
to failure to comply.

So he can rest assured that we are considering what potential instances of injustice may be
occurring, to try and find a way of resolving those, perhaps with a higher standard of compliance
in some respects that might enable us to have a better control over those who are resident on a
1870 particular vessel or not.

Hon. K Azopardi: Mr Speaker, I am grateful for that. Can I just urge him ... he will understand
that perhaps that review can be done with some expedition. Yes, of course, I agree with him. Of
course the Government should have a handle on who lives in Gibraltar and there should be no
1875 abuse around the edge, but certainly the people who have come to see me – and I have had a few
people raise the issue with me ... Those situations that I have encountered are of people who are
actually working in Gibraltar, who have children at school, who are paying Income Tax, who are
paying Social Insurance. To that extent, if those people are innocently falling within these
situations and their ID cards, their residence cards, have expired or are expiring, they need
1880 practical ways and solutions found soon. Sometimes bureaucracy understandably reviews issues
but does not move fast enough for those people who have deadlines and expiries. He will
understand that point, so can I urge him to ask officials to do that as soon as possible?

Hon. Chief Minister: To the extent that he is urging me to do that which I have already said I
1885 am doing, I shall consider myself urged. And if he does not have a supplementary, can I suggest

that we now recess the House for 15 minutes, Mr Speaker, because I know you have been in the Chair since three o'clock, and so have others?

Mr Speaker: The House will now recess until five past six.

The House recessed at 5.50 p.m. and resumed at 6.06 p.m.

Q465-66/2023
45-55 and 90 Devil's Tower Road –
Premium

1890 **Clerk:** Question 464/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what premium has been paid or agreed to be paid in respect of the development at 45-55 Devil's Tower Road?

1895 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 466.

1900 **Clerk:** Question 466/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: What premium has been paid or agreed to be paid in respect of the development at 90 Devil's Tower Road?

1905 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the developer has not yet paid any premium to the Government in respect of 45-55 Devil's Tower Road. Details of the premium paid will be published once the developer obtains the relevant planning approvals, which will determine the final premium payable, and pays the said premium.

1910 The Government has not yet agreed any premium with the developers of the proposed development at 90 Devil's Tower Road.

1915 **Hon. K Azopardi:** Mr Speaker, can I just ask in relation to both, but a slightly different question, if I may? The answer to Question 465 implies that there is an agreed canvas, if I can put it that way, for the payment of a premium, but that depends on the planning permission granted – so if it is 10 floors or 20 floors, for example, I guess. The answer to Question 466 suggests there has not yet been an agreed canvas. Is that the right distinction?

1920 **Hon. Chief Minister:** Yes, Mr Speaker, that is absolutely right, and in fact I can tell the hon. Gentleman when I checked, much in the same vein as he has checked with me, I was informed that on 90 there had been an enquiry from the owner of the plot and a preliminary discussion with LPS, but nothing has yet been agreed or proposed, not even depending on heights.

Q467-70/2023

Victoria Keys –

**Size, shape and cost of proposed reclamation and by whom costs to May 2023 paid;
contractual negotiations with developers**

Clerk: Question 467/2023. The Hon. the Leader of the Opposition.

1925 **Hon. K Azopardi:** Mr Speaker, will the size and shape of the proposed reclamation for the proposed Victoria Keys site be changing from that announced in 2019?

Clerk: Answer, the Hon. the Chief Minister.

1930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 469 to 470.

Clerk: Question 468/2023. The Hon. the Leader of the Opposition.

1935 **Hon. K Azopardi:** Has the Government finalised its contractual negotiations with the developers of the Victoria Keys site, and can it provide an update to the House in respect of such matters and the proposed development?

Clerk: Question 469/2023. The Hon. the Leader of the Opposition.

1940 **Hon. K Azopardi:** What is the updated estimated cost of the Victoria Keys reclamation?

Clerk: Question 470/2023. The Hon. the Leader of the Opposition.

1945 **Hon. K Azopardi:** What are the costs of the Victoria Keys reclamation to 10th May 2023, and who has paid that cost?

Clerk: Answer, the Hon. the Chief Minister.

1950 **Hon. Chief Minister:** Mr Speaker, the Government has not finalised its contractual negotiations with the developers of the Victoria Keys site, albeit it continues in active discussions with those developers. It is a good thing we did not conclude those discussions, as they have allowed the Government much flexibility in managing the varied pressures of dealing with the Eastside rubble and thereby minimising the costs, disruption and environmental damage of moving this from the Eastside. We have a responsibility to manage these things carefully. The Government has therefore rightly focused on its negotiations over the Eastside site, as this is the logical order to progress matters given the opportunities that we sought and which presented themselves. As you are aware, Mr Speaker, the negotiations over the Eastside, which formed part of the discussion of these same questions back in October 2022, have now been successfully concluded.

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1965 The original Victoria Keys reclamation, as hon. Members will recall, was in part to be achieved using the rubble deposited on the Eastside. As I have previously told the House, this was part of the genesis of this project. This was nonetheless, of course, not without its complexity and environmental disruption. But this was before we managed to secure a heads of agreement over the Eastside. What the Government has successfully done is negotiate for that fill, or rubble, to be used on the Eastside itself, meaning that the developer will use that rubble to create the coastal protection arm to protect the land on the Eastside, which is something we debated in the context of an earlier question. So it is now no longer necessary for this rubble to be transported by either our busy roads or via barge to create the Victoria Keys site, or for that matter exported from Gibraltar. A certain amount of that rubble needed to be moved quickly to make way for Hassan Centenary Terraces, and pending finalisation of either agreement this is what has been used to fill

1970 the area in front of Coaling Island. This was the most efficient way to accommodate that work, bearing in mind any delays in doing this would have disrupted Hassan Centenary Terraces' second phase construction process and increased costs for that development and, of course, therefore, the taxpayer.

1975 Discussions with the developers of Victoria Keys can really now progress in earnest. These will involve consideration of matters such as size and shape of the reclamation, taking into account the part of that site already reclaimed. It will also envisage discussion on how we might jointly develop this site in a way whereby reclamation is as cost efficient as possible by using this to deal with current and future rubble from construction which can no longer be deposited on the Eastside. Indeed, account will also need to be taken of information received from the MoD as to
1980 the impact the shape of the site may have on the use of the Z berth due to the explosives safeguarding arcs etc. The shape will, therefore, likely or necessarily need to change from that originally anticipated in 2019 in the artist's impressions. With all these factors to work through it is therefore not possible to quantify at this point the estimated cost of the Victoria Keys reclamation.

1985 The reclamation currently carried out as at 10th May 2023 in front of Coaling Island has been paid for by the Government. They were the minimum necessary to progress Hassan Centenary Terraces phase 2. The cost of this amounts to approximately £6.59 million.

1990 Finally, Mr Speaker, I should add that if we were unable to find agreeable terms with the consortium that we are negotiating with on Victoria Keys, the Government will continue to reclaim land in that area on its own account and will develop the area solely for the benefit of – and therefore, of course, at the cost of – the taxpayer.

Hon. K Azopardi: Mr Speaker, grateful for that updated information, and of course a lot of the preface to that answer came in the shape of explaining the correlation between the Eastside development and this site because of the idea that rubble was going to be used here but now it is going to stay at the Eastside, and so on and so forth. That is right in terms of what is happening now, but of course when you wind the clock back to 2019 the hon. Member will recall there was quite a glossy announcement with the projected development, which everyone will have seen. It was, indeed, in a couple of pages of their 2019 manifesto. People would have been driven to
2000 believe that the negotiations had concluded at least, but we have established that they have not. While I understand the impact of the Eastside rubble not being available and so on, is he suggesting that really we have gone back to square one on the negotiations in terms of the aspirations of the parties? He will remember that there are videos out there where you can see the idea of this. I cannot remember what it was called, but you can see the buildings on these
2005 glossy videos. Are they now discussing something as if that has been airbrushed away and it is a different development?

Hon. Chief Minister: No, Mr Speaker, not airbrushed away. I have explained that the purpose of Victoria Keys was principally to move the Eastside rubble, and the purpose of the deal with the consortium was to get them to move the Eastside rubble. He will remember the details I gave of what the original deal was going to be, and he will remember the concerns there were about the environmental cost of moving the rubble from the Eastside to the western side, which we believed could be ameliorated by using a sea route and a road route, principally overnight to not have the sort of disruption that you would have had during the day. Of course, that is the most sustainable way of doing it if you have to do it, if you have to move the rubble from the Eastside. If you do not
2015 have to move the rubble from the Eastside, then you are in a different ballpark.

The hon. Gentleman would say to me why is he dealing with this group of developers who in his earlier questions he used to approach in quite a deprecatory fashion, if he no longer needs them to move the rubble from the Eastside without there being a cost to the taxpayer, because
2020 what we achieved was that the rubble was moved from the Eastside without the taxpayer being put to cost. It was actually the consortium of developers who were put to cost, with the taxpayer

2025 providing a small slice of the equity and a loan being given from, I seem to recall, the Savings Bank, which was then repaid with interest and made good sense for the Savings Bank and made good sense for the taxpayer because there was no cost to the taxpayer. But I forget the details. The details were all set out in this House in *Hansard*. Whatever I said at the time was correct, and my recollection is simply my way of paraphrasing that, no doubt incorrectly.

2030 But now that there does not need to be a move of the rubble on the Eastside, the question is how we should approach this from the point of view of the taxpayer. We should approach this from the point of view of achieving the best possible deal for the taxpayer. We have already moved the rubble that had to be moved for Hassan Centenary phase 2 at a cost of £6.6 million. We have rubble that people want to give us because they cannot put it anywhere else, and that rubble can be used to reclaim and therefore create land. We will be developing as close to the shape as possible of Victoria Keys as was originally the case, but we do have an MoD issue, so the shape may have to change. So the videos that the hon. Member saw are likely to become a reality but in a slightly different configuration. Perhaps they have moved. In fact, a lot of what is in the area that may have to change shape was not the area of construction, it was more of the leisure area. Indeed, the shape may not change because one of the things that we are also considering is reclaiming that shape, even though at present it may not be possible to use the land that is reclaimed because of the explosive arc from the Z berth. But of course if you reclaim today at a particular price, in a hundred years' time you may be able to use that area because the explosive arc may be different, or there may not be an explosive arc because things may have changed so dramatically, as warfare is changing so dramatically, and then you will have land available which has cost you 2023 reclamation rates and not 2123 reclamation rates. That is what I call a vision, to be reclaiming today for use in a hundred years' time.

2045 All of those things have to be factored into the equation because we have got the water and we have got the rubble, so even though we cannot build on it today it may make sense to go down the road of constructing. It is almost like Mr Feetham the visionary did on the Eastside, on the western side, where the reclamation took 20 or 30 years to be used up by buildings because you have got different factors moving. In the old days, that was where the ammunition was and you could not use it because of the ammunition. The curvature of Europa Point is not because of any design factor, it is the curvature of the ammunition. So all of those factors are in play, and in trying to do the best by the taxpayer – something which the hon. Gentleman will recall he seemed to be accusing us we were not doing when he was asking us questions about the original arrangements that we had entered into – I think he will agree that these are the right factors to put into the balance in order to deliver the garden city by the sea that Victoria Keys is going to be when it is delivered. But of course it is also true that as we were all celebrating yesterday ... the GHA made such a great contribution to ... everything stopped dead in March 2020, so all the negotiations stopped dead. That gave an opportunity for TNG Foundation to come in. That created the opportunity on the Eastside. That meant we could do the Eastside. That meant we do not need to move the rubble. So all of this is entwined and you have got to follow the twine in order to be able to find the right deal for the taxpayer and do right by the taxpayer, which is what we are doing in respect of this proposal.

2065 **Hon. K Azopardi:** I am grateful. Garden city – that is the one I could not remember. Yes, I had forgotten what it was called. There is no garden and no city, of course, but there you go.

2070 Would it be fair to say, given all of that explanation, that in fact the state of the negotiations that Government is involved in with the relevant parties is such that, given what he has said, we will either have the development done ... to the other end of the scale, where the development will not be done at all and, as he says, the Government is going to end up perhaps reclaiming for future development itself? So we are in that wide range of options – is that right?

Hon. Chief Minister: Mr Speaker, it is obvious, if you see the site from the top of the Rock, that there is not yet a garden city there, but it is also true that there is now another massive

2075 reclamation delivered by the GSLP Liberals in government already taking shape. It is taking shape
a little slower than it was taking shape, but we are committed to delivering the essence of the
project, the garden city by the sea. We think it is a good thing. It is part of the development of the
western side of Gibraltar at the same time as we are developing the eastern side of Gibraltar with
the development of the eastern city in Gibraltar and its associated amenities, which we have been
discussing earlier. The way that we have combined that, for the reasons I have explained, I think
2080 is in the interest of the taxpayer. We think we are delivering in the right way, in the right timing,
given the exigencies we have had, and I put it to him that if he had had the privilege of being
elected Chief Minister in October 2019, knowing him as I do, despite the fact I respect that he is
fulfilling the role of inquisitor in chief as Leader of the Opposition, he would have made the same
decisions I have made in good faith as Chief Minister and would be in the same position I am in,
2085 which I think is the right position to be in, because that is what he would have done. He would
have made decisions in good faith in the interests of the taxpayer to deliver the right results for
Gibraltar.

Hon. K Azopardi: Can I ask, given the state of play – which is as wide as I have said it is, which
2090 is from basically developing as the garden city as was projected to perhaps a completely different
scheme or none at all – how close in the discussions is the Government, does it feel? Has he got a
feel for that? It made the announcement in 2019. It has now had some time to continue the
negotiations, so how close is it for some kind of outcome on these issues?

2095 **Hon. Chief Minister:** Mr Speaker, sometimes, I say to the hon. Gentleman with respect, it is a
bit like talking to a wall. He wants to put the point and it does not matter what I say in the
supplementary answer.

I have told him that we had to stop in 2020 because of COVID. I have told him that the Tuan
opportunity came up. I told him in my first answer that we decided to pursue the Tuan opportunity
2100 because it gave us a chance of selling the rubble on the Eastside and not having to move the rubble
on the Eastside, save for the bit that needed to move quickly for Hassan Centenary Terraces. That
has taken until we made the announcement that we had completed the Eastside, something on
which they have quizzed us today because we have made the final announcement by the end of
the financial year. So we are not further forward for that reason, which, if he were sitting where I
2105 am sitting, would have been considered by him, I have no doubt, a good reason not to pursue the
negotiation because there was a better outcome available for the taxpayer than the one that had
been envisaged, because the facts had changed – a *novus actus interveniens*, as we say in the law,
a new act that intervenes in the facts, and because of that *novus actus*, we have pursued a
different path, which leads us to a slightly different conclusion on the rubble on the Eastside but
2110 does, nonetheless, enable us to deliver on the reclamation that is Victoria Keys and the
development which is the garden city by the sea, which is Victoria Keys.

If I say that I believe we are two months away from doing a deal with these potential developers
or I say we are a year away, what do I do? I have said this to the hon. Gentleman when he has
asked me the same questions in relation to the treaty. I put myself in the hands of the party sitting
2115 opposite me in the negotiation because the minute I do that, I start a clock ticking against me.
Given that the hon. Members have asked me this question in relation to the treaty and in relation
to this negotiation now, I urge them not to be setting out timetables for concluding negotiations
should they ever be involved in a meaningful negotiation, whether in government or
commercially, because by doing that you put yourself at the mercy of your negotiating opponent
2120 For that reason, Mr Speaker, I do not want to provide a timeframe.

Mr Speaker: The Hon. Roy Clinton.

2125 **Hon. R M Clinton:** Thank you, Mr Speaker. If I may ask the Chief Minister two questions. The
first one: in the press announcement of April 2019 it was envisaged that 60,000 m² of new land

would be produced by way of reclamation. Would the Chief Minister have with him how much has been reclaimed to date in terms of square meterage? And in terms of a change of shape, what would be the new square meterage that is envisaged?

2130 And then my second question is given that the Government is effectively undertaking this reclamation, would it not be in the best interests of the taxpayer to put out the site to tender?

Hon. Chief Minister: Mr Speaker, in relation to the second question, yes, that is the point I made. That is exactly the point I made. I said the taxpayer could do it on its own but at the taxpayer's own costs – *(Interjection)* No, at the taxpayer's own costs and then be able to sell land which is more valuable. The taxpayer has never permitted a third party to reclaim land. Only we reclaim land. That is why when I explained how the deal was structured I said that we would be doing a deal with this consortium for them to do the reclamation for the Government. So Van Oord has dealt with reclamations for the Government. The Victoria Keys Consortium was going to reclaim land for the Government. Only the Government reclaims land, and then the Government puts out land to tender. And so that is exactly what I said in the context of my first answer, that if we were going to find that we were going to be doing the reclamation ourselves with rubble that is given to us for nothing because it is a problem in the hands of those who own the rubble, then we end up with reclaimed land ourselves, which we can then exploit ourselves. We exploit it ourselves by building stuff we want for ourselves or by putting the plots out to tender.

2145 So the hon. Gentleman and I are in potential violent agreement about that – *potential violent agreement* because there are other factors to be taken into consideration. The total amount of the reclamation potentially envisaged is another 100,000m². That is to say the Eastside development again on the western side. That is the total extent of square metres. I cannot tell him how much we have got today. *'Engaña el'* plot, as you might say in Spanish, because it extends in different shapes in different ways and is potentially very interesting for the taxpayer, and I think that includes the existing Coaling Island as well.

Mr Speaker: Next question.

2155 **Hon. Chief Minister:** *[Inaudible]* does not belong to the Government because the GSD administration entered into a pre-lease agreement with the people who are part of the consortium that we are talking to, because they have arguments about riparian rights or not riparian rights.

2160 **Mr Speaker:** Next question.

Q471-72/2023

Former Deputy Governor Nick Pyle – Provision of services to Government

Clerk: Question 471/2023. The Hon. the Leader of the Opposition.

2165 **Hon. K Azopardi:** Mr Speaker, has the Government, GDC or any other government-owned entity directly or indirectly appointed, engaged, contracted, employed or otherwise sought the services or advice of former Deputy Governor Nick Pyle; and, if so, in respect of what issue and for what salary, fee or remuneration and/or at what cost?

Clerk: Answer, the Hon. the Chief Minister.

2170 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question with Question 472.

Clerk: Question 472/2023. The Hon. the Leader of the Opposition.

2175 **Hon. K Azopardi:** Is the former Deputy Governor, Nick Pyle, advising the Government or any government-owned entity, or is he engaged in any work for the Government or any government-owned entity directly or indirectly or for the benefit of the Government; and, if so, can the Government describe the work he is doing?

Clerk: Answer, the Hon. the Chief Minister.

2180 **Hon. Chief Minister:** Mr Speaker, yes, sir, Mr Pyle has been engaged by the Chief Secretary to advise on Civil Service training and reform given his exceptional experience as a senior diplomat for His Majesty's Government. Mr Pyle has agreed a fee of £80 per hour for his work for the Chief Secretary in this respect.

2185 **Hon. K Azopardi:** Mr Speaker, can I ask when the engagement started, what is the period of the engagement and what is the cost to date?

Hon. Chief Minister: He can, but I do not have it, Mr Speaker.

2190 **Hon. K Azopardi:** Mr Speaker, how did this come about, this this engagement of the former Deputy Governor?

2195 **Hon. Chief Minister:** Simply, Mr Speaker, because I think Mr Pyle indicated he was staying in the area, and therefore he is doing this and other jobs in the area.

Hon. K Azopardi: I see. And does he think it is appropriate that Mr Pyle, who is one of the key personae in the McGrail inquiry, as is he and indeed the former Commissioner of Police ... for the Government to offer the Deputy Governor a job during that inquiry?

2200 **Hon. Chief Minister:** Yes, Mr Speaker, although I have no doubt that the hon. Gentleman will use this to cast aspersions on me and on Mr Pyle, as he has done before in respect of other matters relating to the inquiry, all totally unfairly but that is a matter entirely for him.

2205 Surprisingly, I still think it is right for the Attorney General to continue to be employed and paid by the Government although he is a core participant, I think it is entirely proper for me to continue to be paid for the work that I do for the Government although I am a core participant, I think it is entirely proper for all of the other core participants, including the current Commissioner of Police, to draw a salary from the Government of Gibraltar even though we are core participants in the context of the inquiry.

2210 The assumption, I assume, behind the question is that somehow a fee would be paid in return for improper behaviour in the context of the inquiry, which must be the only way that the Leader of the Opposition is framing his question, which is to impute the integrity of Mr Pyle, the Chief Secretary and everybody else in the context of this process.

2215 **Hon. K Azopardi:** Mr Speaker, it is a question of perception. Does he not see the difference between the Attorney General, or anybody else that he has given an example of, and someone who was not actually employed by the Government? The Attorney General is employed by the Government. This person is not employed by the Government. He is core to the inquiry, he was core to the situation that arose, and yet the Government has offered him a job while the inquiry is pending. Does he not see the difference between that and an Attorney General who actually
2220 was an employee?

Hon. Chief Minister: Mr Speaker, does the hon. Gentleman genuinely believe that a senior civil servant – whether he is a UK civil servant or a Gibraltar civil servant, a senior civil servant – who has become a core participant in an inquiry established under statute can be coerced or bought, as he is suggesting, to give evidence in respect of that inquiry, which would be different if he had not been employed, in respect of matters that happened three years ago, most of which are set out in writing in email, on WhatsApp? What is the issue for that man to provide his expertise to the Chief Secretary? Is the allegation that he will tell a different version of the truth of what happened three years ago if he is employed by the Government to do a job that he can do for the benefit of the Gibraltar taxpayer and for the benefit of the Gibraltar public service, and that if he were not so employed he would give a different version of the truth? My God, there is a different standard of integrity that the hon. Gentleman applies to third parties than the one he would be expecting applied to him, because I do not believe that it is possible to even perceive that one can buy the evidence, the version or the truth from someone in this situation. But never mind. The Leader of the Opposition can allege it, not because it matters, not because there is any grain of truth in it, but just because by planting the seed of doubt he seeks to grow a plant of alleged disrepute against the Government on any issue. Disgraceful, Mr Speaker.

Hon. K Azopardi: Mr Speaker, it is not disgraceful what I am saying, it is that it does not look good. The perception is there. (*Interjection*)

How appropriate is it in the context of a very delicate inquiry, where issues that affect democratic integrity or the constitutional institutions? Those are the allegations – not allegations made by me, but the allegations being thrown about. How appropriate is it for the perception of that inquiry for the Government to be offering a job to a core participant who was not an employee? That is the issue. Can he not see that?

Hon. Chief Minister: Mr Speaker, it is utter nonsense. There are issues of democratic integrity of institutions. That is utter nonsense. There is not one shred of evidence put in the public domain or not put in the public domain that can be used to sustain such a fanciful notion. It is possible for, as Mr Bossino said before, lay people to say whatever they like. It is possible in the streets to rumour monger with whatever anybody would like to rumour monger. God knows in the past weeks I have had to put up with enough rumour mongering. But when it comes to the issue of the integrity of the institutions of Gibraltar, we are playing with our democracy. When there is no such scintilla of evidence, we permit stories to rise that might suggest that our democracy is at risk because somebody took early retirement?

Mr Speaker, I said that we would hold an inquiry into this because it was called for by the person who is the subject of the inquiry, and I said we will ensure that the inquiry is able to get to the truth, the whole truth and nothing but the truth. When the truth is out, people will see that those who have talked about the democratic integrity of the institutions of Gibraltar being at risk are no more than jokers who deserve no credibility whatsoever, who have failed Gibraltar by raising spectres that will be seen to have been no more than utter ghosts. The people of Gibraltar will then judge, because already I hope that ... Let's just say – as they say nebulously when they want to cast aspersions without having evidence – perceptions may already be changing.

Mr Speaker: Next question.

Q473-74/2023
Public service employment of former police officers –
Number and salary arrangements

Clerk: Question 473/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many former police officers have been employed by Government or by wholly owned government entities within the public service since June 2020?

2270 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 474.

2275 **Clerk:** Question 474/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Do former police officers employed by Government or by wholly owned government entities within the public service since June 2020 retain their former salaries, or are they paid salaries pegged within the point scale of their new posts?

2280 **Clerk:** Answer, the Hon. the Leader of the Opposition. Answer the Hon. the Chief Minister.

Hon. Chief Minister: Yes, Leaders of the Opposition do not answer questions, ever.

2285 Mr Speaker, a total of 13 former police officers have been transferred from the RGP to other areas of Government or to wholly owned government entities within the public service since June 2020.

2290 Police officers who transfer in such manner and no longer discharge a Royal Gibraltar Police enforcement role as a result of injury sustained during their course of duties retain their former salaries on a personal-to-holder basis. Police officers who transfer in such manner and no longer discharge a Royal Gibraltar Police enforcement role as a result of any other matter not related to an injury sustained during their course of duties take on the salary pertaining to the new role identified within the public service. Police officers protected within the whistleblowing rules fall within the relevant provisions of section 45L of the Employment Act. This section specifically applies to officers of the RGP and extends the protection to the right not to be unfairly dismissed.

2295 **Hon. K Azopardi:** In relation to that last bit I think he is making the distinction that if you are injured you retain your salary; if it is not an injury, you go into a new post, so you get a different salary. For example, if you were to accept a post as EO in the GDC or something, you would get that salary if you are not injured. If you had been injured, personal to holder you would keep your police salary. But then he went on to say whistleblowers have the protection. But what do
2300 whistleblowers get? Do they retain their salary?

Hon. Chief Minister: Whistleblowing is no detriment, Mr Speaker. That is what the law provides.

2305 **Hon. K Azopardi:** I see, so anyone who is a whistleblower would be transferred, say, or put in a different department, in a different post, but would retain their salary. But also, would they retain their allowances and any other issue?

2310 **Hon. Chief Minister:** I do not know the answer to that. I think the law says no detriment. I do not know whether that includes allowances or not.

Q475/2023
Treaty re future relationship with EU –
Whether prepared

Clerk: Question 475/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has a draft treaty with the EU for a future relationship with Gibraltar been prepared?

2315 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir. The treaty remains under active negotiation.

2320 **Hon. K Azopardi:** That is what I am trying to understand. When he says no, the treaty remains under active negotiation, the negotiation is then about principles without the benefit of an actual text of a draft treaty being exchanged between the parties – is that correct?

2325 **Hon. Chief Minister:** That is correct.

Hon. K Azopardi: Mr Speaker, would it be fair to say that if, for example, an agreement were to emerge, there would then be a necessary period of time that could extend to some months, I suppose, for the drafting of a treaty?

2330 **Hon. Chief Minister:** Perhaps not months, Mr Speaker, because there are, if I may put it this way, relatively pro forma parts of what is being discussed, and if you accept one principle it is one type of clause, if you accept another principle it is another type of clause. There are a lot of small state agreements. There are other agreements, which relate to parts of the single market and Schengen etc., which have a shape already, and it is a question of how they are made bespoke. It is not a question of taking the pen and drafting a bespoke treaty. It would be more the recitals that would be the ones that would have to be spun up based on the agreement of principles, and then you would be looking at just the editing almost of the text that would become the substantive part of the treaty. The parties are drafting for themselves and there will be different versions of drafts to be put on the table when the time comes to do agreed versions, but there are not any versions that have been exchanged as versions that can be deemed to be considered agreed drafts or anything like that.

2340 **Hon. K Azopardi:** With that explanation in mind, he will agree with me that when I say that the devil is in the detail when you have agreed principles and you have all got your little pro formas, but you then announce an agreement, there is a cobbling together of text, and that is where there can be lots of granular issues that arise from that. Does he agree with that?

2345 Can I ask him, in terms of that process and given the indications that have been made publicly about parties being close to a possible agreement, is their thinking on what would happen if an agreement is announced ...? Is an agreement going to be announced in terms of 'we have reached agreement on principles', or is it that there would be an agreement of the principles but there would then be drafting of this text and there would not be an announcement until that text is reached? I am just trying to tease out ... and if he cannot give that information, then he can say.

2350 **Hon. Chief Minister:** There is no agreement in that respect yet, either.

2355 **Hon. K Azopardi:** But am I right in understanding that we are at the principles stage? That is where we are. When people – say, for example, the Spanish foreign minister or indeed other ministers – have commented on being close to an agreement, we are talking about the principles, we are not talking about the text?

2360 **Hon. Chief Minister:** Yes, principles and the text of principles, but not the text of treaty.

2365 **Hon. K Azopardi:** Mr Speaker, can I just ask when he says yes to the principles, they are working on some key principles that would hopefully be released to the public and based on those principles? So you would have a principles mark 2 agreement, I guess, because you had the New Year's Eve agreement, but that was between different parties, obviously, and you would now have an EU-UK set of principles against which there would then be a drafting process towards a treaty – is that right?

2370 **Hon. Chief Minister:** Mr Speaker, the gap between those may be very narrow and therefore I do not want to commit to one happening without the other because they may both happen at the same time. It may be possible for both to happen at the same time because although the devil is in the detail, because there is a lot of pro forma work here, there may be fewer devils in the detail and some of those devils may be easier to tame than they have been in the past. Or, indeed, it
2375 it may be impossible to agree to the text because of devils in detail, even though you have agreed principles. All of that is at large, none of that is yet agreed, so the chronology of how this emerges is not yet agreed. It is there to be felt, but not yet sufficiently clear to be agreed, although the principles are getting much closer. I have described it to some as ... Those of us who are old enough to remember watching analogue television ... This process started with two televisions showing
2380 two different channels. We are now at a stage where there is one channel on one television with a little bit of double image, and those of us who have videos might remember the tracking button at the bottom, which helped us to get rid of double image, or the way of manhandling the antenna, and we are now very close to being able to say we have a perfect image. And then the next analogy I would make is that we would see the 4K image once we have got the treaty text.

Adjournment

2385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 2.30 in the afternoon, when we shall continue dealing with questions for the Minister for the Environment and Education. But before that, it is my intention to suspend Standing Orders to take the motion and the Bill first and then continue with questions to adjourn *sine die*.

2390 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Friday, 26th May at 2.30.

I now put the question, which is that this House do now adjourn to Friday, 26th May at 2.30. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 26th May at 2.30.

The House adjourned at 6.48 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 4.35 p.m.

Gibraltar, Friday, 26th May 2023

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The Gibraltar Parliament

The Parliament met at 2.30 p.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Standing Order 7(1) suspended

Clerk: Meeting of Parliament, Friday, 26th May 2023.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a government motion.

Mr Speaker: I think we have something that we need to say beforehand – am I right, Mr Clerk? – because we are suspending Standing Orders.

Hon. Chief Minister: I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with government motions. Is that the one?

15 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

Standing Order 19 suspended to proceed with Government motion

Clerk: Government motion. The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I hereby give notice, under the Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a government motion.

20 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT MOTION

Mayor and Deputy Mayor of Gibraltar – Carmen Gomez and Nicholas Guerrero appointed

Clerk: The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

HEREBY APPOINTS Ms Carmen Gomez GMD to be Mayor of Gibraltar and Mr Nicholas Guerrero to be Deputy Mayor of Gibraltar as from Thursday 6th June 2023.

Mr Speaker, it was my pleasure to move a motion on the appointment of Christian Santos as Mayor, which recorded the appointment of Ms Carmen Gomez as Deputy Mayor and therefore she was clearly indicated as being the choice to be Mayor as from this year.

30 It has been an absolute delight to see how Christian Santos has discharged the functions of the mayoralty. I think he deserves the recognition and thanks of the whole House and, indeed, of the whole of the community for the job that he has done. He has done it in a manner which has been inclusive, in a manner which has been diverse, but in particular he has done it with a flair and with a gusto that I think everybody has enjoyed seeing. He has brought the best of him to the mayoralty and I think he has done a job which will be hard to follow.

35 If you are going to follow Christian Santos, you need a character as big and with achievements even greater on the world stage, and who better than Carmen Gomez, therefore, to follow Christian Santos, a woman who has held rapt in her performance audiences on the West End in London with shows which she has held on her own as Carmen Miranda, to give but one example of a long and illustrious career in show business, done both in Gibraltar and at the top, outside of
40 Gibraltar, in the international sphere, in the most demanding of theatrelands, which is London's Theatreland. So I am delighted to see that we are going to now bestow the mayoralty and the obligations and responsibilities of the mayoralty, the honours and privileges of it, upon Carmen Gomez. I think that she is somebody who will represent, as mayors are called upon to do, all of Gibraltar civic society without partisan distinction, not in a political role as mayors discharge in
45 other countries, but in a civic and municipal role and standing in the shoes of Gibraltarians as illustrious ... and there could be no more illustrious Gibraltarian than Joshua Hassan, for example, and William Serfaty and all those who came after. I think Gibraltar has been extraordinarily well served by its current Mayor, Christian Santos, and can look forward to being equally extraordinarily well served by its next Mayor, Carmen Gomez. That ceremony of handover I
50 understand will take place on 6th June. It will be bittersweet as we say goodbye to Christian, but sweet as we say hello to Carmen.

In the process of determining who to add to this motion as a Deputy Mayor, the Government has had to consider very carefully what are the qualities that we would look for in our future Mayor post Carmen Gomez. In doing so, we have learnt a little from what Christian Santos has
55 been able to do with the mayoralty and how he has used it, beyond the things I have already said, to reach out to those who come to visit Gibraltar, to show them the jewel that is City Hall. In most places, City Hall is a place which attracts tourism. In Gibraltar, it had not been, even though we had the vision to move government departments out of it and add our National Gallery to the ground floor. But Christian thought that it required a little more, and he very astutely was able to
60 bring cruise ship visitors and other tourists to Gibraltar to City Hall, and in that way also raise some funds which helped to ensure that the Mayor had even greater autonomy in the discharge of his functions, not needing to have extreme regard to what his budget was in the Book. He had a little float there to do a little more.

There is a strand that will run through three mayors in Gibraltar, and that will be the stage,
65 because if there is one thing that I will always remember about the first time that I saw Nicky Guerrero, it is that it was on the stage at Ince's Hall giving a performance that I thought was worth being seen by an audience beyond the 30,000 Gibraltarians. Indeed, I seem to recall that it was in a play called *Art* with the now Minister for the Environment that I saw Nicky Guerrero, Peter Canessa and John Cortes. So from Christian Santos, the architect of GAMPA, to Carmen Gomez –
70 Carmen Miranda herself – now to the art that Nicholas Guerrero will bring to the mayoralty, there is a strand which I think will serve us well, because when the Mayor takes to give a speech, he or she must do it in a way that represents the people of Gibraltar, and what better training than the stage for that purpose if there has not been other professional training?

75 And of course, as I was alluding to before, the touristic element. Nicholas Guerrero has been
the head of the Tourist Board for many years, and in that sense I think he brings the ability to
continue the work that Christian has done in reaching out to tourism, but he has done even more.
Since he retired as CEO of the Tourist Board he has held the post of Director of Events and
Partnerships on the board of MedCruise, the Association of Mediterranean Cruise Ports, so
80 extraordinarily well connected in that world now, having represented already Gibraltar at all
MedCruise and Seatrade events, including Seatrade Global in Miami for the last quarter century.
So he is a person who is widely known and he is respected in the cruise, airline and tourism
industry at all levels, as well as being a thespian and a highly regarded former civil servant who
was Controlling Officer, with all the responsibilities that that entailed, for the Tourist Board.

85 I have absolutely no doubt that we have been magnificently served by our current Mayor,
Christian Santos, that we will be extraordinarily well served by our incoming Mayor, Carmen
Gomez, and that the House should support the appointment of Nicholas Guerrero as Deputy
Mayor and, therefore, Mayor after Carmen Gomez, because all of them bring many different
qualities but one key strand remains, and that is that they have all performed and will perform for
Gibraltar as Mayor in that role.

90 I commend the motion to the House. I am reminded that I should confirm that I consulted with
the Leader of the Opposition before I put forward the name of Nicholas Guerrero in the motion.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the
Chief Minister.

95 The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

100 It was in 2021 that this House unanimously supported a government motion presented by the
Hon. the Chief Minister appointing Mr Christian Santos as Mayor of Gibraltar and he further added
that Carmen Gomez be appointed as Deputy Mayor with a view to her taking over the role after
Christian. It is with the greatest of pleasure the GSD Opposition will today confirm that it continues
to support the appointment of Carmen Gomez to take over as Mayor from Christian Santos.

105 At this stage I would like to take the opportunity to thank Christian for his exemplary service
as Mayor over the last two years. Christian has certainly discharged the required mayoral duties
to the best of his abilities. I am sure we can all agree that Christian has carried out a wide-ranging
series of events and public duties with his fantastic personal style and decorum and this ultimately
has promoted and benefited Gibraltar and its community as a whole. At a personal level, I thank
Christian for his friendship and companionship at several events we have both had to attend in
our official capacities; he certainly is an entertaining character.

110 Now, Mr Speaker, referring specifically to Carmen Gomez, the Opposition notes her personal
background and experiences and we sincerely hope these will serve her in the discharge of her
duties. As already highlighted by past contributions to motions in respect of the appointment of
Mayors, it is important that the mayoralty continues to be open to both young and those no longer
so young people, so that our City Hall and our civic representative, namely the Mayor, is somebody
115 whom Gibraltarians consider approachable. With Christian Santos we achieved this by his being a
younger man and, indeed, someone who was already very actively involved in the teaching of
young people and involving them in the performing arts. Our City Hall will certainly be a
prestigious place of entertainment in the future, simply based upon the immense professional
experiences that Carmen Gomez will bring with her and which will become a visible display of our
120 wide-ranging cultural and artistic talents.

The ever-beautiful Carmen Gomez was crowned Miss Gibraltar in 1970 when she was only 21
years of age. After her reign as Miss Gibraltar, Carmen ventured to London in order to pursue an
acting career. Whilst in London she performed in various West End productions and had an
opportunity to work with Andrew Lloyd Webber. Carmen started her acting career with a part in
125 *Buddy Holly* but, unfortunately, that show wrapped up in London to return to Broadway. However,

she persevered with her acting career and went on to feature in the science-fiction popular series *Doctor Who*. Other notable performances were playing the part of Férula in a theatre production of Isabel Allende's *The House of Spirits* and she also ran her own dazzling West End production of *Carmen Miranda*, of which the Chief Minister has just reminded us. Although it is somewhat sad that Carmen no longer performs in the prestigious West End, it is of great benefit to Gibraltar that she has resettled in her native land. During her tenure as Deputy Mayor, Carmen has shown her passionate commitment to her beloved Gibraltar and we now look forward to supporting her in the fulfilment of her mayoral duties.

We equally welcome the appointment of Nicholas – or Nicky, as he is known to many – Guerrero as Deputy Mayor, thereby, we presume, set to succeed Carmen as Mayor upon completion of her tenure. Nicky has a natural amicable character and anyone engaging in conversation with him will soon realise that he is very knowledgeable on a wide range of subjects. Having grown up in a military family, Nicky will need no coaching on procedures and how we do things following the British traditions on formal occasions. As one example of his personal hobbies and pastimes, Nicky has been involved in various productions through participation in amateur dramatics, so that puts him on a great start with Carmen Gomez, our incoming Mayor. Indeed, I suspect they will engage in many private conversations in respect of the entertainment and, more specifically, the acting world.

It is an established tradition that when military units that hold the Freedom of the City of Gibraltar exercise their right to parade through the city with bayonets fixed and colours flying, it is the Mayor who takes the salute on behalf of the citizens of Gibraltar at the Main Street entrance to this prestigious parliamentary building. Those of us who have had the privilege to form part of a contingent marching up Main Street exercising such rights well know that the highlight of the march past is the salute given to the people of Gibraltar, through the Mayor, just outside the Parliament building. Mr Speaker, please allow me to repeat the words I said in Parliament two years ago when we unanimously supported the appointment of Carmen Gomez as Deputy Mayor:

It does not take much imagination to foresee the delight which will be experienced in the future by military personnel when they follow the words of command 'Eyes right' and their eyes immediately feast upon such beauty as that radiated by the delightful Carmen Gomez.

With those words, and before I get into any trouble, I have the privilege and pleasure to once again confirm that the GSD Opposition will be supporting the Government's motion as laid before this House by the Hon. the Chief Minister.

Finally, thank you, once again, Christian Santos, for your service to Gibraltar, and we wish all the best to both Carmen Gomez and Nicky Guerrero for the future in the fulfilment of their mayoral duties.

Mr Speaker: The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, it gives me great pleasure to rise to endorse the motion that is currently before the House: the appointment of Carmen Gomez as Mayor of Gibraltar and the appointment of Nicky Guerrero as Deputy Mayor.

I also clearly endorse and ratify the words of the Hon. the Chief Minister and the Hon. Mr Reyes on behalf of the Opposition in respect of the three persons that have been mentioned today. Clearly, Christian Santos has done an excellent job as Mayor for Gibraltar. He has lived up to all expectations and we really have to take our hats off to him.

I have known Carmen Gomez for many years and equally I am satisfied and absolutely sure that, again, she will rise up to expectations and she will give it her all and be an excellent Mayor for Gibraltar.

I want to say something about Nicky Guerrero, because Nicky was head of department and CEO of the Gibraltar Tourist Board whilst I was Minister for Tourism, and therefore I had a very

close working relationship with him during my time in that particular position. Nicky was always very diligent, very hardworking and always determined to get things right. He was an excellent ambassador for Gibraltar, an excellent head of department. We travelled widely to numerous conferences and meetings. I have seen him engage with many delegates and many participants in meetings and conferences, giving speeches. His knowledge of Gibraltar, of its people, of its product, of its heritage and its history was absolutely second to none. He could spend hours and hours just speaking to people about why Gibraltar was right for them and selling Gibraltar very well indeed. In all the conferences and meetings – he would often prepare notes for me, and briefings – I always had the fullest information possible in order to be able to conduct meetings about every aspect of Gibraltar as a tourism product. The Chief Minister has mentioned the recent appointment following his retirement as director of MedCruise. His involvement with MedCruise goes back many years and that was, no doubt, a recognition of the high regard that Nicky was held in, in the cruising industry generally and in the Mediterranean cruising industry in particular, and it was a very well deserved appointment.

So I have no hesitation whatsoever in voting for the motion today in respect of not just the two candidates, but also endorsing the work that Christian Santos has done for Gibraltar.

Thank you.

Mr Speaker: The Hon. John Cortes.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Thank you, Mr Speaker. I rise as Minister responsible for providing support to the mayoralty, to endorse all the words that have been said here.

Christian and I have kept in very close contact. We have had a formal meeting every other Wednesday morning to discuss how I can support his work or my Ministry can support it. Obviously we have spoken about other things as well, including his work within GAMPAs and the wider performing arts, and together we worked very closely on the restoration of the City Hall, which is ongoing, and as the Chief Minister has said, it has given a new life and a new meaning to the City Hall. Christian did a lot more behind the scenes than people are aware of, supporting particularly young people, and I want to recognise that as well.

I am clearly very much looking forward to the tenure of Carmen Gomez, who will bring her own very special brand to the mayoralty, and obviously very much looking forward to renewing contact with Nicky Guerrero, who I worked with even before I was in this House. As the Hon. Chief Minister has reminded me, we took part in that performance of *Art* with Peter Canessa, Nicky and myself. It was a memorable occasion for us. When you tread the boards with someone, there is a relationship that lasts forever.

Very pleased to endorse all the words that have been said. Thank you, Christian; and congratulations, and looking forward to the work that Carmen and Nicky will bring to their roles.

Mr Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am very grateful to all hon. Members for the words they have shared with us about the current Mayor, the incoming Mayor and the Deputy Mayor. Can I say that it is always a pleasure to see the House move by unanimity, in particular on appointments such as this, because the Mayor, in the end, represents us all and represents all of Gibraltar. None of them have been appointed because of how they look, although of course I would fully endorse the things that have been said by Mr Reyes.

I commend the motion to the House.

Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Order of the Day

BILLS

FIRST AND SECOND READING

Damages (Amendment) Bill 2023 – First Reading approved

225 **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Damages Act 2019. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Services.

230 **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 Damages Act 2019 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Damages (Amendment) Act 2023.

Damages (Amendment) Bill 2023 – 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 for an Act to amend the Damages Act be read a second time.

240 The Bill is based on sections 2, 2A and 2B of the United Kingdom's Damages Act 1996. These sections were introduced in the UK by the Court Act 2003 following a consultation carried out by the Lord Chancellor's department. The results of the consultation were that a clear majority of responses agreed that the courts should have the power to order periodical payments without the consent of the parties in certain circumstances. The majority also supported some form of
245 variation of the periodical payments order. While most damages awards take the form of a lump sum payment, periodical payments are considered a much better and fairer way of compensating those that face long-term loss and care needs. Periodical payments generally have a number of potential advantages over lump sums. Periodical payments should also avoid the need for argument about life expectancy during the litigation, which may be stressful for the claimant.
250 There will be greater security for the claimants, who will be able to plan for the future without the anxiety of the lump sum award.

The Bill amends the Damages Act 2019 by introducing two new sections. The new section 5 would enable a court awarding damages for future pecuniary loss in respect of personal injury in order that the damages are wholly or partly to take the form of periodical payments. It also
255 requires the court to consider whether to make that order. In order to ensure the secure continuity of the payment, we have limited the power to order periodical payments to where the paying party is the Government, the Gibraltar Health Authority or the Care Agency only. To ensure that the real value of periodical payments is preserved over the whole period for which they are payable, section 5 provides that periodical payments orders will be treated as linked in the

260 payments to the Retail Price Index. However, it also provides the courts power to make different provision where the circumstances make it appropriate.

The new section 6 introduced by the Bill provides the Minister with responsibility for justice with the power, by order, to enable a court which has made an order for periodical payments to vary the order in specified circumstances. The ability to vary payments in these limited
265 circumstances is necessary to realise fully the potential benefits of these periodical payments. In the UK, the Damages (Variation of Periodical Payments) Order 2005 sets out the terms under which the court may make a variation order. It is currently only permissible where there is a chance that the claimant will develop some serious disease or suffer some serious deterioration or enjoy some significant improvement in his physical or mental condition. We will be making
270 similar provision in due course.

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 Hon. the Leader of the Opposition.

275

Hon. K Azopardi: Mr Speaker, we will support this Bill, but I ask the hon. Member for some clarification, first of all, as to ... I know we have had a private discussion, but for the record I think it is important to understand why this Bill is being brought. Is there any pending case where this issue has been raised, which has motivated the interest? Or is this of generic interest brought by
280 members of the Bar who have raised this issue with the Government?

In any event, as the Minister has said, this statutory basis to make periodical payments on personal injury cases has been in place in the United Kingdom for some time, so we favour the inclusion of a statutory scheme.

What I will ask perhaps the Minister to look at more precisely, if I may, will be the suggested
285 section 5(3), which presently reads:

A court may not make an order for periodical payments unless the paying party is the Government, the Gibraltar Health Authority or the Care Agency.

As the Minister says, this scheme will allow the courts to consider – it is not mandatory, it gives the power to the court to consider – whether or not to make a periodical payment, so the court has discretion to do so. We understand that the restriction in section 5(3) will make it clear that the court cannot make a periodical payment unless, of course, the paying party is the Government,
290 the Health Authority or the Care Agency. We have to look at the intention behind that section from the perspective, presumably, of the claimant in the personal injury litigation – in other words, the injured party.

The purpose behind this section would be to ensure that there is security for payment, so we understand the rationale of ensuring that if you are not going to order a lump sum and it is going
295 to be periodical – in other words, a staged payment – the court wants to make sure that the injured party is going to receive payment. You are more likely to receive payment when it is the Government, the Health Authority or the Care Agency. That is analogous to a provision in the UK scheme and I have no difficulty with that. The issue that I raised with the Minister to consider is that it is perhaps unduly restrictive, because my understanding of the UK scheme is that it is not
300 simply restricted to the ability to make periodical payments if it is a government or NHS entity, for example, that it is also extended to regulated insurers because a lot of the litigation will involve insurance companies behind parties where rights will have been subrogated. It seems to me that the court could have the comfort that if you do have a regulated insurer standing behind the party, there will be security and a guarantee for those payments, and it may be that the Government
305 wants to, at Committee Stage, consider inserting an amendment to that section that allows that flexibility on the same basis. Subject to that, we will support the Bill.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? I will ask the mover of the Bill to respond.

310

Hon. A J Isola: Mr Speaker, I am grateful to the hon. Members for their support in the passage of this Bill through Parliament.

There are two points that the Hon. the Leader of the Opposition has raised. The first is in respect of why now. The issue has been raised by lawyers acting on behalf of Government, who have advised that a periodical payments order can be made with consent but not otherwise, and consequently it is preferable to give the court the ability, should they deem it fit, to make such an award for the reasons that I have articulated in my opening address, which we believe can be of benefit and of protection to claimants moving forward, where there is security of payment, be it through section 5(3), which we will come to now, limiting this to the GHA, the Government or the Care Agency.

320

In respect of section 5(3), as I have just mentioned, in the event that a claimant wishes to agree to a periodical payment order where it is an insurer that is the defendant, then that can happen. At this stage, on the advice that we have, the risk of an insurer becoming insolvent with a long-term life expectancy of a claimant where a periodical payment is going to be made, the risk does not merit consideration at this stage of considering extending this any further. There could be alternatives where payments into court could be made and the payment is made annually but the amount is secure, a lump sum amount is secure. But the reason for the periodical payments order is because of the variance of that lump sum, and it is the ability of the court to determine on a more frequent basis what the needs of the claimant are at any particular time without going into some of the areas that I have touched on – life expectancy, seriousness, recovery. That is the benefit of this. But if there is a regulated insurer which becomes insolvent – and they do – I think the risk on the claimant is something that we should not at this stage contemplate.

325

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I am very happy, post the passage of this Bill, to engage with the hon. Member and with our legal advisers to determine whether we should give further consideration to that and to leave the matter open pending those discussions, but at this stage I think the safest thing to do for the benefit of claimants before the courts is to limit the risk of the defendants being the GHA, the Government and the Care Agency, where they will have security of those payments.

335

I am obliged, Mr Speaker.

340

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Damages (Amendment) Act 2023.

**Damages (Amendment) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

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.

345

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

**Damages (Amendment) Bill 2023 –
Clauses considered and approved**

350 **Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

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 Damages (Amendment) Bill 2023.

In Committee of the whole House

355 **Clerk:** A Bill for an act to amend the Damages Act 2019. Clauses 1 to 4.

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

360

Mr Chairman: The long title stands part of the Bill.

**Damages (Amendment) Bill 2023 –
Third Reading approved: Bill passed**

Mr Speaker: The Hon. the Chief Minister.

365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Damages (Amendment) Bill 2023 has been considered in Committee and agreed to without amendments. I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Damages (Amendment) Bill 2023 be read a third time and passed. Those in favour of the Damages (Amendment) Bill 2023? (**Members:** Aye.)
370 Those against? Carried.

Standing Order 7(1) suspended to proceed with Questions

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

375 **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

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q378 and 381/2023

**Bishop Fitzgerald and Governor's Meadow Schools –
Camp Bay public toilets –
Supplementary information**

380 **Mr Speaker:** The Hon. John Cortes has some information in relation to two questions that were answered partly. Those were Questions 378 and 381 in respect of questions posed by the Hon. Edwin Reyes and the Hon. Mr Phillips.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Thank you, Mr Speaker. I have some information in relation to those two questions.

385 In relation to Question 378, I was asked about the difference between the £21.2 million figure mentioned in the press release of 13th October 2021 in relation to the new schools, which were the subject of the question, and the fact that I had given a figure of £29.2 million. This was, in fact, also covered in that press release. Part of it reads:

The cost of construction of the schools is estimated at £29.2 million. The Government will therefore be liable to pay the difference between the agreed premium of the plot and the cost of the schools.

So that is on public record and I confirm that is the case.

390 In relation to the other question – unless there are any more questions on that one, Mr Speaker?

Mr Speaker: This was a point of clarifying. We are not going to be allowing supplementaries. We now move to Question 381.

395 **Hon. Prof. J E Cortes:** In relation to Question 381, I was asked about the toilets and how many toilets had been provided. The answer is two gents' toilets plus three urinals and four ladies' toilets, so a total of nine facilities, if you want to call them that.

400 **Mr Speaker:** Would you like to pose a supplementary on that one?

Hon. E J Phillips: Mr Speaker, I do not have a supplementary on that particular question, but I do in relation to Question 382, because obviously what happened was the Minister came to the end of his answer and I have got supplementaries on it. *(Interjection by Hon. Prof. J E Cortes)* Yes, that is fine.

405 **Mr Speaker:** Right, okay.

Q382 and Q385-88/2023
Planning permission granted by DPC – Abandoned and neglected buildings –
Regeneration of Old Town – Social Security building –
Conservation and enhancement of heritage –
Supplementary questions

Mr Speaker: We left it yesterday where the Minister had answered a number of grouped-together questions ranging from, I think, Question 382 to Question 388. What is required now is if any Members have any supplementaries.

Hon. E J Phillips: Two – hopefully – supplementaries on Question 382. Just a question in relation to the cycle lane provision that he had referred to insofar as the environmental planning gain that we are able to get from selling plots of our land and developers developing for the benefit of their commercial gains. I just wonder, because the Active Travel Strategy that is being deployed by the Government, and which we have been shown and the public have now had an opportunity to see, has a very well-defined cycle pathway, if I can characterise it as that, how does that plan –? The Minister might be able to liaise with the other Minister in relation to this point, but I would have thought that the planning process that allows for provision of cycle lanes has to in some way ... There must be some interplay between that and the Active Travel Strategy. I just want to know how that works, because clearly in cases where the Minister for Transport set out the Government's policy in respect of cycle lanes ... How does this work insofar as development and planning is concerned?

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Minister for Transport and I, and in fact my colleagues the Hon. Mr Linares and the Deputy Chief Minister – the four of us are the ones who tend to sit at the DPC – are in close communication at all times. There is a regular and increasing request by the DPC for the provision of cycle lanes, which obviously would need to have an input from the Ministry of Transport as to their deployment and so on.

I can give an active example, which is the two new schools on Europort Queensway, where we have worked together to improve and amend the designs in order to include the provision of a cycle lane. That is the way that we work together. I do not know whether my hon. Friend wants to add any more, but I think that summarises an example where it is working.

Minister for Transport (Hon. P J Balban): Mr Speaker, if I can be of assistance as well, what normally happens is, as you rightly say, the Travel Strategy Cycling Strategy has its well-defined routes, so we will make sure, if there are any developments in the future, that these developments respect these routes that are being planned, so we do not have a situation whereby perhaps there is an error made and maybe the footprint is different, which then does not allow the bicycling to take place. So it is the liaison between us in all developments to ensure that what we want to do together as a Government is seen through.

As the Minister has rightly said, when it comes to the school, the schools and certain buildings have certain needs and we have to fine tune the needs of both the building – in this case the school – and the need to provide that infrastructure which is important for us to succeed in our aims. So there is a bit of tweaking on occasion to make sure that we can marry both concepts, and that could mean slight deviations on the widths of certain features like bicycle lanes or the positioning of trees, just to make sure that everything is working together and that we can all achieve our targets at the same time.

Hon. E J Phillips: I am grateful for that answer because on the face of what we have just exchanged there is, on the one hand, a well-defined, as he has confirmed, Active Travel Strategy that has cycle lanes that the public will now be shown and have seen, cycle lanes that will direct

455 traffic around certain areas of Gibraltar, but clearly there is going to be further development in
Gibraltar, and if there is planning gain in respect of building new cycle lanes and the obligation is
on the developer to build it, it has to fit within the Transport Strategy that you have announced.
Therefore, I think what I am trying to suggest here is that that plan, by its very nature and given
the imposition potentially of planning issues, may well have to be more flexible than originally
envisaged by the Hon. Minister.

460 **Hon. P J Balban:** Mr Speaker, that was the whole reason why this plan went to the DPC. It went
to the DPC so that the members of the DPC could see what we were doing. The intention is that
that document will sit within the DPC, so any future developments and developers will be able to
see that plan, see what we want to do collectively as a Government, and then ensure that these
465 targets are met. This is why we have worked in that way.

Hon. E J Phillips: I have one question that relates to the Minister for the Environment. Just in
relation to additional public benefits, towards the end of his answer he referred to the additional
public benefits of the planning process related to avoiding or minimising overlooking other
470 properties' encroachment into public spaces. I thought, with respect, that was quite a limited view
of planning gain.

My understanding of planning gain is that when a government or a nation sells to a developer
a plot of land, the price of that is not only the value of the land attributed it by the Government,
but it also should be the value of a contribution by that developer to society more generally – i.e.
475 building parks or building schools, generally speaking in other countries, and the United Kingdom
is a prime example of how that works. There was no reference in his answer to, over the last
12 years, what actual substantive planning gain we have obtained from development and whether
the Government's policy moving forward ...

I think my question to him now is are we going to place more planning obligations on
480 developers in the future so that they can create much more of a gain for our wider community? I
know they have made recent announcements about other developments and how green space
is ... but that does not appear in the answer to his question where he referred to additional public
benefits. I wonder whether he could comment on that, because I think that is an important part
of the planning process, given that most countries allow for very significant planning gain to
485 communities and societies.

Hon. Prof. J E Cortes: Mr Speaker, there are direct ways in which developers can and do do
that. Increasingly, for example, we are asking developers of new developments to provide cultural
space, to provide green areas at their cost within their complex.

490 I think we must also remember that the premiums go into government funds and therefore
this is perhaps a less direct way, but those government funds are then used by the Government
as part of its programme. I think another indirect way, for example, is the recent donation by the
TN Group towards the building of the whole of Campion Park. Clearly these are specific examples
and there have been one or two other instances – I cannot remember the details – where there
495 has actually been an allocated cash sum for environmental improvements elsewhere. So I think
the concept is there.

I would not hesitate in saying that I would encourage other developers to do even more – I
think it adds value to their product and it adds value to the community – but I think that we are
doing a lot of this. Perhaps it is not evident, perhaps it is not in your face, but certainly a lot of
500 work goes on behind the scenes when we are talking to developers in order to achieve what the
hon. Member rightly says is planning gain.

Mr Speaker: Does the Hon. Damon Bossino wish to pose supplementaries regarding his
505 questions?

Hon. D J Bossino: Yes, Mr Speaker, I think there were three which the hon. Member bunched up together, and he provided a lot of information. I do not think the tactic worked for him because I have then been given almost 48 hours' grace to analyse his answers with some time available.

510 In relation to Question 385 – the question was very specific – I asked him which new incentives would be provided for the repair and reuse of abandoned and neglected buildings. Does he not agree with me that the sum total of his answer is that there are no new incentives? He talks about historical things. For goodness' sake, he talks about notices for improvement, which is something which presumably happens as a matter of law and I would not necessarily consider it to be an incentive. Does he not agree with me that the answer should actually be none; there are not any
515 new incentives?

Hon. Prof. J E Cortes: Mr Speaker, I would first like to correct the hon. Member to say these are not tactics. I group together the questions that I think flow into each other and talk to each other and are relevant to each other. A tactic cannot have failed if it was not a tactic in the first
520 place. If he needed 48 hours in order to give me that kind of question, then clearly something is wrong with him and not with me. (*Interjection*)

Mr Speaker, the question is answered by the first sentence, an ongoing discussion which relates very closely to the new heritage vision which we published on World Heritage Day – the day when I think I commented that I did not really care about his particular view of me as to my
525 heritage achievements because other people really did appreciate them; I think it was that day – and it is in that context that we develop this vision, that we are looking at other possible incentives to stakeholders.

Hon. D J Bossino: Mr Speaker, there is absolutely nothing wrong with me and I am surprised
530 that he should have made such a comment. (*Interjection*) But anyway, given that '*el da igual*' what I think about him, well, equally it is the same feeling. The feeling is mutual.

Mr Speaker, he has waffled once again, as he tends to do. He waffles once again and does not provide a precise answer to the question. The reality is that there are not any new incentives.

535 Can I ask him this: does he not think that the Government could be – and I would hasten to add is not, and it is shameful that it is not – leading by example in relation to Road to the Lines and refurbishing its own buildings there? At least that would provide some form of incentive for those who are private dwelling owners in that particular area of Gibraltar.

Hon. Prof. J E Cortes: Mr Speaker, I think the hon. Member will be aware that that area has
540 gone out on expressions of interest and I believe that there are active discussions in order to refurbish it. (*Interjection*) Yes. So that area is covered and this is in the public domain.

I think that the hon. Member has not listened to the rest of the question, even though he had 48 hours to look over it online, and questions that I have answered previously in regard to other initiatives that we have had for urban renewal and which have inspired private developers to do
545 the same. We have an increasing number of private developers coming up with urban renewal schemes in the Old Town. Some are liked by the DPC and some are not, and they are stopped because they are inappropriate. They have done that quite successfully recently.

550 So I am absolutely satisfied that we do lead by example, and I think that if he were to talk to developers, to contractors, to architects, he will be aware quite how things have changed in the last few years because our example and our sticking to our principles that we have to maintain the heritage value of our built-up areas has got across to developers, to architects, and they are already working hard to meet these objectives. One example is Fortress House, which is going to be developed as a cultural and educational centre, and that comes from a private developer. Toc H is another one that is now being developed by a private developer sensitive to its heritage need,
555 and the old police station is another one, the Old Guard, the City Hall, which the Government, working together with His Worship the Mayor and his team, are developing and improving as a

heritage asset. The evidence is out there for all to see, so I do not think I need to add anything to that.

560 **Hon. D J Bossino:** Mr Speaker, I do not think we are going to get very far with the hon Member.

I move on to Question 386, where again a very specific question was posed. I asked him what progress has been made on the regeneration of the Old Town since the beautification of Castle Steps and Governor's Parade, and once again the hon. Member comes up with a very wordy response which actually does not answer the question as it was posed. I would venture to add and
565 tell him and offer to him that the answer again should have been that there has been little to no progress. For goodness' sake, he uses Governor's Parade as an example. He uses as an example to support his case the Moorish Castle, which is in a disastrous state, as evidence will show. And then he talks about proposing improvements into the future. The reality is that our record in office, when we did Main Street, Casemates, Castle Steps and Governor's Parade, pales into
570 insignificance as far as what the ... Sorry, *their* record pales into insignificance compared to what we did. There is absolutely no regeneration.

So can I ask him by way of specific question which improvements is he proposing in relation to the Landport tunnel area, has anything been filed with the DPC, and has the Heritage Trust been consulted in relation to those supposed improvements of the Landport tunnel area?

575 **Hon. Prof. J E Cortes:** Mr Speaker, I am clearly not getting through because my answer to the last supplementary actually answers this supplementary as well.

I will add another comment, and this is in relation to their record. At that time, the energy that there is now in the private sector for urban renewal did not exist and that has been generated and inspired by our administration. In relation to Governor's Parade, I use as an example ... In relation
580 to the Moorish Castle, we restored the Tower of Homage last year and we have plans, as I have said before and we have published, for the old prison area and plans are advancing and will be published soon. In relation to the Landport tunnel, that is a project that is led by my hon. Friend the Minister for Tourism, for which there is, I believe, going to be provision in the forthcoming estimates.
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And need I just mention two words if he has the audacity to refer to the heritage significance of the previous administration: Rosia Tanks, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that was a predictable answer on behalf of the hon. Member.
590 Can I ask him specifically whether in the diatribe that he has just offered to us –?

Mr Speaker: I think, with due respect to the hon. Member, that is not necessary to say.

Hon. D J Bossino: Mr Speaker, I withdraw it, if the Chair wants me to do so, and I withdraw it without any hesitation.
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Did he mention in his rather lengthy reply any improvements in relation to the Moorish Castle? He talks about, in his answer, Gatehouse and the former prison, because I daresay that is certainly in need of refurbishment badly and as soon as possible.

600 **Hon. Prof. J E Cortes:** Mr Speaker, yes, the Gatehouse is due to be refurbished. We did the Almond Tower a couple of years ago; and the Tower of Homage, we did a lot of work on that last year, removing vegetation and so on. The old prison we have earmarked, and this has been stated publicly, for the setting up of studios for the artistic community, which is something that will bring new life to that area.

605 I think we need to remember many of the other projects that we are either directly involved in or supporting: the Road to the Lines tender; the work on the Northern Defences – more work has been done in the last few years than ever before; Toc H I have mentioned already; the old police station; the Tangier View area; the conversion of St Bernard's Hospital into two functioning

610 schools; St Mary's School, which is just a little bit up the road; the police barracks, another private development which responded to our initiative for urban renewal. I could go into a whole longer list, but then he is going to tell me that I am going on for too long, so as a courtesy to him I will stop there.

615 **Hon. D J Bossino:** Mr Speaker, a long list is his style, but then he lives in a parallel universe. I have seen this time and time again. He produces reports. Maybe it is born from his time in academia, but there is very little in terms of substantive evidence, I need to tell him. We have a diametrically opposite view to what he says. I am sorry. He may not accept it. Clearly we are not getting through to each other for the wider benefits of this place.

620 Can I ask him a specific question on the list that he has just offered this House – in relation to the earmarking of the Moorish Castle Prison, when that project is going to be? He says it is earmarked for development – when that is going to actually happen? He refers to Road to the Lines as something positive for the Government, as something that he can attribute to his Government's progress in relation to this area, but nothing has happened in the last 12 years. Nothing has happened, so what is stalling that particular project after the 12 long years that they
625 have been in office? I ask him specifically in relation to Moorish Castle Prison.

Hon. Prof. J E Cortes: Mr Speaker, the hon. Member clearly does not recall that we have been through a pandemic, he does not recall that a lot of our manifesto commitments had to be put on hold because we spent the money on keeping the community going, and he does not even seem
630 to acknowledge that that is relevant. That is very convenient, but it is not terribly responsible. So I will just mention that the cultural centres in the old Moorish Castle Prison are in the process of being designed and we will have some plans published soon.

In the hon. Member's questioning my existing in a parallel universe, I do not disagree. It is parallel, all right, but I think mine is the right one. He is somewhere in the multiverse with these
635 fantastical Marvel characters, but I have my feet on the ground. I have got the Heritage and Antiquities Act through Parliament. I have got the Heritage and Antiquities Council working closely with me in ways that it has never worked before. I am working together with the Heritage Trust and other heritage stakeholders. Perhaps I should end by asking a question, although I know I am not allowed to ask a question, so I will make it rhetorical: how many heritage awards has the hon.
640 Member received?

Hon. D J Bossino: Mr Speaker, the hon. Member not only lives in a parallel universe –

Mr Speaker: Please resume your seat.

645 I am just going to recall a ruling made by my predecessor, which I need to read out – and I am not stopping the gentleman from asking the question. It says here:

should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper.

What I am asking the hon. Member is to be more concise, reduce the preamble and let's ask the question.

650 **Hon. D J Bossino:** Mr Speaker, the reality is that – if I may, and with your permission – the answers are also littered with preambles before the substantive answer is provided. Therefore, if there is going to be an equality of arms in relation to the treatment of the questioner, the same should apply to the person who is responding to the questions. If not, we ask the question, we abide by, quite properly, the Speaker's ruling, but then hon. Members opposite ... The other day,
655 when my friend Mr Phillips asked a question of the Minister for Transport, he gave an answer

which took about half an hour, if I recall. Maybe I am exaggerating, but it felt that way. And the Hon. the Chief Minister is somebody who fails in that department more often than not.

660 **Mr Speaker:** The hon. Member is again questioning my judgement and I do not propose to take this up. I am just going to ask you to reduce your preambles to a reasonable size, and I am sure there will be a reciprocal response along those lines by the Hon. Mr Cortes.

665 **Hon. D J Bossino:** Mr Speaker, the hon. Member ... it is he who is living in a parallel universe, I need to tell him, and I also need to tell him that his ego is almost bigger than himself. He is talking about, in the first person –

670 **Mr Speaker:** Please resume your seat. I am not explaining myself clearly, but what I am asking you to do is to set aside the preambles. I know the reason why you are saying these things, but isn't it better to get down to the nitty gritty, hold the Government to account? Ask the question, so we can move on at a faster pace.

675 **Hon. D J Bossino:** Mr Speaker, you asked a question. If you wish my opinion, I have an opinion and I am more than willing to express it, but I will follow your ruling to the T and I will ask the question with no preambles whatsoever and let's see how this political Chamber develops in that regard.

In relation to Question 388, which was, to remind those who are listening, in what way will Government provide financial support to projects in order to conserve and enhance heritage, again, Mr Speaker, if I may say, the answer provided, which is a lengthy answer, talks about a budget being allocated every year to restore heritage etc., but I do not identify here any new initiative in this area. To assist him – and he will recognise the wording – the reason why I raised two of the questions that he has answered is because it is referred to in the policy paper which he said that he produced on World Heritage Day, which I have read diligently, and he makes a reference to these two things. In this particular case, it is the provision of financial support and I have an interest to see what it is exactly that the hon. Member and the Government will be doing in this regard.

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Hon. Prof. J E Cortes: Mr Speaker, this is our heritage vision and this is a document that went out for public consultation. The term expired – I think it was last week. The Government Archaeologist is now going through in order to make any amendments that need to be made before it becomes a formal government document, an agreed policy statement, and that has a number of aims. It is a vision. The hon. Member might struggle with the concept of vision, but it is a vision, which means it is a name and it has to be filled and it has to be dealt with in a parallel way by providing a management plan which will speak to that vision, and therefore this is work in progress.

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Hon. D J Bossino: Mr Speaker, just to clarify, is he saying that, in effect, the Government does not have any new funds, new financial, specific, substantive initiatives in relation to this area; it is simply an aim which the Government has?

700 **Hon. Prof. J E Cortes:** Mr Speaker, if we did not have an aim, we would be criticised for not having an aim. We have an aim and the aim is an ambitious one. It is the most ambitious heritage statement that any Government of Gibraltar has ever made, and that is an important point. Of course there will be funds attributed to it, and we have an Estimates Book that we are going to be discussing in a matter of weeks, where there will be provision made, and as the vision is developed we will have to make other provision. But I cannot tell him now exactly where this will lead.

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Hon. D J Bossino: Mr Speaker, one final question. Is any new provision being made than has been made in past Budget books?

710 **Hon. Prof. J E Cortes:** Mr Speaker, we will see when we discuss the Estimates.

Mr Speaker: Next question.

Q383/2023

**Unregistered dogs –
Number of checks and fines issued**

Clerk: Question 383/2023. The Hon. D A Feetham.

715 **Hon. D A Feetham:** How many checks for unregistered dogs have been made since 1st January 2023 and how many fines have been issued?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

720 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the environmental protection officers from the Environmental Protection and Research Unit have been carrying out dog licence awareness patrols at least five times a week this year. The Environmental Agency has checked 65 dogs in 2023 and issued three fines for no registration or for failing to have an up-to-date licence.

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Mr Speaker: Next question.

Q384/2023

**Fishing with nets in BGTW –
Enforcement of laws**

Clerk: Question 384/2023. The Hon. D A Feetham.

730 **Hon. D A Feetham:** Mr Speaker, what is the Government doing to enforce the laws it introduced on fishing with nets in British Gibraltar Territorial Waters?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

735 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Environmental Protection and Research Unit of the Department of the Environment is tasked with challenging fishing activities that break our laws. Where these challenges are resisted, the unit reports the relevant individuals for process and these cases are subsequently heard in court.

740 **Hon. D A Feetham:** Mr Speaker, does he accept the criticism that he in particular but the Government in general is guilty of huge hypocrisy in having persuaded the people of Gibraltar to elect them in 2011 with the slogan *Aquí no se pesca*, where now Spanish fishermen are coming into Gibraltar territorial waters, so to speak, *como Mateo por su casa*?

745 **Hon. Prof. J E Cortes:** Mr Speaker, no, sir.

Hon. D A Feetham: Does the Minister feel satisfied with the current state of affairs, with Spanish fishermen coming into Gibraltar territorial waters, as I was corrected by the Chief Minister, *como Mateo por su casa?* (*Interjections*)

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Hon. Prof. J E Cortes: Mr Speaker, there have been difficulties in the ability of the unit to be able to be out at sea due to technical reasons. I am informed that these are now resolved and therefore their activity will increase, and that I think will be reflected in a decrease in illegal activity.

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Hon. D A Feetham: Mr Speaker, have those technical difficulties been present over the last 12 years?

Hon. Prof. J E Cortes: Mr Speaker, no, sir.

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Hon. D A Feetham: Mr Speaker, when did those technical difficulties first start?

Hon. Prof. J E Cortes: Mr Speaker, without going into too many details, they have been in relation to our vessels and I think it is a few months, but I think that we are now at the point of resolving them.

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Hon. D A Feetham: Mr Speaker, what was the difficulty in enforcing our laws in British Gibraltar Territorial Waters prior to those technical difficulties that arose a few months ago?

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Chief Minister (Hon. F R Picardo): Well, the first one, Mr Speaker, was something called the Fishing Agreement that was done by the former administration and which required that the law of Gibraltar not be enforced by the law enforcement agencies of Gibraltar, something which we were accused by the hon. Gentleman, when he thought it was popular to accuse us of that, of having torn up. But once we, to use his words, tore it up and started to enforce the laws of Gibraltar, the hon. Gentleman will remember that the Spanish foreign minister used to call me every name under the sun, the Spanish fishermen were on Spanish television accusing us of denying them their livelihood and the Mayor of Algeciras famously boarded *El Tragenia* and in the centre of the bay was almost arrested by the former, former, former Commissioner of Police.

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So we have done a lot to start the process of reinforcing the laws of Gibraltar after the disgraceful Fishing Agreement entered into by the GSD was finally properly undone by us, given that it flew in the face of the rule of law. Recently we have had a problem with some of the engines of our vessels and we could not do the job as we had been doing it, but we shall very much look forward to continuing to do it with the vigour necessary to ensure that the laws of Gibraltar are respected and enforced in the proper way insofar as enforcement relates to us, because this is a matter which is in the hands of the Ministry of the Environment. But I do, obviously, recall that he was a member of the Government that pursued the Fishing Agreement.

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Hon. D A Feetham: Mr Speaker, may I ask now the Minister to answer the supplementary question that I asked of him, which was, for the record, what was the difficulty, prior to these technical difficulties arising a few months ago, of enforcing our laws in British Gibraltar territorial waters?

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Hon. Chief Minister: Mr Speaker, the Government decides who answers questions, and indeed the Chief Minister recommends to the Governor who should be appointed to each portfolio. He should remember that. I have given him a full answer to the question that he asked. If he has not

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worked it out, he might want to carefully consider what I have said. I refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q389/2023
Former HMS Rooke site –
Plans to expose dock

800 **Clerk:** Question 389/2023. The Hon. D J Bossino.

Hon. D J Bossino: Are there any plans to expose the dock at the former *HMS Rooke* site?

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, yes, sir. This is subject to the planning process at present. However, the Government as landlord has insisted that the dock be exposed as part of the project, given its heritage value.

Q390/2023
Campion Park –
Contract details re running and maintenance

810 **Clerk:** Question 390/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the duration and cost of the contract for the running and maintenance of Campion Park?

815 **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, with your permission, I am going to check the duration because it was in a previous version of my answer, but that had to be divided into two because a related question by the Hon. Marlene Hassan Nahon is now a written question and I think in the text it has been removed. So I will research the date of termination of that contract and I will give the answer later, with your permission, because it is not in my script here, but I have that information in a file.
In relation to the cost for running and maintenance, this is £130,063 per annum.

825 **Hon. D J Bossino:** Which company is the beneficiary of that contract with the Government?

Hon. Prof. J E Cortes: The company is Wildlife Gibraltar, the same people who run the Botanic Gardens.

830 **Hon. D J Bossino:** Was that contract awarded by way of tender, or was it by way of direct appointment?

Hon. Prof. J E Cortes: Mr Speaker, that was an extension of the Commonwealth Park contract, which was a tender.

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Hon. D J Bossino: Mr Speaker, is the hon. Member telling me that when the tender in relation to the Commonwealth Park was given out, it included the Campion Park, which as I understand at the time did not even exist?

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Hon. Prof. J E Cortes: No, Mr Speaker, what I am saying is it was an extension to that contract because it was an area which was not significantly larger than Commonwealth Park and the Department of the Environment considered that the easiest and quickest way and the best way of dealing with it was by including that as part of the contract.

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Hon. D J Bossino: Mr Speaker, will he not agree with me that the sum total interpretation of what he has just said is that in effect the running of the Campion Park contract has been effected by way of direct allocation and not by tender?

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Hon. Prof. J E Cortes: No, Mr Speaker, because all the conditions of the tender for Commonwealth Park would have been identical for Campion Park and therefore it was an extension to that contract.

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Hon. D J Bossino: Mr Speaker, does he not appreciate that this is a completely different project, it is a completely different park and indeed somebody else could very easily have applied for and been successful in the obtaining of that particular contract, which is actually quite valuable?

Hon. Prof. J E Cortes: No, Mr Speaker, I do not agree.

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Hon. D J Bossino: Mr Speaker, does he not feel that he has a conflict of interest, given that somebody who is very closely connected to him by way of marriage is a shareholder in Wildlife Gibraltar Ltd? And can he confirm to this House that he has not participated in any way in terms of the decision-making process in relation to that particular direct allocation?

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Hon. Prof. J E Cortes: Mr Speaker, I have no conflict of interest whatsoever, and I will explain that, and I have not participated in this decision. This decision has been purely an administrative one by the team at the Department of the Environment. I make it very clear that I do not participate in this kind of decision.

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I must add, as he has raised a personal issue, that that member of my family has not and has never taken a penny as director's fees or any other payment. It is purely a voluntary role and there is no financial interest whatsoever. If he wants to carry out any kind of investigation, I would be very happy to share my bank accounts, because there is absolutely no benefit whatsoever to that particular person.

Mr Speaker: Next question.

Q391-94/2023

Construction rubble –

Where depositing permitted; plans for removal from old incinerator site and whose responsibility, and from area west of Catalan Bay

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Clerk: Question 391/2023. The Hon. D J Bossino.

Hon. D J Bossino: Where is construction rubble currently being allowed to be deposited?

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 392 to 394.

Clerk: Question 392/2023. The Hon. D J Bossino.

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Hon. D J Bossino: What plans are there to remove the rubble piled up at the old incinerator site by Europa Point?

Clerk: Question 393/2023. The Hon. D J Bossino.

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Hon. D J Bossino: Which company or other entity is responsible for the rubble piled at the old incinerator site by Europa Point?

Clerk: Question 394/2023. The Hon. D J Bossino.

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Hon. D J Bossino: What plans are there to remove the rubble pile by the rock face to the west of Catalan Bay?

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 that right now, but I think that I would assist the hon. Member if I gave a breakdown in what the £130,000 cost comes to: £77,639 is for the pay of the staff active on the ground; £25,000 is for costs including materials, plants, lawnmowers, repairs etc; £17,900 is for water and electricity; £8,500 is given to another entity for the lifts contract; and £1,024 pays for the telephone which is connected to the lift. So there is absolutely no spare money there for anybody to take, and I must repeat that the implication is totally unacceptable and I will take this matter further.

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In relation to Question 391, at the moment, construction rubble from large developments can be taken to either the MedMarine site located at Coaling Island or the site to the east of Catalan Bay, which is run by Monteverde and Sons Ltd, although since writing this, that is going to be varied.

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In answer to Question 392, this accumulation will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option is the one for which contingency plans exist, which would be the Coaling Island reclamation.

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In answer to Question 393, the accumulated rubble at this site can be assigned in two parts. The larger part has been placed there by Monteverde and Sons and the smaller relates to accumulations of rubble from small contractors doing household alterations. This comes under the site managed by Gibraltar General Support Services Ltd.

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In answer to Question 394, all these accumulations will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option, and the one for which contingency plans exist, would be the Coaling Island reclamation.

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Hon. D J Bossino: Mr Speaker, may I ask a question, given that the hon. Member has provided further information in respect of the previous question I had in relation to Campion Park? I am grateful, Mr Speaker.

He talks about, I think, a figure in the region of £77,000 in respect of staff costs. May I ask how many members of staff are employed by Wildlife Gibraltar Ltd in relation particularly to Campion Park?

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Hon. Prof. J E Cortes: He may indeed, Mr Speaker, but I do not have that information available.

Hon. D J Bossino: Presumably, Mr Speaker, that is a question that I may ask at the next meeting of the House.

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Mr Speaker: Unless the hon. Member wants to provide the information in writing.

Hon. Prof. J E Cortes: I would be very happy to, but the hon. Member will realise that –

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Mr Speaker: It depends on the hon. Member, whether he wishes to take that up or he wishes to pose a new question.

Hon. Prof. J E Cortes: Okay.

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Hon. D J Bossino: Mr Speaker, in relation to the rubble issues, may I ask ...? I may not have caught the answer to the first question I posed, which is where can rubble be deposited. The reason why I ask him is because ... and this is not people who are involved in the construction industry, this is people who are doing domestic refurbishments in their own homes and are finding it difficult, I am told. The question is where rubble can be deposited. It is no longer being deposited at the Eastside, and I am told that there is an issue with transporting rubble into Spain. So maybe if he could provide some further information in relation to that point.

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Hon. Prof. J E Cortes: Mr Speaker, the small household rubble is part of what I answered in relation to Question 393, which is the site near the old incinerator site managed by what is normally called Community Projects – it is Gibraltar General Support Services Ltd, and they are the ones who receive small amounts of domestic rubble.

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Hon. D J Bossino: Sorry I did not quite catch the answer; I am grateful to the hon. Member for clarifying that position.

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He talks about TFS. I do not understand the jargon, and I am sure that many people listening to this ... For the purpose of *Hansard*, if he could explain what the acronym stands for – but that is just a minor detail.

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Can I also ask him how does that work? The reason why I am asking this is because he says that depending on how the TFS works or what conclusions are arrived at in relation to that, they will then go on to contingency plans, and he referred in that context to the Coaling Island, which the Hon. the Chief Minister alluded to during the course of the exchanges that we had yesterday.

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Hon. Prof. J E Cortes: Mr Speaker, the TFSs are the the waste transfer permits which allow the transfer of waste across the border. There has been, since Brexit, a delay in these being processed. We experienced a similar delay, I think it was at the beginning of last year, when there was a delay in moving the rubbish out and we had to stockpile it for a while until that was clear. It is a similar situation now in relation to rubble.

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Hon. D J Bossino: Mr Speaker, the sum total of that is that it is as a result of Brexit that we have ... Can I put it in these terms, that it is as a result of Brexit that we have these accumulations in the two sites that I mentioned? And in fact, just by way of correction on my part, I think I mentioned to the west side of Catalan Bay; it should have been actually ... No, it was to the west side. I think the hon. Member mentioned two to the east side, but I just want to make sure that

980 we are talking about the same location. This is opposite where the old Mamela restaurant used to be, by the garages.

Hon. Prof. J E Cortes: Yes, we are talking about the same location.

985 In relation to the delay, whether it is due to Brexit or not, the system changed after Brexit. It used to be a system which was governed by other conventions and dealt with by the Junta de Andalucía in Seville. It is now dealt with in Madrid. It is a different process and therefore it tends to take longer.

990 **Hon. D J Bossino:** Mr Speaker, in terms of the commercial arrangements, how does it work? As I understand it, he mentioned a company – I think it is Monteverde and Sons – who are holders of these two rubble plots. They will charge their clients for the retention of their rubble. I understand it is £50 a tonne. What happens? Does the Government charge anything in relation to that? Once the rubble is moved from those sites, does the Government retrieve any of that money? And if not, it would seem to me that that particular company is being given preferential treatment to others in this area.

995 **Hon. Prof. J E Cortes:** Mr Speaker, there are two companies active – these are Monteverde and Sons and MedMarine – and they happen to be the ones who have the most recent permits for exportation. If another company comes across with a permit for exportation, they will also be able to do it. This is purely a commercial arrangement.

1000 I think the charge is £45 a tonne, not £50, and this is a charge for them to dispose of. This was set up when they were exporting it across the border. At the moment they are stockpiling it, but it is still their responsibility to move it across. If it were found that they cannot move it across and the Government had to provide another location for them, such as Coaling Island, then we would have to look at the commercial implications of that.

1005 **Hon. D J Bossino:** Can I also ask him whether the Catalan Bay area was originally not granted to Monteverde and Sons on the basis that it was not appropriate for that type of activity – in other words, the accumulation of rubble? If that is the case, why was there a change of heart from the Government side?

1010 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot recall that. I would need to check. I know they have been using it for some time.

1015 **Hon. D J Bossino:** Would it assist him if I asked him, Mr Speaker, whether that was a secondary site – in other words, that the primary site was by the old incinerator and this was a secondary site? It would seem to me from the information that I have that that was because they simply could not accumulate any more on the old incinerator site, so the Government had to change its position in relation to the licensing of that particular activity in the Catalan Bay area.

1020 **Hon. Prof. J E Cortes:** The Hon. Deputy Chief Minister has reminded me that ... I think, subject to confirmation, it was the other way round, that they started at the Catalan Bay – because they own that site, it is their site – and then they were moved to the other side.

1025 **Deputy Chief Minister (Hon. Dr J J Garcia):** When the Eastside closed.

Hon. Prof. J E Cortes: That is right, yes.

Hon. D J Bossino: Mr Speaker, just by way of clarification, I am not talking about title or ownership, I am talking about what they were licensed and able to do. They may have owned the

1030 Catalan Bay site, but they were not licensed and therefore not allowed to pile rubbish. But then the Government had a change of heart, and I just wanted to explore that a bit further.

Hon. Prof. J E Cortes: Mr Speaker, as I said, I need to check the facts. This is something that I do not have at the moment.

1035 **Hon. D J Bossino:** Mr Speaker, in relation to the same point earlier, I thought it does arise naturally from the questions that I posed, but I am more than willing to pose the question I am posing now expressly on the Order Paper.

1040 **Mr Speaker:** Next question.

Q395/2023
Heritage and Antiquities Advisory Council –
Submission of annual reports

Clerk: Question 395/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the Heritage and Antiquities Advisory Council submit its annual reports pursuant to the Heritage and Antiquities Act?

1045 **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 the hon. Member is aware, the annual reports for 2018-19, 2020, 2021 and 2022 have been laid before this House at this session.

1050 **Hon. D J Bossino:** Mr Speaker, the obvious question arising from that is that the reports, which are a statutory obligation under the Act referred to in the question, were not filed until the question was posed. Can I ask the hon. Member what the reason for the delay was and how it is possible that they very quickly were able to produce, I think, three or four years' worth of reports?

1060 **Hon. Prof. J E Cortes:** Mr Speaker, because the reports have been compiled, the reports were ready. There had been a change in the administration at the very small Heritage Department, but the reports were ready for publication. They had been available for a while. It was the intention to publish them, and coincidentally we got a question, but the reports were ready. If they had not been ready, it would have taken much longer.

1065 **Hon. D J Bossino:** Mr Speaker, can he please state why it is that the laying of the reports took so long? If they were prepared, why did it take so long? Is he saying that the reason was because there was a slight change in terms of the HR position in the relevant department?

1070 **Hon. Prof. J E Cortes:** No, Mr Speaker. There had been a change, but this is a bit of time ago. The person who was preparing the report retired. Somebody else had to take it over. The reports were ready. We had them up to 2021. I wanted to have them up to 2022 so we could get them all done together. The 2018-19 reports clearly were combined because the Act was passed during the course of 2018 and therefore there was no point in having a separate one. It seemed to be quite neat to publish them all together, being the first time these reports have been published, a requirement which we introduced in our Act, in fact, after consultation with the Opposition, and we have now met our obligations.

1075 **Hon. D J Bossino:** Mr Speaker, in relation to the reports themselves, is the hon. Member satisfied as to what has been produced? Certainly from a review on my part, I would have expected a lot more by way of management plans, by way of initiatives and that type of thing. It seems pretty skimpy stuff. Is he satisfied with the level of detail in these reports?

1080 **Hon. Prof. J E Cortes:** Mr Speaker, I think it is for the Heritage and Antiquities Advisory Committee to decide what it includes in its report. I think the implication now from the hon. Member accusing me of not caring about heritage is extending to the members of the Council, which includes the Gibraltar Heritage Trust, the Ministry for Heritage, the Ornithological and Natural History Society, the National Museum and the Gibraltar Archives. They have been working
1085 very hard and very conscientiously. They have been dealing with things effectively and efficiently. It does not need a huge report to summarise their activity. I am very satisfied not only with the report but with the excellent work that these people do, many of them volunteers, in order to spearhead and improve what we do for heritage in Gibraltar.

1090 **Mr Speaker:** Final supplementary.

Hon. D J Bossino: Mr Speaker, the Council, under Schedule 1 of the Act, refers to the Minister being a member of it, and he is the Chairperson, so he must accept that responsibility.

1095 Can I ask him why it is that in the last report, for example, when he talks in points 11 to 20 about the projects and improvements which they are currently working on, no mention whatsoever is made about the Parson's Lodge recent announcement?

Hon. Prof. J E Cortes: Mr Speaker, I am not abdicating responsibility, I am just being inclusive in mentioning that these other members are key members of this Council and, although I chair, they are just as important in contributing, if not more important than I am. I do not have the ego
1100 that he clearly has, because he tries to see it mirrored in him.

Mr Speaker, the development of –

Mr Speaker: That, too, was unnecessary, I have to point out.
1105

Hon. Prof. J E Cortes: I withdraw that unreservedly, Mr Speaker.

The recently announced Parson's Lodge development is a development that has been carried out and was in discussion directly with the Gibraltar National Museum and therefore had not featured in the meetings – which only go up to the end of 2022 – which are covered in the reports
1110 that are published. There are other things that go on behind the scenes in offices, in departments, that the hon. Member may not be aware of, but that does not mean they are not happening.

Mr Speaker: Next question.

Q396-399/2023

Knightsfield Holdings Ltd –

Sites for which responsible; services provided; funding received; duration of contract

Clerk: Question 396/2023. The Hon. D J Bossino.
1115

Hon. D J Bossino: Please state which sites Knightsfield Holdings Ltd is responsible for.

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1120 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 397 to 399.

Clerk: Question 397/2023. The Hon. D J Bossino.

1125 **Hon. D J Bossino:** Please provide details of the services which Knightsfield Holdings Ltd provide to the Government.

Clerk: Question 398/2023. The Hon. D J Bossino.

1130 **Hon. D J Bossino:** Please state how much funding has been received by Knightsfield Holdings Ltd from the Government each year since 2012.

Clerk: Question 399/2023. The Hon. D J Bossino.

1135 **Hon. D J Bossino:** What is the duration of the contract the Government has with Knightsfield Holdings Ltd?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1140 **Hon. Prof. J E Cortes:** Mr Speaker, the sites Knightsfield Holdings is responsible for include the Gibraltar National Museum, a store in the Hay's Level Tunnel, Parson's Lodge Battery, Stay Behind Tunnels, a storage vault at Casemates, Moorish Castle former prison complex and the sea-level caves within the Gorham's Cave Complex, including Gorham's and Vanguard Caves, as well as the Europa Advance Viewing Platform. There are other areas of the World Heritage Site, such as
1145 Mediterranean Steps, which are not included.

In answer to Question 397, the services which are provided can be grouped into three: the Museum, other heritage services, and World Heritage services. Museum services involve collection management, environmental monitoring and control of the museum environment; curation and restoration; provision of museum security; design and implementation of research
1150 policy; publication of information to the general public and to specialists; liaison with international institutions and stimulation and co-ordination of museum-related projects – for example, excavations – with international participation; promotion of Gibraltar's heritage and the Museum; provision of visitor and public services; provision of education services for schools; renewal and preparation of new displays; and regular maintenance and cleanliness.

1155 Other heritage services include advice and support to the Ministry and the Government on matters related to cultural, historical and archaeological heritage; advising me, the Minister, in reporting and discussion of issues of heritage with local and international organisations; representing the Government at heritage events as required by the Ministry; promotion, with the Ministry, of Gibraltar's heritage locally and abroad; advising the Town Planning Department when
1160 required on issues regarding land use and development to safeguard heritage; advising the Ministry when required on archaeological works; provision of archaeological support to the Royal Gibraltar Police and other government departments as required; and management of the properties assigned to it.

World Heritage services include all matters related to the running and management of the
1165 Gorham's Cave Complex UNESCO World Heritage Site, including continuing research and excavations; dissemination, including publication, of results in scientific and popular media; provision of staff for the running of the Europa Advance Battery interpretation site; liaison and provision of reports and documentation to UNESCO as required.

1170 In relation to Question 398, I can provide the figures from 2014, which is when the current contract was entered into. These are as follows: 2014, £854,482; 2015, £1,050,391; 2016,

£779,786; 2017, £1,095,155; 2018, £1,138,988; 2019, £1,141,620; 2020, £1,193,037; 2021, £1,193,350; and 2022, £1,262,264.

The contract with Knightsfield Holdings runs until 1st August 2034.

1175 **Hon. D J Bossino:** Mr Speaker, may I ask the hon. Member – given that this is a contract which presumably is entered into with the Gibraltar Government and that is why he has been able to stand up and provide the answers across the floor of the House – whether he would be in a position and willing to make this contract public for all to see? That would run across a lot of the supplementary questions that I have.

1180

Hon. Prof. J E Cortes: Mr Speaker, this is a contract with a private entity, so I think I would need to consult on that matter. I cannot commit to that here.

1185 **Hon. D J Bossino:** Can I just add, perhaps not by way of supplementary, but given that this is a considerable amount of public money which is being spent on an annual basis – and we need to do all the additions since 2014 – this is something which should be in the public interest and should be made public. (*Interjection by Hon. Prof. J E Cortes*) No, I said it was not going to be a preamble ... Yes, a slight –

1190 **Mr Speaker:** I am the person who decides whether it is a preamble or not.

Hon. D J Bossino: I am grateful, Mr Speaker.

1195 In terms of the sites, he mentions the Gibraltar Museum. May I ask him on what basis – can I abbreviate Knightsfield Holdings Ltd to KHL for the purposes of speed? – KHL occupies the premises? Is it dependent on the agreement with the Government or does it have a separate lease arrangement with the Government by way, for example, of a perpetual licence?

1200 **Hon. Prof. J E Cortes:** Mr Speaker, I am not sure that I can be expected to have this information. As far as I am aware – and I have consulted my hon. Friend, who was a previous Minister for Heritage – it is government property and the Government allows them to occupy these premises, very much as, I suppose, other entities like Greenock will have their depot within government premises, and the City Hall, the Mackintosh Hall. There are contractors who manage those premises on behalf of the Government and who are allowed to use those premises. Alameda Gardens is another one.

1205

Hon. D J Bossino: Mr Speaker, in terms of the management, does the company derive income aside from the grants, in effect, that the Government gives? I know that the Gibraltar Museum has a shop, for example, and will charge entry fees. Does that money go to KHL, or does it go to the Government?

1210

Hon. Prof. J E Cortes: As far as I am aware, and again my hon. Friend has confirmed it, the moneys that are made at the Museum are given back to the Government.

1215 **Hon. D J Bossino:** Mr Speaker, he predicated the answer with ‘as far as I am concerned’, I think he said. This is an important point. Is he able to say with certainty here and now whether this company is deriving income from sources other than the Gibraltar Government?

Hon. Prof. J E Cortes: No, Mr Speaker, but I do not think it is a question that I should answer. That is for the company to answer.

1220

Hon. D J Bossino: Mr Speaker, with all due respect to him, I talked about funding and I think it is a reasonable supplementary to ask. If I may ask that specific question of the hon. Member,

unless he is willing to provide that information; I will exchange emails with him in relation to that point.

1225 He says that the contract was entered into in 2014. May I ask whether the allocation was by way of direct allocation or by way of tender?

Hon. Prof. J E Cortes: Mr Speaker, Knightsfield Holdings ... Clearly the hon. Member – with apologies for, I think, a relevant preamble with a small ‘p’ – has difficulties with the Museum and with Knightsfield Holdings.

1230 I think it is important to remind the hon. Member of the excellent work that the Museum has done in promoting Gibraltar’s heritage – our Neanderthal work, which is world class, achieving World Heritage status for Gorham’s Cave. I think we cannot take away from that.

1235 The company in question had been managing the Museum for several decades, but for some reason the contract that they held with the Government of the time expired in 2001, and since then they kept performing all their duties without a contract until 2011. So they were being fed hand to mouth with no security, in the hope that the contract would be renewed, and this went on for 11 years. Then renewal never happened and they were hurriedly offered terms in the new Culture and Heritage Agency in the space of a month prior to the December 2011 elections. They were given that contract within the Heritage Agency by the GSD Government. The cost and the value was set by them and this Government just regularised it by giving them back their contract at the same level of expenditure that the previous Government had given them, Mr Speaker.

Hon. D J Bossino: Mr Speaker, the hon. Member needs to calm down and simply answer the questions. Can I ask him –? (*Interjection by Hon. Prof. J E Cortes*) He is obviously uncomfortable with the questions I am asking, but I will continue to do so. Can I ask him whether the company arrangement with the Gibraltar Government is exclusive? In other words, is this company able to enter into contracts and provide services to third parties from which it can also derive income?

1250 **Hon. Prof. J E Cortes:** Mr Speaker, subject to confirmation, I do not think it is exclusive.

Hon. D J Bossino: And may I ask him, Mr Speaker, in terms of the humongous amounts that this company is receiving by way of direct government grants, how those figures are arrived at? If he is able to provide that information across the floor of the House – at least this information – is he able to say how it is broken down? Is it by way of an annual fee? Is there an element which is by way of capital expenditure for which provision is made, so that this company can expend its money in that way? Can he provide a breakdown in relation to those numbers?

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, if I can be of assistance, since I was the Minister who dealt with the humongous mess that the GSD gave us when we came into government, which was called the Gibraltar Culture and Heritage Agency. This contract is exactly the same as was agreed when it was the GSD Government that signed with them, the Gibraltar Culture and Heritage Agency, of which even salaries were inflated months before the election of 2011. This contract was replicated, and we were not going to be the Government that was going to take away what the GSD – (*Interjection*) Mr Speaker, it is fact.

1260 **Mr Speaker:** There is a point of order.

Hon. D J Bossino: I am grateful, Mr Speaker. What does anything that has come out of the hon. Member’s mouth have to do with the question that I have asked? I have asked a very simple question – in compliance with the ruling that the Speaker reminded me of a few minutes ago, to simply ask the question. I asked the question. The question was very simple. I simply asked for a

breakdown of the funding from the Government. Why are we being subjected to this partisan drivel?

Mr Speaker: I think the Member makes a point and I think –

1270

Hon. S E Linares: I tried to answer.

Mr Speaker: I will ask the Minister responsible to answer the question.

1275

Hon. Prof. J E Cortes: The point I think being made is that whatever justifies the amount given to them now will have been pre-justified by the people who actually gave them the amount in the first place, because now, Mr Speaker, it has increased by two things. One is the increase in the annual Retail Price Index, the index linking, and the other thing is the addition of the not insubstantial management of the World Heritage Site. I think it is important for me to add here that the addition of the World Heritage Site, which is part of the answer because that is part of what they get funds for, has been praised at the highest level by the World Heritage Organisation. I am not going to go beyond the limits of my answer by reading out a letter I have from the president of the organisation, Prof. Emerita Mina Yang, in praise of the management of the World Heritage Site because it is world class, but I think it is relevant for us to bear that in mind.

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1285

Hon. D J Bossino: Mr Speaker, the hon. Member has not answered the simple question that I have raised. What is he doing talking about the stuff he is talking about? It has got absolutely nothing whatsoever, tangentially or otherwise, to do with the question that I posed. Does he have the information available as to breakdown of a costs – yes or no? If not, it is another question that I will ask at the next meeting of the House.

1290

Hon. Prof. J E Cortes: Mr Speaker, I do not have the breakdown of costs. That cost is provided at estimates time and is then agreed and is voted on in this Parliament. But it is based on an increase, based on an index-linking of the amount that they were paid at the time that they got the contract with the other agency, which was issued to them by the former administration. Maybe they can look at their records and they may have their breakdown to compare it to ours.

1295

Hon. D J Bossino: Mr Speaker, in terms of the term – which from a quick calculation I think is 20 years, which is quite extensive – is that subject to extension? He can say yes, like everything else, I suppose, but I am asking him is there something woven into the terms of the agreement which somehow ties the Government, unless there are certain things which happen or may not happen which require a future Gibraltar Government in 2034 to oblige them to extend an already very long contract to KHL?

1300

Hon. Prof. J E Cortes: Mr Speaker, I do not think – and I am looking through the questions now – there is anything in the questions that can justify my having that information to hand. I have not been asked in advance about the detail of the contract and therefore I do not have that information.

1305

Hon. D J Bossino: Mr Speaker, if I can go back to the funding point, can I ask the hon. Member – because it was alluded to by his colleague to his right – how many employees does this company have?

1310

Hon. Prof. J E Cortes: Once again, Mr Speaker, I do not have that information. What does he mean, really? How can I be expected to know the number of employees that all my contractors have?

1315

1320 **Hon. D J Bossino:** Mr Speaker, this a question on funding and surely he should have that information with him. It is to do with the in excess of £1 million a year that this company has been receiving since at least 2017 and he does not have basic information as to how many people this company employs.

1325 **Hon. Prof. J E Cortes:** Mr Speaker, I am sorry, there is nothing in the question that in any way indicates that the hon. Member would be asking me the number of staff employed. It just does not exist. He could ask me absolutely anything then about the contract, like the number of toilets, and I would be expected to know. I am sorry, I cannot accept that. I always come here with all the information. I give extensive answers, not as tactics, because I genuinely believe it is my responsibility to answer to the people, and now my integrity almost is being questioned because I do not know the number of employees of one particular company.

1330

Mr Speaker: I think we now move on to the next question. One further supplementary?

Hon. E J Phillips: *[Inaudible]*

1335

Mr Speaker: Yes.

1340 **Hon. E J Phillips:** Mr Speaker, I have listened to the exchanges between my hon. Friend Mr Bossino, and the Hon. Minister. The one thing that I have always noticed about this Knightsfield contract is that obviously it is an expensive contract for the Government to run these important sites, these national sites of national interest, as I am sure he agrees. The one thing that has really disturbed me is that sites of national interest should benefit the people of Gibraltar, and in fact on many occasions many people in our community have been unable to access them for many years. Isn't he disappointed by the fact that they have remained closed for many years?

1345

Hon. Prof. J E Cortes: Mr Speaker, we are going into a completely different area. The areas that have remained closed, I suppose, are the Moorish Castle, which needs considerable investment, and Parson's Lodge. I have explained before – I think it was at the last sitting – that Parson's Lodge ... Not every site of heritage importance has to be a tourist site, and not every site of heritage importance necessarily has to have visitors. In fact, some can be adversely affected by footfall. I think that is an important concept. Parson's Lodge has been used as a centre for research and has been available for tours with a guide, and now obviously we know that that is going to be open to the public. I think that is all, really, that I need to say.

1350

1355 **Hon. D A Feetham:** It is just that the Hon. the Minister for Housing, from a sedentary position, said, 'Well, it is an expensive contract, but you are responsible.' Is it that the Government ...? Clearly that imparts the impression that the Government thinks this is an expensive contract. That is one question. Does the Government think this is an expensive contract? That is what he said. Does the Government think it is an expensive contract?

1360 And secondly, if the Government thinks it is an expensive contract, why has the Government not sought to renegotiate the contract in the last 12 years that it has been in office? *(Interjection)*

Mr Speaker: Let us allow the Minister to respond. *(Interjection by Hon. S E Linares)* It is to the Minister – *(Interjection by Hon. S E Linares)* No, it is the Minister's responsibility.

1365

Hon. S E Linares: Yes, but he has referred to me.

Mr Speaker: Right. Minister.

1370 **Hon. Prof. J E Cortes:** Mr Speaker, how does one define expensive? You have to relate it to the service that you get. I think I need to add a few things because the Museum and all its constituent parts runs itself within that budget and it is extremely rare, and certainly has not happened in the last few years, that they ask for supplementary funding for any of their new displays or any of their work. I think I must point that out. The building is old and needs continuous maintenance and repair. Additionally, there are other things like pest control, which is critical for the preservation of exhibits. All these things are absorbed, as expected, from within that contract.

1375 I think we also have to remember the added value that we have by having these eminent scientists at the Museum, running the Museum, because, for example, we could not afford to pay laboratory fees for dating of samples from Gorham's Cave and analysis of ancient DNA, so this is value that is added by the contacts that the Gibraltar National Museum makes and has made with academic establishments across the world. I think it is a package we have that brings huge added value to Gibraltar. If we had had to pay for all the documentary time that has been aired across the world on Gibraltar and particularly on Gorham's Cave, then we would not have been able to afford it, Mr Speaker.

Mr Speaker: Next question.

Q400/2023
Supply SNLSAs –
Payment of moneys owed

1385 **Clerk:** Question 400/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, have supply special needs learning support assistants who were owed money from November and December 2022 now been paid by Government?

1390 **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 supply SNLSAs who were owed money from November and December as a result of them having been employed on a fixed-term contract and subsequently, mid-academic year, moving to permanent employment, have all now been paid.

1395 **Hon. K Azopardi:** Mr Speaker, I am very glad to hear that. Can I ask when they were paid? The reason I submitted the question is I was getting information that they had not been paid. That is why I submitted it.

1400 **Hon. Prof. J E Cortes:** Mr Speaker, this is information that I have, so I am only assuming that they have been paid. If they had not been paid when this answer was drafted about a week and a bit ago, they will have been paid by now. That is the information I have, but obviously I will check.

1405 **Hon. K Azopardi:** Does the hon. Member have information about how many people this affected?

Hon. Prof. J E Cortes: No, Mr Speaker, I do not have that information.

Questions for Written Answer

Clerk: Answers to Written Questions.

1410

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W22/2023 to W29/2023.

Procedural –

Oral questions converted to written questions

Hon. Chief Minister (Hon. F R Picardo): I have the honour, Mr Speaker, to move that the House should now –

1415

Mr Speaker: Excuse me, please resume your seat.
What is the issue?

Hon. E J Reyes: We have not received the answer to the written questions...

1420

Hon Member: They have been given to the Clerk, and the Clerk, in the normal course of events, will –

Hon. E J Reyes: Okay. I was not aware of that. Sorry.

1425

Hon. Member: I did not know that either.

Mr Speaker: I apologise, Chief Minister. You may proceed.

1430

Hon. K Azopardi: Sorry, Mr Speaker, can I just clarify? In the absence of Sir Joe Bossano, my understanding is we are going to be given that option of written, and I think a lot of us are going to opt for the written answer, but as we have now developed the practice, can I just ask the Speaker to confirm that we may then table fresh questions based on those answers without infringing the six-month rule?

1435

Mr Speaker: I confirm that that is the case and that following receipt of those converted written questions, hon. Members will be permitted to ask supplementaries, but in the form of questions, at the next meeting of House.

1440

Hon. Chief Minister: Thank you, Mr Speaker, but by way of housekeeping, I do not think that requires permission. If they wanted to ask the same question because they had not had the chance to pursue it orally by way of supplementaries, then permission would be required, but to ask a question arising from an answer to a question that is given in writing would not, in my view, be one that required permission. It would be perhaps in the nature of a supplementary, but it would appear as an oral question which they confect from the written answer they have been given.

1445

Adjournment

Hon. Chief Minister (Hon. F R Picardo): In any event, Mr Speaker, it is my pleasure to move now that the House should adjourn *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.

1450

I now put the question, which is at 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 4.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 3.02 p.m.

Gibraltar, Thursday, 15th June 2023

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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

Adjournment

Mr Speaker: The Hon. the Deputy Chief Minister.

5 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Chief Minister has spoken to the Leader of the Opposition and to the hon. Lady, Marlene Hassan Nahon, and on that basis and after that conversation I have the honour to move that this House do now adjourn to Tuesday, 20th June at 3 p.m.

10 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday, 20th June at 3 p.m.

I now put the question, which is that this House do now adjourn to Tuesday, 20th June at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Tuesday, 20th June at 3 p.m.

The House adjourned at 3.02 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 6.12 p.m.

Gibraltar, Tuesday, 20th June 2023

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<i>The House adjourned at 6.12 p.m.</i>	51

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 Galliano Esq *in attendance*]

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 20th June 2023.
Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th, 23rd, 24th, 25th and 26th May 2023.

5

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

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 Minister for Digital, Financial Services, Health Authority and Public Utilities.

10

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 GBC Report and Annual Accounts 2020 and 2021.

15

Mr Speaker: Ordered to lie.

Questions for Oral Answer

INDUSTRIAL RELATIONS, EMPLOYMENT, HOUSING AND SPORT

Q479/2023

**Europa Sports Complex –
Ball-stop netting**

Clerk: (vii) Report of Committees; (viii) Answers to Oral Questions.
Question 479/2023. The Hon. E J Reyes.

20 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 333/2023, has the Minister for Sport now checked for himself that the ball-stop nettings at the Europa sports grounds are fully, properly fitted and in a safely acceptable working order?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

25 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I can confirm that I visited the Europa Sports Complex and checked out the nets. The nets are clearly in need of repair. The current motorised system has not handled the extreme weather conditions at Europa Point very well and we will therefore be looking into adopting an
30 alternative system that will be able to sustain the intense weather conditions whilst at the same time remaining sensitive to the environmental needs posed by wildlife in the area, in particular migratory birds.

Hon. E J Reyes: Thank you. I am extremely grateful to the Minister for having checked it. Other
35 than, perhaps, the unusual – or not so unusual rain in June, because it coincides with one of our neighbour’s annual fairs and it would be a break with tradition if it did not rain ... Knowing that that the cricket season is coming into full bloom now, those cricket balls, I can personally testify, are quite hard when you are hit by them, and I think both sides of the House will concur that the safety of the park users, especially in the children’s play area, is paramount. If I can ever be of any
40 assistance to the Minister ... I know we attend lots of functions, but sometimes we are there at different times. We can mutually keep ourselves updated to ensure the safety of the general public is, above all, what we strive for.

Hon. S E Linares: Mr Speaker, I thank the hon. Member for his kind words on that.
45 We are looking at systems where we can have individual nets going up. Also, as the hon. Member might have noticed, we have cordoned off some parts of the playing area just in case there is a ball flying over the nets, because it is one of those things ... apparently, there are only two or three players in Gibraltar capable of passing the ball over the net. This one of the things that we will have to live with and we will mitigate and look at it and make it as safe as is possible.

50 **Mr Speaker:** Next question.

Q480/2023
Europa Sports Complex –
Management agreement

Clerk: Question 480/2023. The Hon. E J Reyes.

Hon. E J Reyes: Is Government now able to provide this House with details in respect of the
55 management agreement for the Europa Sports Complex?

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):
60 Mr Speaker, the Europa Sports Park (ESP) Management Agreement is an agreement involving four parties: the Government of Gibraltar, the Gibraltar Rugby Association, the Gibraltar Squash Association and the Gibraltar Cricket Association. The three sport associations will be managing ESP under a company named Europa Sports Park Management Ltd, composed of a member from each of the associations and three non-executive directors nominated by Government.

65 The Government of Gibraltar will be providing Europa Sports Park Management Ltd (ESPM)
with an annual grant to facilitate the running of the complex. Additionally, ESPM will be allowed
to commercially exploit the use of the facility, for example via revenue received by opening the
gym, hire of meeting rooms, sports halls and other services. Incoming revenue will be offset from
70 the annual grant every financial year and continue until the running of the complex becomes cost
neutral. Note that approved sport associations and schools are exempt from paying for the use of
the facilities. These associations will be paying a licence fee for the use of their respective office
space and members' area at the complex, and thus contributing towards the running costs.

Hon. E J Reyes: I am extremely grateful, Mr Speaker, for that update. Something that crossed
75 my mind and I would like the Minister to confirm or otherwise: in the same way that we have the
Gibraltar Sports and Leisure Authority, of which Sports Ministers become chairmen, is the Sports
Minister or any particular representative of his Ministry involved in the management setup, or
committee or whatever? The Minister has said that some people are appointed by the Minister,
and maybe he has one of those places reserved for the Minister himself, or perhaps for the Chief
80 Executive of the Sports Authority or someone like that. Could he shed some light on that?

Hon. S E Linares: Yes, Mr Speaker. We have been negotiating, as the hon. Member knows, for
a very long time, and we had many permutations on how to make the composition of the trust –
because this is a trust that has been created. Ultimately we came to the view that each sport will
85 have one representative. That means the three sports that are considered to be their home, but
their home is defined by them having a place there and then being able to contribute as well. So
they are contributing by rent. The three sports are actually contributing. There are other
associations that are there, it is their home, but they are not able to contribute, so they are not in
the trust. One example of that is the darts. They have a place there and because of the lack of
90 funds that they have, they are not able to be part of it, but if any other day they become able to
pay, they will do so. But they are there.

The composition is one from each association and the Government, because we are the owners
of the asset. We thought that we should have at least equitable numbers, but when a decision ...
And I am not the chairman, by the way. They will run the company. They are all directors of the
95 company that I have just said is set up. Obviously, I can have meetings with them, I can call them
in and see how progress is because they are the trust for the Government. So that is exactly how
it is going to be run, and the three I have appointed are people who I believe have sporting
connections and commercial connections.

100 **Hon. E J Reyes:** Thank you for that, Mr Speaker. The appointment of these individuals, is it
publicly available information that I can tap into somewhere? If it is not, perhaps the Minister can
provide that information to me.

Hon. S E Linares: Mr Speaker, I will ask the hon. Member to allow me two or three more weeks.
105 I will say why: because we are convening a first meeting, where we are going to discuss issues,
and after that meeting, when it is set up, we will go public on all the members that have been
appointed.

Mr Speaker: The Hon. Roy Clinton.

110 **Hon. R M Clinton:** Thank you, Mr Speaker.

I would be grateful if the Minister could elaborate a little bit more on the structure. Could he,
for example, give us the name of the trust? Who settled this trust? Is it a registered charity? And
is it this trust that owns this company that is being set up? I would be grateful for some information
115 as to the structure.

And then secondly, is it that the trust's objective is to promote solely sporting activities at the venue, or is it that there will be other events outside the sporting arena that will be allowed at the venue?

120 **Hon. S E Linares:** Mr Speaker, I have just explained most of how this is going to be run. Yes, I
have. I said this is a company with trustees, of which there are two types – there are executive
members and non-executive members. Three executive members are the rugby, the cricket and
the squash. Those are three executive members of the company and they will run the place, as
125 the hon. Member says, not only for sporting events but any other event – for example, annual
dinners that there might be from any entity that might want to use the facility, music festivals,
whatever. The hon. Member knows all the activities that we have had in the multi-purpose hall
already – like a boxing bout, although that is sporting; Archbishop Miles was ordained there; we
have had the Chief Minister giving awards there. There are infinite events that the place can be
used for, and that is how it is going to be run. That company, those trustees, will now go out to
130 tender to see who manages, for them, the whole of the complex.

Hon. R M Clinton: Mr Speaker, if I understand the Minister correctly, there is no trust separate
to the company. Is that correct? And is this company registered as a charity?

135 **Hon. S E Linares:** First question, yes; second, no.

Clerk: Next question.

Q481/2023
Lathbury Barracks Sports Complex –
Indoor swimming pool

Clerk: Question 481/2023. The Hon. E J Reyes.

140 **Hon. E J Reyes:** Can the Minister for Sport now provide full details of availability for public use
of the indoor swimming pool and its related facilities at Lathbury Barracks Sports Complex?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

145 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, the GSLA is finalising the recruitment of the lifeguards it will add to the current team
so that public swim time can be offered.

150 **Hon. E J Reyes:** Mr Speaker, would the Minister confirm if this will be happening imminently
or is something that they need to work on and will not kick in until the end of what, in sporting
terms, we call the summer season and we move on to the winter type of training? It is a question
of what will happen during the school holiday periods, despite all those activities of the stay and
play that are organised for the children and so on. There are families who want to do things
together with their children and they may wish to know if the facility will be available for the
155 general public.

Hon. S E Linares: Well, yes, Mr Speaker, I have just said it will be available for the general public.
The general public are still using the pool down where the GASA area is, so there is not any
inconvenience to anybody because it is always there. But soon – and I think the GSLA are already ...

160 If I remember correctly, all the posts have come out already, so they are in the recruitment stage of getting lifeguards.

I must add that it is difficult to get lifeguards, especially now, because most of them are on the beaches and they are working around, and anybody who might want to work in the Lathbury might be on a beach. But we are opening it up to everyone who is able to do it, and as I understand it, the posts are already out, so it should be imminent. It usually takes about a month for recruitment – interview, going through the whole process. You give a time and date, then they come to the interviews, and then after that ... I think I mentioned to the hon. Member that what we are going to have is a full timetable of the whole usage, because GASA will have slots for them to do their own training, but as anybody would know and anybody who has gone to the swimming pool up there ... you can have, on one side, GASA doing their own training and you can have the public swimming on the other side, the other part of the pool. So the capacity is massive, and that is where the GSLA, once it has its lifeguards – because you cannot have the public coming in without the lifeguards there, so once we have the lifeguards the public will have quite a lot of slots to be able to go and enjoy the magnificent pool that we have built.

175

Mr Speaker: Next question.

Q482/2023
GSLA facilities –
Fees paid by users

Clerk: Question 482/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide a detailed breakdown in respect of all fees paid by users of any facilities falling under the auspices of the Gibraltar Sports and Leisure Authority during the financial year 2022-23, indicating the purpose of their usage – for example, sporting, cultural or other types of events?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

185

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the breakdown in respect of all fees paid by users of any facilities falling under the auspices of the Gibraltar Sports and Leisure Authority during the financial year 2022-23 is as follows: sporting commercial/fitness, £2,150; cultural/music, £13,430.33; non-sporting events, £1,250; and GFA events, £4,649.40.

190

Hon. E J Reyes: Mr Speaker, in previous questions we have had, the Minister has explained that the use of some of these facilities – broadly speaking, we talk about community use ... those that have been allocated to entities who then have a charge to participants. I think that is probably one of those that falls into the fitness one – if someone wants to become a personal trainer, fitness and so on. But when he is talking about the cultural events, can he enlighten us as to what exactly are the types of cultural event that fall under that category that raised or gave back to Government, because Government has obviously incurred expenditure of £13,430?

195

Hon. S E Linares: Mr Speaker, usually it is either, like it says, cultural or music, so it could be a small music festival – somebody brings a band wants to use the Muga area. The thing is that traditionally the GSLA never used to charge anybody for the use of the venues, and what we have realised is that there are many private entities that come to the sports complex, do the whole of the event, and then we pick up a lot of the bill. Why? Because there is overtime for people who

205 have to work, there is the cleaning, there is the wear and tear, there are breakages ... The
Government was paying for that. So we put in a regime, which is very simple, a cost analysis on
how much we would pay for the overtime of, say, minimum people. We charge that to the
organisers.

210 But going back to the hon. Member's question, there could be – I do not know whether you
would call it cultural – a beer festival, for example. They come, they want to sell the beers, and
we charge them for that – again, for the same reason, because I do not think it is fair for the
taxpayer to pay, via the GSLA, a fee, and then the private entity takes all the profit. The idea is just
a charge on the venue, so that it covers the cost of the venue, and we do put on a surcharge of a
small percentage, which is not quite profit but is usually for wear and tear, which is very difficult
215 to analyse – how much wear and tear is.

Hon. E J Reyes: I am grateful for those examples of what could fall under cultural, but it then
raised ... In the example he has given me, I thought those perhaps would have fallen under the
non-sports category, which was over £1,000. I thought a beer festival was a bit ... Yes, if you stretch
220 your imagination, it could be cultural. But non-sports then – does the Minister have an example?
I am trying to distinguish, even if we try to be generous in what we call cultural, but non-sporting
is what?

Hon. S E Linares: Well, anybody who wants to use any of the premises for anything else, like
225 lectures, for example. We have some lecture rooms upstairs. A private entity might want to give
a lecture, and then they are charged. Some of them do not come to the Victoria, they might go
somewhere else, but some do. So it is using the venue for any other ... I am trying to think which
ones we have had recently. Most of them are sporting, but then again, could you categorise the
Damex tournament, which is a sporting event but it is very much a commercial entity doing the
230 whole sporting event. Later, I will try and pick up from the GSLA which have been the entities that
have paid, and then we can ascertain whether it is cultural or leisure, because it is a very grey
area, as in what is sport, leisure and culture, as the hon. Member might know. For example, is
going to Morocco on 4x4 leisure, or is that a sport? Backgammon is now considered a sport, but
is it leisure or is it a sport? There is a very big argument as to what is considered to be leisure
235 activity and sporting activity.

Hon. E J Reyes: I am grateful, Mr Speaker. I will not take up any more of your time because the
Minister has committed himself to providing the information.

240 Just to help the Minister, so that we do not have so much coming and flowing, if he looks back
on previous years when he has provided me some similar information, he has been able to provide
subsections and it gives us an indication, under cultural, of how many separate entities – was it
just one or two entities using it or a wide range? It is just sort of homework I know he is going to
pass on to his chief executive, but it helps to get to the final answer much quicker, and I await his
answer, when possible.

245 **Hon. S E Linares:** Yes, Mr Speaker, I will do, and just one more: the Harley Davidsons do the
rally and then come into the Victoria Stadium, and they might be charged for using the space. But
yes, I will do.

250 **Mr Speaker:** Next question.

Q483/2023
Chilton Court –
Youth club/social centre

Clerk: Question 483/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of the progress made to date relating to the development of a youth club/social centre at Chilton Court?

255

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 position remains the same as set out in my answer to Questions 531 and 532/2022.

260

Hon. E J Reyes: Mr Speaker, the reason why I ask this question is, having gone down to the area of Chilton Court myself, I have not physically seen anything happening. If nothing has started because we are in the planning stages or obtaining permissions and so on, does the Minister have a rough idea of a commencement date when physically one can see some bricks and mortar starting to appear and raise people's morale, especially those who are the potential future users of these facilities?

265

Hon. S E Linares: Mr Speaker, what I can tell the hon. Member, to be helpful, is that we are going through the planning stage and therefore there are things that we are looking at. I can tell the hon. Member that once we start works, there will be an issue with people parking their cars and we are looking to see an alternative. Another issue might well be how many units you do or do not do underneath, which has gone through the DPC. You will not see any bricks and mortar per se, but I am hopeful that very soon there will be physical movements in Chilton Court.

270

275

Mr Speaker: Next question.

Q484/2023
9 Hargrave's Parade –
Plans for future use

Clerk: Question 484/2023. The Hon. D J Bossino.

Hon. D J Bossino: What plans does the Government have in respect of 9 Hargrave's Parade?

280

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, at present Government has no plans for 9 Hargrave's Parade beyond its continued residential use.

285

Hon. D J Bossino: In that context, is he able to say whether the information that we have received on this side of the House that ... it may be that the ultimate aim is to continue providing residential facilities there, but that there is a plan to demolish the area and build again?

290 **Hon. S E Linares:** None at all.

Mr Speaker: Next question.

Q485/2023
Europa Sports Complex –
Cause of water ingress in sports hall

Clerk: Question 485/2023. The Hon. D J Bossino.

295 **Hon. D J Bossino:** What caused the water ingress at the Europa Sports Hall?

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):
300 Mr Speaker, there was a fire on a section of the Europa Sports Complex roof on 18th April 2023, with the fire causing damage to the waterproof membrane. The extent of the heavy rain on 13th May was such that the temporary provision to cover the damaged section proved ineffective. Works undertaken have resolved the issue.

305 **Hon. D J Bossino:** Mr Speaker, is it correct that this was caused by the solar panelling on the roof?

Hon. S E Linares: Yes, Mr Speaker, it was two solar panels that caught fire.

310 **Hon. D J Bossino:** And the costs which have been incurred, presumably by the Government, are those going to be sought to be recovered from the company that set up the solar panels? And may I ask him which company it was?

Hon. S E Linares: Mr Speaker, it was a GJBS subcontractor, and the fire is being covered, all the
315 costs, by the insurance.

Hon. D J Bossino: May I ask which company set up the solar panels? Is it a subcontractor of JBS? May I ask the Minister for the identity of that company?

320 **Hon. S E Linares:** EV Systems Ltd, I think it is.

Hon. D J Bossino: Mr Speaker, just a bit more granular in relation to this: which insurance cover is covering this? Is it EV Systems Ltd as the party responsible?

325 **Hon. S E Linares:** No, it is a general insurance.

Hon. D J Bossino: Can he be more specific as to what he means by general insurance? Who is the beneficiary of that insurance cover?

330 **Hon. S E Linares:** Mr Speaker, I need notice of that question. That is not the question, and therefore I do not know ... where the hon. Member is usually leads to in questioning. No, I do not have that information.

335 **Hon. D J Bossino:** Mr Speaker, given that the fire was caused by the solar panelling, is it not appropriate for the Government to be suing that company? And if he agrees with me, can he tell me why that is not the case?

Hon. S E Linares: Mr Speaker, I do not answer those questions. Again, these are hypothetical questions and I am not answering.

340

Mr Speaker: Next question.

Q486/2023

**Lathbury Sports Complex –
Cause of flooding in underground parking area**

Clerk: Question 486/2023. The Hon. D J Bossino.

345 **Hon. D J Bossino:** What caused the flooding at the underground parking area at the Lathbury Sports Complex?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

350 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, there has not been any flooding of the underground parking area at the Lathbury Sports Complex.

355 **Hon. E J Reyes:** Mr Speaker, I personally went there when I saw there was a fair amount of water at the complex. This was towards the end of the weekend when the Relay for Life was taking place and so on. Perhaps we have different interpretations of what is meant by flooding. It was not a replica of the biblical event of Noah's Ark, but it was certainly an event where one's shoes would have got pretty well soaked and it would have required a change of shoes, socks and even the bottom part of the trousers. So there was some water ingress there. We are trying to establish what caused it, because it was not a particularly rainy weekend, so something must have given rise to it. Maybe it was an overflow of some other system, or whatever.

365 **Hon. S E Linares:** Mr Speaker, what I have prepared here, because we knew that these questions were going to be asked ... There was a puddle over one of the manholes in the parking area. This has been solved in the short term. The reason why it happened is being investigated. It is quite minor and has zero effect on the use of the sporting complex.

Hon. D J Bossino: Mr Speaker, if the matter is being investigated, how is he sure that the cause of it is minor?

370 **Hon. S E Linares:** Because the professionals are telling me it is minor.

Hon. D J Bossino: Are the professional telling him, then, what the cause of it is?

375 **Hon. S E Linares:** I have just stated it was a blockage of the manhole, so the manhole was blocked. Now they are ascertaining why it was blocked, and that is part of the investigation.

Mr Speaker: Next question.

Q487-88/2023
Medical A+ housing list –
Number and breakdown of people on list

Clerk: Question 487/2023. The Hon. the Leader of the Opposition.

380 **Hon. K Azopardi:** Mr Speaker, how many people were on the Medical A+ housing list on 8th June 2023?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

385 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, there are currently 113 applicants on the Medical A+ list. The breakdown is as follows, unless the hon. Member wants me to pass him the whole list so that I do not have to go through it. It is just 1RKB, the year ... I will pass it on to him straightaway, if he wants, so that I do not need to read it out – to be helpful.

390 **Mr Speaker:** Could we get the usher to come in?

Before the hon. Member the Leader of the Opposition asks his supplementary, I think I need to ask the Hon. Minister to reply fully, in the sense that he needed to say, in answer to his question, that he would be answering together with Question 488.

395 **Hon. S E Linares:** Yes, Mr Speaker. I will go back, then, to Question 489. I have written here 'I will answer this question with Question 490', for the record.

400 **Mr Speaker:** No, you need to refer to Question 487 and you will answer together with Question 488.

Clerk: Question 488/2023. The Hon. the Leader of the Opposition.

405 **Hon. K Azopardi:** Mr Speaker, of the persons on the Medical A+ list at 8th June 2023, how long have those persons been classified as A+, providing a breakdown of dates or time on the A+ list in respect of each?

Answer to Questions 487-88/2023

RKB LIST	2012	203.5	2018	2019	2020	2021	2022	2023
1RKB			3	6	6	7	22	6
2RKB			5	2	3	5	8	8
3RKB		1		1	2	3	7	3
4RKB	1		1	1		3	2	1
5RKB					1	2	2	
6RKB							1	

410 **Hon. K Azopardi:** If I may – because the Hon. Minister has now given me the schedule, helpfully, and I assume the schedule will be written into the *Hansard* anyway – can I just ask, because there are reasons for this question ... Let me start here. The Minister knows the statistics that are placed on the government website, on the Medical and Social A list. I have for some time

415 been quite perplexed by the tables. I think I now understand it, because the Minister will be aware that ... For example, if I were to just describe one of the tables in this way – that the table for 2022 refers to applicants placed on the various medical housing lists, A-plus, A, B and C, by various months. I have never really understood why there were relatively small numbers, because it implied that those were the numbers of people on the Medical A+ list, but in fact I think I now understand, given his answer, that what this provides to the public is information as to the monthly placement of new persons on those priority lists. If that is correct and if there is a running total for A+, A, B and C medical lists which is different – and plainly it is different because at 420 8th June 2023 there are 113 people on the list – would the Minister agree that it would be helpful for those statistics of the running total of people on the various medical lists to also be published on the website?

425 **Hon. S E Linares:** Yes, Mr Speaker, I do not see why not; it should not be an issue. But I must say that this is about the Medical A+, A, B, and C ... I can tell the hon. Member that I am not very convinced and happy about it. Why should we have four lists of medicals? I would rather have one list of anybody who is on the medical ... We are reviewing all these things, and it is not a political jibe at the hon. Member's side, but it was when the GSD was in government that these lists were divided and re-divided into many little different parts. I think it makes no sense and it is a very 430 difficult process because if you are on a list, for example, for one 1RKB, of which we have very little, why do you put a couple on a 1RKB as opposed to a 2RKB? What makes that difference? I am talking about the 1RKB and the 2RKB. The medical is even more pressing, why a person is on Medical C. Is that person ever going to get a house on Medical C when they have to go to the B, the A and the A+? And even on the A+ there are numbers ... It is to do, as well, with the gravity of the person's illnesses and all that, which should update them. It is one of those things that we are 435 reviewing, but I do not have any problem with what the hon. Member has just said.

440 **Hon. K Azopardi:** I am grateful, and certainly my question was about the provision of the public information of the running total. What the hon. Member raises is a different point, on which I can only agree that of course there is always cause for reviewing. Whether or not there should be four lists or there should be two lists is a matter for him. He is in government now and it is for him to decide whether or not these lists work in the way that they are there.

But can I just ask this, because now that it is clear to me that there are many more people than I thought were on the Medical A+ list, and I see from his breakdown that ... Medical A+ is the 445 highest medical priority that can be ascribed in the current system on housing allocation, and I am aware from other cases of people who come to see me that they are deemed to be top priority, if I can put it that way, in a medical sense. So these are people who really have a very strong medical case for allocation of housing, and yet I can see from the breakdown that there are many people who have been classified Medical A+ for some years now. Just going back to 2018, which is five 450 years ago, there are nine people on the list. If I go back to 2019, there are another 10 people, and so on. What steps more precisely is the department taking, so that those people who have been prioritised Medical A+ can be allocated housing? Given the numbers of houses that are being allocated on an annual basis, it seems to me that there is a real drag, and if you have 113 applicants the Government itself has classified as being urgent for allocation, steps need to be taken, but I 455 am not sure steps are being taken in that expeditious way if people are on the list for so many years after the time that they have been deemed to be priority.

460 **Hon. S E Linares:** Mr Speaker, there are many things that happen on the way with the Medical A+. I will just give the hon. Member, since he mentioned 2018 and the number in 2018 ... I can tell the hon. Member that from the 389 people in 2018, there have been people who have been offered houses. They are on the Medical A+, they have issues, a house has been offered to them, but then they come back because they are not living beside their mother or beside their father or for other reasons. It is no longer medical. They say, 'I am not going to that house.' So for

465 us it becomes a burden to see what is the house that we are going to give that person. That person
is probably still there. I have the whole list here. Five of them have refused, of the nine. The other
four might have already been given a house or at least are ... Medical A+ houses are specific as
well. You have to prepare OT, you have to make sure that there are two or three lifts going up
because if there is only one and it breaks down, the person cannot go up to their house. We usually
470 give them a house on the ground floor with ramps. So there are many issues why it takes time.
They might be classified Medical A+, but although it is Medical A+, we offer them a house that is
probably OT'd and all that, and they refuse to go there. You cannot force anybody to go to that
house, and they keep staying on the list and they are ... honestly, not that they are happy where
they are, but they seem to want to stay in that house and live as they are there, with carers or
doctors going regularly to see them.

475 So it is not a question of us not trying to help them. We try to help them as much as we can
within the parameters. Like I say, the OT is the most important, where every house that a person
has as Medical A we have to individually ... It might not be the toilet that they need, it might be
the bedroom and the bed where they sleep. So all these things, you have to tick all the boxes
specific to the problem that the person has in that Medical A+.

480 **Hon. K Azopardi:** I appreciate there may be instances like that, but I have also heard of cases,
because people come to see me and speak to me about these things, where they have been
offered housing which the people who have accompanied them to see the house, from the
Housing Ministry themselves, then verify is not fit for purpose given the person's medical
485 condition. So there are also cases like that, and I am not sure that his generalisation can really
speak to the 113 applicants on the Medical A+ list, some of whom have been there for many years.
It really does call for greater urgency from the Government to deal with cases which it, itself, has
deemed to be priority.

490 Can I ask him this? He may or may not have this information, but does he have in front of him
how many Medical A+ cases were provided housing last year? Does he have that information?

Hon. S E Linares: No, Mr Speaker. The list here I do not think will answer the question the hon.
Member wants, but I can definitely get it for him and find out from the officials how many exactly
we have given as Medical A+. From the list I have here, it seems as if it is earmarked. For example,
495 somebody living in the private sector – so it is not government-to-government – who needs a
2RKB and is in the Medical A+, needing surgery and all that, they have an earmark. That means
that they have already identified a house which ... And the hon. Member is also right – sometimes
we go to the houses and they are not ready, and it is a problem. We go there and we see, and the
doctor says, 'This not adequate.' We have to go back and look for another house and prepare
500 another house. So, yes, that is legitimate as well. But here, for example, I have one that is coming
from the private sector, needs a 2RKB, needs to be furnished and prepared, but it is an earmark,
and that means that ... Just for the hon. Member, to give him more information, it is supposed to
be ready within two weeks from now, that specific one, but obviously there are many more.

505 **Hon. K Azopardi:** Obviously I would be grateful for any information the hon. Member can give
me and if he can write to me with the information, but to be clear, what I am asking is of the
persons allocated housing last year, how many were Medical A+? That is what I am asking. I am
not asking about people who may not have been allocated housing or who may be earmarked
housing. That is a different question. I am asking specifically, of the people who have been
510 allocated housing in 2022, how many were A+? That is the question that I would like some
information on, and the reason I would like it – and this is the supplementary question – is there
were 109 people who were allocated housing in 2022. If there are over 100 people on the medical
list and presumably there is a similar number on social lists – it is a question that we would need
to ask, of course – and then, of course, there are lots of other people on the regular lists, does the
515 Minister agree with me that at that rate of allocation of housing we are really not going to break

down the problem for many years? How does he think at least the people on the medical and social lists can be helped?

520 **Hon. S E Linares:** I think we have already gone through that argument, and I do not intend to go through that argument again, Mr Speaker. We have said that with all the affordable homes that we are selling there are a great number of people who will be vacating their houses in the government ... and therefore we will be in a position to allocate those houses very soon. But also the hon. Member must consider that the housing list ... It is not just that there are people waiting for houses – and that is where I go back to the lists, because if somebody is living in a 2RKB and
525 wants a 3RKB because they have one more child, there are others who are in a 4RKB and might want to move to a 2RKB. It does not mean that the 4RKB person really needs a house; they are living comfortably but they want to downgrade.

These are the issues that we are analysing when it comes to looking at lists. It is all very well to say there are 3,000 people waiting for a house. No, that is not correct. There are not so many.
530 Some of them are from a three to a three and they are on the list, and it is classified as that person wants a house. What they want to do is move to where their family is or move because there is more light, or move because they like the area. There are many reasons. It does not mean that the person is in a chaotic state wanting a house. That is why I am doing a review of the lists because I think ... And others have just come on to the housing list that we all consider ... which is they
535 want to buy a house and they go and apply, they get the 150 points normal, they are on the pre-list and we consider them as part of the 3,000 who want a house, and all they want to do is buy.

So looking at the lists is confusing. It is not only confusing, it does not really give the right picture of how many people need homes. That is why we are convinced that once we sell the houses and the affordable homes, we will have a stock where we could then alleviate all this
540 changing about, because again, changing about takes time and we do change – I have explained this before – where somebody wants to move from a three to a three, to a two and a four, and we swap them around, we have to wait for the first one to move out for the second one to move in, and it takes a lot of time. Many times we try to do it as is. That is another way we do it, because then the person who wants to go quickly from one estate to the other ... We say, ‘You can either
545 wait for us to fix it or you fix it,’ so it is ‘as is’, we call it, and this makes it quicker because then they go into the house, they can fix the house as they want to – which they usually do anyway, because sometimes we put up all the ... and then they break it all off and start all over again. It makes it quicker to move around.

550 **Hon. K Azopardi:** Mr Speaker, if I may, with all due respect, the Hon. Minister is widening it beyond the question that I asked. He is talking now about exchanges and people on the ordinary list and so on and so forth. I was talking about the context. There may be other people on the ordinary list. The fact is that the total number of houses that were allocated last year is 109. I am talking specifically about the medical A+ list. The medical A+ list has 113 people on it. Some people
555 have been on the list ... one of them since 2012, one of them from 2015, others for many years. Presumably not all of those fall into this category of people who do not really need a house and just want to swap here or there. They have been graded by the Government itself as being top priority because of their medical conditions. Those people facing a rate of allocation of housing that is below the number of people on the Medical A+ list, let alone below the total number of
560 people on the housing list, let alone below the total number of people on the social list, will look with concern at the rate of allocation and the argument that somehow this is going to be resolved by the affordable housing projects that are eight years or six years behind schedule.

565 **Hon. S E Linares:** Mr Speaker, I do not agree with his last statement, but I have already offered to the hon. Member that I will give him the information, and I will leave it at that for now.

Q489-90/2023

**Private security on housing estates –
Number where deployed; details of agreements and cost**

Clerk: Question 489/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, at how many housing estates or districts has private security been deployed?

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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, I will answer this question together with Question 490.

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Clerk: Question 490/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what are the terms of agreements entered into with companies or entities for the provision of security in housing estates or districts, how many agreements have been reached, with whom, and what is the cost of services provided by these entities in 2022 and in 2023 up to 8th June 2023?

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Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, OSG Security has been contracted to provide security services at Glacis, Laguna and Varyl Begg Estates since 3rd November 2022. The cost of these service for 2022 was £64,657.50 and for 2023 until 8th June is £182,070.

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Hon. K Azopardi: Mr Speaker, can the Government help me in understanding what is the length of time that the Government envisages these security arrangements will be in place for? Are the agreements, for example, for a specific period or are they being rolled over from time to time to see how things are needed etc? Can the Minister help with that?

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Hon. S E Linares: Mr Speaker, exactly the last part that he says: as and when needed. We thought it was needed now, so we have implemented it now and we will have it there in place until we think it is no longer needed.

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Hon. K Azopardi: Can I understand also, in terms of the actual security, is this providing security on a 24-hour basis? If not, what is the nature of the security? And is the Government solely considering that security is required in those estates for a specific period, or is it that they are intending these as pilot projects to roll out to any other district should it be necessary?

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Hon. S E Linares: No, Mr Speaker, it will not be rolled out. It is not a pilot scheme, it is a specific issue that we were having in these three estates. It is not on a 24-hour basis for all of them, it is as and when needed, so some of them are just rolling in, looking around, and the company, for example, which is OSG, will target ... If there are issues in one estate, they will put more officers in one estate or they will separate them, or they will be monitoring the situation as needed.

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Hon. K Azopardi: Mr Speaker, it has been going on now for six or seven months in those areas he has mentioned. Presumably these security arrangements were put in place as a response to concerns on, presumably, antisocial behaviour. Is the Government satisfied that these arrangements are working well or that they are addressing the issues for which they were put in place?

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615 **Hon. S E Linares:** Mr Speaker, both. We are addressing the issues and we have realised that by putting in security the issues have subsided slightly and will subside, but we are also taking measures, which take time, to try to see if we can look for at least a medium long-term solution.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q491/2023

**69-70 Catalan Bay Village –
Progress re development of derelict property**

620 **Clerk:** Question 491/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why has there been no progress in the development of the derelict property with address at 69-70 Catalan Bay Village?

625 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, this is a private development. The sale of the property was completed on 18th March 2022. The development obtained full planning permission on 5th January 2023.

630 **Hon. D J Bossino:** But was that not originally – if I may, Mr Speaker – government-owned land that was given out to the private developer by way of a tender? Is that not the case? That is the information that I had, and that is why I asked the question as to why there had not been any progress since the tender was granted. In fact, I was told that the tender was granted back in 2016. It seems that that information is correct, but I just set out the question in these terms to give him
635 an opportunity to comment on that information.

Hon. Dr J J Garcia: Thank you, Mr Speaker.

I am looking through the list here. The property has gone through a lengthy process. It has been to planning two times, for example. My information is that there were also issues relating to the boundary which delayed the final completion until the boundary had been firmly established, and that in addition to that, there was also an attempt by the successful tenderer and the plot next door to sell the property and be able to have a larger development as a result. So the boundary issues, the potential sale and the fact that it has been to planning more than once accounts for the time taken between the original expression of interest and the final completion
645 of the sale.

Hon. D J Bossino: In terms of the price tag, is the hon. Member able to state how much it received by way of payments as a result of, presumably, the initial tender process? And did the Government, when the matter went to ...? I think he mentioned a second tender process in 2022.
650 Did the price increase as a result of the passage of time?

Hon. Dr J J Garcia: Mr Speaker, I am happy to supply that information, but I do not have it here with me. It was a private development. Once the sale was made and the planning permission was granted ... Obviously the Government does not keep an eye on it in that way, but I would be happy
655 to find out the original tender price and supply the hon. Member with that information.

660 **Hon. D J Bossino:** And finally, Mr Speaker, in relation to the heritage aspects, does the Government have any concerns in relation to that? It is a very old building. I am not an expert, but I understand it is one of the oldest buildings, if not the oldest remaining standing building in that area. Does the Government have any concerns and has it placed any conditions in order to maintain the inherent heritage value of that particular structure?

665 **Hon. Dr J J Garcia:** Mr Speaker, I am not aware on my feet of the conditions that may have been attached to the tender, but I do know that it has been through the Development and Planning Commission two times and that that includes the Heritage Trust as part of the panel, so I would assume that in that context they would have taken care to ensure that whatever heritage value it may have has been adequately preserved. But it is not something which I am aware of and I can answer him directly.

670 **Mr Speaker:** Next question.

Q492/2023
Road to the Lines redevelopment –
Update re commencement

Clerk: Question 492/2023. The Hon. D J Bossino.

675 **Hon. D J Bossino:** Please provide an update as to when the Road to the Lines scheme will commence at long last.

Clerk: Answer, the Hon. the Deputy Chief Minister.

680 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, it has indeed taken over 30 years to arrive at a credible proposal for the redevelopment of Road to the Lines at no cost to the taxpayer. In March, the Government and the proposed developer agreed all the terms and conditions and an MoU was issued to them for their execution. In May, the Government received a number of proposed changes to the draft agreement from the developer and those are now under consideration.

685 **Hon. D J Bossino:** May he say who the proposed developer, as he puts it, is?

Hon. Dr J J Garcia: Mr Speaker, the proposed developer is an individual, and his name is Mr O'Connor.

690 **Hon. D J Bossino:** I understand that there is still ... 'a bit of work in progress' is the way I would put it. Is he able to provide any detail at this stage by way of a snapshot as to where we are in terms of what the development is likely to comprise?

695 **Hon. Dr J J Garcia:** Mr Speaker, the last EoI for the site came out in February last year and it closed in March of last year. Between that time and the production of a draft MoU, there have been a number of very detailed and intense negotiations between the Government and the developer through our land property agents, Land Property Services Ltd. I obviously cannot go into the detail of the discussion because there is not an MoU in place at the moment, there is only a draft, but with the developer directly we did arrive at an agreement which was put down in writing as a draft MoU. Then the developer obviously went to his legal adviser for advice on that
700 and a number of changes have been proposed, which, as I said, we are now looking at and the

matter is under consideration. I will be free to give more information once there is a signature on the document.

705 **Hon. D J Bossino:** Finally, Mr Speaker, is he able to provide information in relation to Mr O'Connor? What is his background? I have never heard of that name. I think the sentiment is shared on this side of the House. Surely he is not entering into contractual relations with the Government on a personal basis, but through an entity; and if that is the case, is he able to state which entity it is?

710 **Hon. Dr J J Garcia:** Mr Speaker, I do not want to give too much information. Obviously, this is an individual, but he has a track record of this kind of development in the United Kingdom. He is represented by Sir Peter Caruana, who has obviously taken on the question of giving him advice. So the Government is satisfied that this is somebody who is serious and who is able to deliver.

715 **Hon. D J Bossino:** Mr Speaker, if I may, just to expand on the answer he gave in relation to the identity of this individual, may I ask for his full name?

Hon. Dr J J Garcia: Mr Speaker, Mr Lee O'Connor.

720 **Mr Speaker:** Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q493/2023

Pupils suspended from school since January 2023 – Numbers and reasons

Clerk: Question 493/2023. The Hon. E J Reyes.

725 **Hon. E J Reyes:** Can Government provide details in respect of the number of pupils, together with generic reasons, who have been suspended from school since January 2023, indicating the school sector where the pupil is enrolled?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

730 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, 35 students have been suspended from school since January 2023 and they are all from secondary school. The main reasons are being verbally and physically aggressive to other students and members of staff, teasing and being significantly unkind to others, and disruption and significant non-compliance.

735 **Hon. E J Reyes:** Mr Speaker, thanks for that answer. The answer said 35 pupils. Perhaps the way I had phrased the question ... Does that refer to only 35 incidents occurring, or more incidents because unfortunately some pupils tend to be repeat offenders, if one wants to use that general word? I do not know if the Minister has been provided with that information.

740 **Hon. Prof. J E Cortes:** Mr Speaker, the information I have is that it is 35 students. There is a process, so there may have been more instances and the first one may have led to a warning or engagement with parents or whatever, but the information I have is that it is 35 students. If that

745 is not correct and it is 35 instances, I would have thought that I would have been told. In any case, if I am corrected, I will, as ever, let the hon. Member know.

750 **Hon. E J Reyes:** I am grateful for the generic reasons. Does the Minister have any details? There are instances of perhaps physical aggression towards others. Have any of these resulted in the matter having been referred to, for example, the police authority and so on, or has it all been able to be dealt with and contained just within the school and its system, whatever falls under exclusively the control of the Director of Education?

755 **Hon. Prof. J E Cortes:** Mr Speaker, there are instances in which the Police will be informed. Often they come by way of support, perhaps talking to the parents, and rarely does this escalate to possible arrests. I do have recollection of one instance where this may have happened, but I am not certain that that is since January this year. I have no recent memory or recollection of any case which was taken further by the Police, but there may have been attendance by the Police if the head teacher felt that it was serious enough to have some kind of police presence in order to both show the pupil the seriousness of the incident and also to perhaps ensure that the parents know that the instance has been serious. But I have no direct information as to anything escalating further, certainly in the period that covers this question.

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Mr Speaker: Next question.

Q494/2023
Wellbeing Support team –
Access by teachers/instructors

765 **Clerk:** Question 494/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide a breakdown for the year 2023 showing the number of teachers/instructors who have accessed the services provided by the Wellbeing Support team, indicating the school sector in which these teachers/instructors are employed?

770 **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 figures for seeing people in one to ones, with an average of three sessions per person, are: primary, 21 teachers; and secondary, 11 teachers.

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Hon. E J Reyes: Mr Speaker, does the Minister have any concerns as such? When we look at figures that he has given us in answer to other questions relating to periods prior to 2023, my first analysis is that the number of teachers/instructors having to access the service does not seem to be declining. I do not know if the Minister has any information. The numbers are not declining. Does the Minister have perhaps any ...? In one of his footnotes, the reasons why ... I suppose these figures are up to the end of May, or whatever, so in five months, one and a half terms' worth, they could sound a bit too big. I am asking the Minister for Education. Perhaps I am looking into it and over reacting. The number of teachers/instructors, being 32, seems to be a high-ish number, but I await his explanation or enlightenment.

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785

Hon. Prof. J E Cortes: Mr Speaker, the thing is that it is difficult to apportion this to any cause because they will be seeing members of the Wellbeing Support team for reasons which may be very private and very personal and not at all related to the workplace. If there are concerns related

790 to the workplace, normally that would be dealt with as well through the senior leadership teams
in the school, but out of a staff of close on 500 – over 400 – you would expect there would be
some who have some kind of issue.

We are, of course, aware of the increasing incidence of mental health issues throughout the
community. Some apportion it to COVID, some to long COVID, others to the increasing complexity
of life in the 21st century. I do not read anything into it, but I do not *not* read anything into it; I am
795 pretty neutral. I am just glad that these teachers are able to have the support of the Wellbeing
Team and I am told that they do an excellent job.

Mr Speaker: Next question.

Q495/2023

**St Mary's, Bishop Fitzgerald and Governor's Meadow Schools –
Schooling during move to new premises**

Clerk: Question 495/2023. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government explain why no alternative schooling programmes are being
offered to pupils of St Mary's, Bishop Fitzgerald and Governor's Meadow Schools during the 10
school days these schools will be closed due to moving into their new premises?

805

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 schools will be closed for pupils for six days this term and one day next
term, not for 10 days.

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On most of the occasions that this Government has opened new schools — and it has built
many — it has been necessary to provide a number of days for the staff to complete the move
and to prepare the classrooms and specialist rooms for the start of term. On this occasion the
closure will be less than it has been on others. No alternative arrangements have been provided
in past years.

815

Clearly the Government and the Department of Education, as well as the schools, understand
that this will be difficult for some families, even though these families appreciate the importance
of this time and welcome the brand new schools. However, as has been announced already, the
GSLA will be commencing its programme of summer activities to coincide with this period in order
to assist families in this position.

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I would like to sincerely thank my friend and colleague the Hon. Steven Linares for making
these very welcome arrangements. Thank you, Steven.

825

Hon. E J Reyes: I am grateful for the answer, Mr Speaker. For your benefit, the deadline for
filing these questions was actually before the GSLA made the announcement that they were going
to do that, so it has avoided the need for any follow-up supplementary questions where I would
have asked the Minister had he considered working alongside our other hon. Member.

All I can say is I wish all the best to the GSLA in having taken this on, and I wish all the best to
parents and grandparents who, like myself, are often called upon for free, gratis and for-nothing
services.

Q496/2023
Hassan Centenary Terraces –
School catchment areas

830 **Clerk:** Question 496/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of the school catchment areas residents of Hassan Centenary Terraces will fall under as from September 2023?

835 **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, to date, no pupils enrolled have provided Hassan Centenary Terraces as their residential address on our official records. Parents are required to provide documentary evidence that they reside at the stated address and this is clearly not possible until families move into their new homes. We have also not had any new enrolments with this prospective address. Enrolment forms require parents to provide the current residential address of the child, so Hassan Centenary Terraces is anticipated as an address once families move into their new abode.

840 We have, however, received a number of transfer requests for pupils currently enrolled in our schools, or who will be joining our schools in September, whose parents or carers have cited an upcoming move to Hassan Centenary Terraces as a reason for their school transfer request. All of these transfer requests have been facilitated.

845 It is anticipated that pupils with an address at Hassan Centenary Terraces will be allocated Notre Dame and St Anne's Schools as their lower and upper primary schools.

850 **Hon. E J Reyes:** Thank you, Mr Speaker.

Yes, it makes sense that the Minister is saying no one has a utilities bill yet, but if the timetables are proved to provide the fruition they are meant to, as from July people will be signing up for water and electricity and the rates bills will certainly start to come in for that area. The Minister has clarified that those families who are already anticipating that ... those requests have so far been successful and have been able to be met, so it is a question of first come, first served because as and when some may be able to move in quite quickly, others may require a bit more time to move into their houses.

860 I wish the Department of Education the best of luck because they might receive requests ... Having worked in that Department, I know what it is like. Parents can say, 'At the end of the autumn term can my child, as from January, move to this school?' and it provides not only physical logistical problems but the educational programmes ... If I can be of any assistance to the Minister I certainly will, and I hope there are enough spaces left in those schools to cater for the students who will reside in that area.

865 **Mr Speaker:** I must remind the hon. Member that he needs to ask a question.

Hon. E J Reyes: Sorry. Will the Minister ensure this House that he will keep on monitoring the requests, so that they will take stock and, if need be, plan ahead for further schools for that area in the future as demands increase?

Hon. Prof. J E Cortes: Yes, Mr Speaker, the Department is anticipating that there will be requests and is confident that they will be able to meet most of them.

875 Do remember that there will be cases in which, because they are young families moving to these homes, they will have the extended family network, and sometimes families prefer to have their children close to their grandparents, so perhaps there will not be as many requests as we would expect, but this will sort itself out as people settle into their new homes.

Q497-99/2023

Vaping –

Policy re children, consultation with schools and measures in place; disposal/recycling

Clerk: Question 497/2023. The Hon. E J Phillips.

880 **Hon. E J Phillips:** Mr Speaker, can the Government state its policy on vaping use by children aged 11 to 17?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

885 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 498 and 499.

Clerk: Question 498/2023. The Hon. E J Phillips.

890 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what communication it has had with schools in relation to vaping issues, and if it has, could the Government inform the House what has been determined and what measures have been put in place to discourage children from vaping?

895 **Clerk:** Question 499/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state its policy on the disposal/recycling of single-use plastic vapes given the restrictions in the past on plastic bags, plastic cutlery and straws?

900 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, the Government banned vaping by children in December last year and is considering banning the importation of disposable plastic vapes.

905 Schools strive to foster an awareness in pupils of both civic pride and healthy living. Schools also continually reinforce the importance of our choices and of the impact these have on those with whom we interact. Schools are keen to ensure their environments are welcoming, clean and safe for all of their pupils. Educating our young people is key to promoting healthier mindsets and behaviours. In addition to the ongoing curriculum focus on developing healthy lifelong habits, schools continue to discourage children from vaping through assemblies, small focus groups and, where appropriate and necessary, communication with parents. The Department of Education
910 continues to work closely with colleagues in Public Health Gibraltar.

In recent months, a pupil survey on vaping has been conducted across secondary schools, in collaboration with the University. The data are currently being analysed and the results of the survey will be publicly available in the next month. The survey has been supported by educational
915 talks, which are ongoing, which are delivered by public health officers directly in the schools, in which the teenagers are directly involved, and by providing useful learning tools to our teachers.

Vaping-focused professional development courses were offered to all school staff in the Education: 2023 CPD event at the end of March.

920 Additionally, the extra CCTV cameras which have been installed in both secondary schools to focus on the communal areas in the vicinity of the toilet block entrances have resulted in a decrease in the number of reports about vaping by pupils. When pupils are found vaping, schools will meet with parents and pupils to reinforce the school's values of civic pride and healthy living, and apply age and context-appropriate consequences in an effort to work constructively towards promoting appropriate behaviour.

925 This topic has been covered in other multi-agency meetings, such as the Child Protection
Committee, and there is clear, strong legislation in place demonstrating the Government's
determination to continue to tackle the issue of vaping in teenagers with all available resources.

Hon. E J Phillips: Mr Speaker, there is quite a bit to unpack there, but in relation to
930 Question 497, the Government's policy on vaping, the Minister said that they were currently
considering an outright ban of the importation of vapes in Gibraltar. Clearly there is a public health
issue with that very suggestion because, as he knows, the Director of Public Health has said at
general meetings of the public that in fact vaping for those addicted to nicotine and smoking is
actually very helpful. That said, people taking up vaping for the first time is actually ... We do not
935 know the long-term effects generally vaping can have on older people. I just wondered, in relation
to the outright ban, what considerations are currently before the Government insofar as that is
concerned.

Hon. Prof. J E Cortes: Mr Speaker, as the Director of Public Health has said, vaping is better
940 than smoking for people who are wanting to give up smoking, but very much worse than not
smoking and not vaping for young children. The consideration we are giving and the legislation
that is being drafted is for prohibiting the importation of single-use disposable vapes, not vaping
as a whole. These are the ones that are more accessible to children. They are the colourful, fun-
looking ones and the ones that also end up not being recycled, and therefore they are the ones
945 we are targeting now and not vapes as a whole.

Hon. E J Phillips: Mr Speaker, I am grateful for that clarification. That is an important
clarification, of course, given last month Prof. Sir Christopher Whitty had written in *The Times* – I
think he may be aware of that article, and indeed it was released on the UK government's website
950 – where he went into some detail as to the shameful practices of those companies that are selling
these colourful fruity-flavoured vapes. I appreciate those are the ones that I think the Government
wishes to attack, but what consideration ...? The main purpose of this report in the United
Kingdom, which we have all been looking at, is that the government is attacking the marketing of
these specific devices. What steps is the Government taking in relation to the marketing of those?
955 I can appreciate the ones that the children are attracted to – the colourful ones, the fruity-flavour
ones. Generally speaking, these devices have a lot of marketing around them that attract people
and attract addiction, which of course Prof. Whitty has characterised as shameful, generally
speaking. I wonder what initiatives the Government has in place insofar as the marketing of these
specific devices is concerned.

960 **Hon. Prof. J E Cortes:** I assume the hon. Member means marketing the ones that we are not
thinking of making illegal.

Hon. E J Phillips: [*Inaudible*]

965 **Hon. Prof. J E Cortes:** The ones that we will be allowed to import. Yes. Well, this is like
discouraging smoking and it is something that is being addressed by the Public Health team. I do
not have details of the campaign that they are preparing, but as and when they develop it, I am
sure they will pick it up from the media, and I would be happy to answer questions in future on
970 that specifically.

Hon. E J Phillips: A few more questions, if I may, Mr Speaker. Insofar as illegal vapes, of course
those can be very dangerous. They contain, he may well know, nickel and lead, which would
damage not only young lungs but the brains of children. I assume that is all part of the same
975 package of protection and measures that the Government will introduce in terms of legislation to
prevent those illegal vapes finding their way on to our streets. That is the first question.

Hon. Prof. J E Cortes: Yes, sir. The fact that the legislation is being drafted means that there is quite an extensive exercise being carried out in order to pick out all these dangers so that we can deal with them in one go.

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Hon. E J Phillips: Just one final question. In relation to the data that has been collected from the secondary schools, there is a clear trend in European countries and, indeed, the United Kingdom, where vaping has gone up to, I think, 9% from 6%, as far as I understand from the report ... Just from his cursory examination – I know there is still analysis being done on the figures, so I am not going to hold him to it – are we seeing a similar trend in use by our students at schools?

985

Hon. Prof. J E Cortes: Mr Speaker, I held a meeting with the Public Health team last Friday and there was a very superficial discussion on the results. I did not see the results myself, but sadly I believe the percentage is higher here than what we have seen in some of those other studies. Whether the methodology was the same or not is something that is part of the data analysis, but if we just take the figures on their own I believe that they are higher than the ones that the hon. Member has described, which is concerning and is something that clearly flavours the way we deal with it.

990

Hon. E J Phillips: I am grateful for the answer. I know that sometimes the Minister has given standard responses to our questions, and obviously we do not want to start a debate on a subject as important as this, but that is an alarming disclosure by the Government that we seem to have a very significant problem with our young people using vapes. It would be very helpful to know if there are any other measures that the schools can deploy to try to weed this out of our secondary schools.

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Hon. Prof. J E Cortes: Mr Speaker, I have covered everything that I have to say on that. Clearly, I have mentioned that I believe, from recollection of my meeting on Friday, that it is higher, but I cannot now confirm how much higher and whether I may have got it wrong. I think I have got it right and I think it is. I was alarmed when I heard, but I would not like this to pre-empt the fact that we are going to be releasing all the stats within the next few weeks and clearly we will all have an opportunity to comment then.

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Mr Speaker: One final supplementary from the Hon. Roy Clinton.

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Hon. R M Clinton: Thank you, Mr Speaker.

If I may ask the Minister, I noticed in his response that he mentioned that one of the measures that the schools have taken is putting CCTV outside the toilets. I have heard anecdotally that in the comprehensives there is a particularly bad problem with vaping in the toilets. I wonder whether the Minister has considered something as simple as the airlines do, where they have smoke detectors within the toilets.

1015

Hon. Prof. J E Cortes: It is not something that we have considered. We are trying to resolve the problem in this way, but it is certainly something that can be looked at. How sensitive smoke detectors are to vapes I do not know, Mr Speaker, I am not an expert, but certainly it is something that we can look into.

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Mr Speaker: Next question.

Q500/2023
Littering fines –
Number since 1st January 2023

Clerk: Question 500/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Government confirm the number of littering fines imposed between 1st January 2023 to the date of this question?

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 litter wardens have placed 51 fines since 1st January 2023.

Q501/2023
Barbary macaques –
Population number

Clerk: Question 501/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Now for potentially his favourite question. Can the Government state Gibraltar's macaque population?

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, approximately 215.

Hon. E J Phillips: Mr Speaker, does the Hon. Minister have a split by pack number?

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Hon. Prof. J E Cortes: Not here, Mr Speaker. I can provide that, but I do not have that information here.

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Hon. E J Phillips: Mr Speaker, insofar as the numbers, does he have any further information in the prepared answer relating to that number being significantly lower than previous years? My understanding is that we had a total Barbary macaque population of over 300. I was wondering what are the reasons for that figure being at 215, if I am right on that.

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Hon. Prof. J E Cortes: Mr Speaker, the population, if it was 300, is a long time ago. More recent figures are published in our statistical reports. They have been above 200 for quite some time. They are now lower, and that is largely as a result of a successful campaign to sterilise key females surgically. It is done by the vet under anaesthesia; essentially, the tubes are cut. They carry on behaving normally and keep their role within the pack, but they cannot have any young. So the birth rate has dropped significantly, and when then you consider the natural wastage – unfortunately, one of the main causes of death is roadkill – that has meant that the population is stabilising. Now, whereas we used to have packs having eight, nine, 10 births per pack, we are down to perhaps two or three a year and that has stabilised the population.

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Hon. E J Phillips: Just one further question on this. Is the Minister at all concerned about the population, given the sterilisation processes that are engaged here? Without digging up some of

1065 the old history of our community insofar as the relevance of the Barbary macaque, are there any concerns that the population might dwindle further?

Hon. Prof. J E Cortes: No, Mr Speaker. The aim – and I have been working in this line since long before I was ever dreaming of being a Minister, if ever I dreamt of being a Minister – has always been just under 200, between 180 and 200. We are almost there. No, I am not worried, because even though this type of sterilisation is not reversible, not all females in every pack are ever sterilised and there will always be some that will have young. If there was a noticeable decline in population which was alarming – say they dropped to below 170 – we would stop sterilising, and then as new females came into the right age, they would carry on reproducing.

1075 I think we have – or the team, not me anymore. The team has, I think, a good handle on the situation and I am confident that it is stable but it is not at risk. So we will not have to do a Winston Churchill and bring them over from Chefchaouen.

Mr Speaker: Next question.

Q502/2023
Bathing water –
Method of testing

1080 **Clerk:** Question 502/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm how it tests the quality of our bathing waters?

1085 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Environment (Quality of Bathing Water) Regulations require the monitoring of two microbiological indicators of faecal contamination: e-coli and intestinal enterococci. The choice of these indicators reflects recognition that faecal material, for instance due to sewage contamination, is the primary health threat to bathers. Acceptable levels for intestinal enterococci are 185 cfu/l or less and 500 cfu/l or less for e-coli. Any analysis results higher than these result in the water quality being deemed low water quality. The frequency of sampling is monthly outside of the bathing season, November to March, and every two weeks, recently increased to weekly, during the bathing season, April to October.

1095 The Environmental Agency uploads sample results for all beaches and other bathing areas as soon as results are received from the Public Health Analyst. Results are made entirely available to the public on the Environmental Agency website. Following the OS35 incident, extra samples were carried out for heavy metals and hydrocarbons.

1100 **Hon. E J Phillips:** I am grateful to the Minister for the answer. I know the Minister and I had a fairly volatile debate on television in relation to some of these aspects and he did pull out the chart that described and characterised all of our waters as being good, and I think we have improved at Western Beach anyway. Is there any advantage to testing the water column in Gibraltar, in terms of depth? My understanding is that that would be a clearer testing process to ascertain the real quality of those waters.

1110 **Hon. Prof. J E Cortes:** Mr Speaker, there is ample sampling of the water column for all sorts of contaminants, but that is done outside, at sea, to look at the quality of our waters in general. Again, those results are published and I have seen no cause for concern in them.

1115 These are specifically waters on our beaches, which is where people will swim, so I think there is no need, for the purpose of our beaches, to test the water column, because that would not be a reflection of the state of the water that you are going to be swimming in. We are following the protocols as set out in the EU directive, so I am satisfied that this would pick up any contamination, as it has done in the past. We have used the same methodology for many years, and to quote the chart, which I should have brought, to show everybody how beautiful our waters are now, so I missed a trick there ... As I showed on that chart on television, the water quality has now improved tremendously, so that all our waters are excellent except for Western Beach, which is good, which is much better than it has been in the past, and we all know that is for reasons outside our direct control.

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Mr Speaker: Next question.

Q503 and 506/2023
Illegal fishing –
Number of prosecutions; repair of enforcement vessels

Clerk: Question 503/2023. The Hon. E J Phillips.

1125 **Hon. E J Phillips:** Mr Speaker, can the Government state how many prosecutions have been conducted as from 1st January 2015 in relation to illegal fishing in our waters?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1130 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 506.

Mr Speaker: Question 506 will be asked by the Hon. Mr Phillips on behalf of the Hon. Daniel Feetham.

1135 **Clerk:** Question 506/2023. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

1140 **Hon. E J Phillips:** Mr Speaker, in the light of the answer to Question 384/2023, have the Environmental Agency vessels now been repaired so that the laws on the prohibition of fishing with nets in BGTW which this Government introduced can be enforced?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1145 **Hon. Prof. J E Cortes:** Mr Speaker, the Environmental Agency does not have any vessels, but I am sure the hon. Member meant the Department of the Environment's Environmental Protection and Research Unit, now known as EPRU. I can confirm that one vessel has been repaired and is now operational, namely the RHIB *Razorbill*.

1150 In answer to the other question, a total of 40 individuals have been reported since 2015 in relation to illegal fishing under the Nature Protection Act 1991, the Marine Protection Regulations 2014 and the Tuna Preservation Regulations 2014, altogether. This is broken down into seven under the Nature Protection Act 1991 and 33 under the Marine Protection Regulations and the Tuna Preservation Regulations 2014.

1155 **Hon. E J Phillips:** Does the Hon. Minister have any information about the breakdown between the seven and the 30? It is 7/34, right? Thirty-three, so a further breakdown of the 33. Are they mainly tuna contraventions?

1160 **Hon. Prof. J E Cortes:** Mr Speaker, I have some notes here. Seven individuals have been or are in the process of being reported for offences under the Nature Protection Act, of which four specifically relate to fishing with nets. Of these, one has a warrant of arrest pending for failing to appear at the Magistrates Court, one was fined £1,800 by the Magistrates Court, one was deemed not guilty by the Magistrates Court, and one is presently in process. There were three specifically for having illegally collected protected species, namely Mediterranean ribbed limpets and spider crabs. Of the 33 individuals, they range from fishing without a permit to catching undersized fish.

1165 **Hon. E J Phillips:** Mr Speaker, does the Hon. Minister have the nationality of those individuals that have been prosecuted for contravening our laws?

Hon. Prof. J E Cortes: I do, Mr Speaker. Let me say that the vast majority are not local.

1170 **Hon. E J Phillips:** Mr Speaker, from our analysis, I think that amounts to approximately five prosecutions for every year for the last eight in relation to this particular question, and that is split across Nature Protection Act contraventions and marine and tuna contraventions. What does the Hon. Minister have to say about that? Five a year for the last eight – does he feel that is woeful?

1175 **Hon. Prof. J E Cortes:** Mr Speaker, it is a vast improvement on anything that ever happened before because there was never a flavour for protecting our marine life until this Government came into office. I do not have to tell the hon. Member – who, although he dismissively defined me as ‘a professor of birds and bees’ I think he said, I respectfully referred to him as a lawyer – precisely because he is a lawyer, he should be aware that the number of prosecutions and successful prosecutions is not necessarily directly related to the amount of enforcement.

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Hon. E J Phillips: Mr Speaker, I accept that end note that he has placed on that, and I am sure that there are many instances where vessels have been warned by our law enforcement agencies. I do not deny that has happened. Of course, more recently there have been significant concerns about the level of resources that we have. He talks in his answer about the *Razorbill* that has been recently repaired. I am not too sure of the name of the other vessel, but it is obviously out of service. Does he not agree with me that having two important vessels out at sea enforcing our laws is the right approach, and if they do need to be resourced and tooled up even more in terms of the powers that can be provided to them, they should be, because our laws should be respected by locals and indeed foreigners?

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Hon. Prof. J E Cortes: Mr Speaker, I think the hon. Member has to remember – perhaps he has forgotten, but I do not think he was here when we started – that this unit has been created by us from absolutely nothing, and therefore all the resources that we have, no matter how small they may be, are thanks to us. I must add that yes, clearly it is unfortunate that both ... The other vessel, by the way, is the *Storm Petrel*, and that is no longer in commission, but as I also said publicly, the *Osprey* will be arriving soon.

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Hon. E J Phillips: Just one final question, for all those individuals in our community who are concerned about this particular activity and breaches of our laws, particularly those relating to nature protection, marine and tuna: is he satisfied, therefore, with the last eight years in terms of the work being done in relation to the protection of our environment and any prosecutions they have had? Is he satisfied with the number?

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1205 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. The hon. Member is indeed calling for the implementation of GSLP Liberal Government policy as opposed to the GSD policy, which was to do absolutely nothing. So he is encouraging us to carry out our policies. I now assume that he is clearly supporting the GSLP Liberal Government in this. (*Interjection*)

1210 I have absolutely no doubt whatsoever that the current level of enforcement of our marine laws is better than it has ever been, and it is more effective than people even want to imagine. The fact that there have not been that number of prosecutions and that number of fines does not mean that the instances of contravention of our marine laws, now that we have them, has not decreased tremendously in recent years. Evidence of that is the fact that marine life has responded and now we have a large number of marine species living happily in our waters, which was not the case before. As I am a professor of birds and bees, I can mention grey herons, which are now regularly in our waters, fishing throughout the year, particularly in winter; great cormorants; and the population of the green cormorant, which is a very rare species only found in Gibraltar and not for many miles around the Iberian coast, has increased and is greater than ever before. We have even had an otter resident in our harbour for over a period of a year. Those facts speak for themselves, as does this professor of birds and bees.

1220 **Hon. E J Phillips:** I am grateful for the indulgence. Just one question. He bases his analysis on the work that the EPRU may do at sea in relation to warning vessels about breaches of our laws, for example. He talks about that and talks about the number of prosecutions, and I can probably take from the answer that he is generally satisfied with the work that we are doing in our community. But none of the officers who are out at sea are trained to prepare dockets for prosecution; neither are they trained insofar as the handing out of fixed penalty notices to locals or foreigners who contravene our laws. How does he reconcile the two? You have to resource and train individuals to enforce the law, but they do not have the requisite training or skills to do that.

1230 **Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member is clearly directly criticising the ability of public officers to carry out their duties, and I suppose that reflects those who clearly also have conversations with him.

1235 I am satisfied with the commitment of these staff. They have received extensive on-the-job training in things like rescuing, citations, safety at sea and all other sorts of training that is provided to a large range of law enforcement officers. I am satisfied that they perform their duties and therefore I take exception, as the Minister responsible for them, that this hon. Member has criticised their ability as public officers.

Mr Speaker: Next question.

**Q504-05/2023
Ammunition jetty –**

Plans and whether wave energy project abandoned

1240 **Clerk:** Question 504/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it has now abandoned the wave energy project?

1245 **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 505.

Clerk: Question 505/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state what plans it has for the ammunition jetty?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

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Hon. Prof. J E Cortes: Mr Speaker, at present there are no plans for the ammunition jetty.

The Government has not abandoned wave energy as a potential renewable energy option for Gibraltar. Unfortunately, this specific pilot project did not yield the result we had hoped for.

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Hon. E J Phillips: Mr Speaker, the Chief Minister says it was a third party from a sedentary position. *(Interjection)* Well, in fact, it had government support. There was a huge fanfare around wave energy that the hon. Gentlemen across the floor supported. Of course, we would all support something that does that. *(Interjections)* Let's get to the question, then. *(Interjections)* Mr Isola is sat down, as always, shouting from afar, uttering something that we do not want to hear.

1265

But anyway, Mr Speaker, the question was in relation to abandoning the wave energy project. If anyone walks past the ammunition jetty, it has clearly been left to rot. It is actually quite a beautiful view of our Rock and our ammunition jetty, which should be repaired or at least developed, so what is the Government going to do about that – leave it to rot further?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the ammunition jetty has nothing to do with the Ministry for the Environment. It is part of the general set of land assets of the Government of Gibraltar. The hon. Gentleman will, I assume, know the history of the ammunition jetty and why it was built. We no longer have a need for the ammunition jetty. In other words, the hon. Gentleman knows why the ammunition jetty was built. He knows that the volatility of explosives today is different. He knows that there is a blast circle around the Z berth down at the dockyard at the South Mole, and he knows that blast circle, because of the new volatility, which is relevant to explosives today, not at the time of the Bedenham is not what it used to be. It is unlikely to blast the windows in the city and therefore we do not need an ammunition jetty on the Eastside.

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We have not, as the Hon. Minister said to him, abandoned either the ammunition jetty nor the wave-to-energy project, because it was not ours to abandon. It was something that was proposed to the Government as an experiment that somebody wanted to do here. All we needed to do was say yes or no. If we said yes, we supported it. If we said no, we did not support it. If we had said no, the Opposition would have said, 'This is terrible, this is an opportunity to try wave power and you have not supported the opportunity, at no cost to the taxpayer, to see whether it works or not.' We said yes. So they were waiting for us to say, when the time came, whether the company wanted to continue or not, whether we supported them not continuing their experiment, or not, to say, 'Ah, you have abandoned the project.' This is the classic damned if you do, damned if you do not.

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We believe it was right to support an Israeli entity wanting to use Gibraltar as a test bed for this technology. We believe it is right to attract that opportunity, and if you want to attract that opportunity, what you cannot do is when they tell you they have finished the experiment, fine them, require them to carry on etc. So we have not abandoned anything. The experiment is over. The results are very interesting. They will continue to benefit the opportunities for this sort of technology going forward.

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What was being done at the ammunition jetty before this experiment? Nothing, because we were no longer using it to munition our fleet of war-going ships. We have no plans for the fleet of war-going ships for which we are responsible. We have no need for the ammunition jetty. To repair a jetty on that side of Gibraltar would cost – and he should hold on to Mr Clinton's hand whilst I say this – millions of pounds, for no commercial purpose whatsoever.

1300 So I am very sorry to say that we have neither abandoned that project nor abandoned the
ammunition jetty. We have continued to see the ammunition jetty develop as it was when it was
handed over to us in their time, or in our time, or in anybody else's time. But what I would say is
1305 that the ammunition jetty is part of the history of Gibraltar. It is part of the crumbling history of
Gibraltar. Part of the history of Gibraltar has to crumble. It is natural because otherwise it is not
the history of Gibraltar. Otherwise, what we would have is a new ammunition jetty, because we
have to literally rebuild it from scratch. The foundations have completely gone. It was not built for
a thousand years. We were not the thousand-year Reich. It was built for when it was needed, and
1310 it is no longer needed, but the history of Gibraltar includes that this is the place where James Bond
was born, that Operation Goldeneye was the operation to protect Gibraltar from the invasion of
the Nazis, and that *Thunderball* is based on the Italians coming to attack Gibraltar. 007 is part of
the history of Gibraltar, but we cannot spend millions repairing the ammunition jetty, and we have
not abandoned that project.

Hon. E J Phillips: Just one question in relation to the wave energy project. Given the fact that
1315 the Government has not abandoned it – or at least the individuals concerned, the company
concerned that was investigating, the Israeli company – what steps are being taken to reintroduce
the project elsewhere in Gibraltar?

Hon. Prof. J E Cortes: Mr Speaker, this is not our project. As the Chief Minister has said and
1320 repeated several times, it is not our project. In fact, we did not abandon it. I suppose you could
say it abandoned us. I repeat what the Chief Minister said. They finished the experiment, they got
the conclusions they wanted, they are trying that technology elsewhere with more or less success,
depending on a number of factors, but the experiment finished and we were very happy to be a
part of it.

1325 Wave power, unfortunately, at the moment has not got the technological advancement that
the whole world would like, and this was part of a process of achieving it. If part of this helped
them in improving the output and one day they can come back and provide wave energy here –
clearly not on the ammunition jetty – then fine, but it is not our project, it never was our project.
We have said this many times. I have answered many questions on this and I have always
1330 explained it was not a government project, it was a private pilot project which the Government
was very keen to support and correctly did so.

Mr Speaker: Next question.

Q507/2023
Eastern Beach –
Provision of beach for summer season

Clerk: Question 507/2023. The Hon. D J Bossino.
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Hon. D J Bossino: Is the Government satisfied that it will deliver a beach at Eastern Beach,
instead of a construction site, in time for summer season 2023?

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, yes, sir, it did.

1345 **Hon. D J Bossino:** Mr Speaker, is he telling the House that it is no longer a construction site? It certainly does not look like that when one visits the area. Is he able to therefore state that a completion certificate and a certificate of fitness have been issued?

1350 **Hon. Prof. J E Cortes:** Mr Speaker, I do not know what he wants a certificate of fitness for. It is not for me to ask him questions, but it is an answer that I certainly cannot give. He should clarify what certificate of fitness he is referring to. The beach is a beach – El Mar de Levante, in case the hon. Member is not clear.

1355 **Hon. D J Bossino:** The hon. Member is playing games. It is obvious that there is heavy construction going on at Eastern Beach. There are stores on the promenade. I would have thought that would have been obvious to him. The question arose from that, if that helps him by way of assistance.

1360 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman should understand that a certificate of fitness is relevant to the structure, not to the area around the structure, and the beach is the area around the structure. So if what he is saying is have certificates of fitness been issued in respect of the stores that have been built, well, the stores that have been built, as far as I am concerned, are not yet complete; the construction has paused now. There is no need for a certificate of fitness for the beach by any stretch of the imagination.

1365 **Hon. Prof. J E Cortes:** May I add, Mr Speaker, if the hon. Member wanted to know whether a certificate of fitness had been issued, he should have asked that question specifically, and then the appropriate Minister would have had a prepared answer. The answer I have given refers to the beach, not a store which may or may not require a certificate of fitness. That would have to be another question.

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Mr Speaker: Would the hon. Member wish to clarify and ask a supplementary?

1375 **Hon. D J Bossino:** Mr Speaker, I have already clarified. The hon. Member knows where I was coming from. It was obvious why I was asking the question.

The beach is a veritable construction site. By any stretch of the imagination, it cannot be seen to be considered a usable beach, certainly some parts of it. Now that he knows where I was coming from, is he able to answer the question that I posed?

1380 **Hon. Prof. J E Cortes:** Mr Speaker, I answered the question already. I said yes, sir, it did.

Mr Speaker: Next question.

Q508/2023
Construction site dust –
Measures to control

Clerk: Question 508/2023. The Hon. D J Bossino.

1385 **Hon. D J Bossino:** What measures are in place to control the emission of dust at construction sites?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1390 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Environment (Control of Dust) Regulations seek to prevent, reduce or control dust emissions from the following activities or operations: dismantling or demolition of buildings; construction works and excavations; refurbishment works; mining, road building and all other engineering works; processing or stockpiling of solid bulk materials, including sand, grit, gravel, rock, dirt, sawdust and ash; operation of machines, equipment or vehicles; operation and use of unpaved land for any purpose whatsoever; and any agricultural or horticultural activity or process.

1395
1400 Any person undertaking any of the above activities or operations must apply for a certificate of approval from the Environmental Agency. A dust control plan must accompany the application and it is recommended that the dust control plan incorporates the recommendations contained in the 'Dust – Best Practice Guide' produced by the Department of the Environment and Climate Change.

1405 The dust control plan details the types of activities the company proposes to carry out and describes the methods which will be used to prevent or reduce dust emissions as far as is reasonably practicable. This document is submitted to the Environmental Agency and if approved, the company receives a certificate of approval to operate. It is an offence to undertake such activity or operation without a valid certificate of approval.

1410 Examples of typical dust mitigation measures include: adequate wheel washing facilities on site entrance and exit; frequent wetting down of vehicle driving routes with a bowser; frequent dampening of stockpiles; all material delivered must be damp on arrival, for example at Victoria Keys; contractors are to be advised to wet down the material prior to loading their trucks and not just to hose down the surface; all trucks entering a site must be covered and secured with a suitable tarpaulin or dust cover; dampening of material prior to being crushed – where there is crushing, clearly; and equipment with integrated water suppression.

1415 Environmental health officers proactively visit construction sites around Gibraltar to monitor compliance with dust control plans. Environmental health officers may issue a prohibition notice on an activity or operation when they are not satisfied that the dust control plan is being implemented, resulting in dust emissions. The notice will state the matters that need to be addressed and the timeframe to comply with the notice. In 2022 one prohibition notice was issued and in 2023 one company was cautioned for not properly implementing their dust control plan.

1420 Plumes of dust and concerns regarding dust from construction and other such activities can and should be reported to the Environmental Agency for investigation.

1425 **Hon. D J Bossino:** Mr Speaker, this question arises from complaints that I have received in relation to a particular construction site, but it is widespread around Gibraltar given the amount of construction that is going on. Is he satisfied that the measures which are in place – and that is what the question was – are being properly enforced? He talks about only one notice being issued in 2022. Would he not have expected the number to have been higher? Does he have a comment in relation to that, or does he think that all the construction companies are very well behaved in this area?

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1435 **Hon. Prof. J E Cortes:** Mr Speaker, once again, the fact that only one prohibition notice was issued does not mean that there was no engagement with people who may have been in contravention or may not have satisfied the Environmental Agency. There will be a proactive approach, as I mentioned in my answer. They will visit the site, they will give advice, they will ask them to improve their performance – on repeated infractions, clearly the next step will be taken – and they are free to take whatever step they wish to take against any generator of dust. Therefore, I am satisfied with the professionalism of the environmental health officers dealing with these situations. That the answer to that, Mr Speaker, is yes.

1440 **Hon. D J Bossino:** Mr Speaker, can he tell the House how many environmental health officers he has available to his department to deploy in order to enforce this, and is he satisfied with that number?

1445 **Hon. Prof. J E Cortes:** Mr Speaker, I do not have that figure off the top of my head, so the answer is no. They have, I think, a sizeable number, they cover a lot of area – and they are not constantly knocking on my door asking for more resources and that must say something. I have every confidence in their ability to perform all the duties that Gibraltar relies upon them to perform.

1450 **Hon. D J Bossino:** Mr Speaker, the issue was not their ability but the number and the ability, therefore, to enforce.

Is he able to provide any information before 2022? He has provided information in relation to the notice issued in 2022 and he mentioned something in relation to this year. Is able to provide information prior to that year?

1455 **Hon. Prof. J E Cortes:** I will, if I am asked, and I can certainly look up the information without having to wait for a question if the hon. Member would be so kind as to remind me.

Mr Speaker: Next question.

Q509/2023
Governor's Parade –
Rubbish collection point

1460 **Clerk:** Question 509/2023. The Hon. D J Bossino.

Hon. D J Bossino: Is the construction of a rubbish collection point at Governor's Parade the Government's idea of renovation of this area?

1465 **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, no, sir, it is a positive response to the calls by businesses on Main Street for larger refuse stores, so that they are better able to dispose of their rubbish without cluttering the street.

1470 **Hon. D J Bossino:** And I am sure that is the case, Mr Speaker, but weren't other options considered? It is quite a big area, and I think once constructed it will prove a source of defacement, I would say, of the area, such a large rubbish collection point. Were other options not available to the Government? For example, I understand that there is a large underground area in that square.

1475 **Hon. Prof. J E Cortes:** Mr Speaker, other options were considered. It is very difficult to find locations for refuse cubicles. Nobody wants them on their patch and it is difficult to find places for them.

1480 Yes, indeed, there is a space underground, which I believe may have been used as an air-raid shelter in years gone by. We did explore that, but unfortunately at some stage a previous administration – and I do not know which one – in restoring that area, or providing the car park or whatever, sealed the entrances and therefore there is no easy access, we would have to dig, and there are no stairs so it would have to be a vertical approach. So it was considered and not

1485 found practicable. It would also have been extremely expensive to open that space up. So we did consider it, but it was not practicable. But there was a great deal of pressure from the business community to improve. You see, Mr Speaker, we are trying to get the business community to work with us in improving cleanliness on Main Street, but they constantly came to us and said, 'Yes, of course we can do it, but we need more space.' This is one of the spaces being provided.

1490 **Hon. D J Bossino:** Mr Speaker, finally, does he not agree with me that in fact this is not an issue as to whether people do not want that type of thing on their own patch, it is something which is a complete and utter eyesore? It is not going to produce particularly pleasant smells in an area which should have been the subject of urban renewal. As he himself said ... I think, in answer to one of my questions at the previous session of the House he cited Governor's Parade as an area
1495 which he said under his watch he had beautified.

Hon. Prof. J E Cortes: Mr Speaker, no matter what we do to review our urban space, we need to dispose of rubbish. Clearly we have improved that area, the area certainly to the north of the area that the hon. Member is referring to. If we were to, at some stage, embark on a wider
1500 beautification of the area, we would need to re-provide or incorporate these cubicles in some way.

I must point out that this went through the planning process and therefore had the approval of the Development and Planning Commission, which obviously considered the need for this kind of cubicle, because the community requires areas in which to dispose of refuse.
1505

Hon. D J Bossino: Once this is constructed, unless I am guessing the finished product wrong, this is a significant area of the park by the Church of Scotland. This is not a few cubicles, as he has put it; this is a massive area. How does he expect that to be incorporated in the future? What is his vision in relation to that specific point?
1510

Hon. Prof. J E Cortes: Mr Speaker, it is in the car park. This has been built in the car parking area and there was already a refuse cubicle there. This is an enlargement of the existing refuse cubicle.

1515 What can I say? We need to dispose of our rubbish. No matter where we decide to park – if I may use that word – a refuse cubicle, there will be questions from the Opposition and there will be an accusation that it is the wrong place. They have to go somewhere. We have to take that responsibility. We went through the planning process, the planning process approved it, and therefore it is being constructed there, and I hope that the result will be cleaner streets in the surrounding area.
1520

Mr Speaker: Next question.

**Q510/2023
Victualling Yard –
Proposed aquarium**

Clerk: Question 510/2023. The Hon. D J Bossino.

1525 **Hon. D J Bossino:** Does the Government support the setting up of the recently announced aquarium at the Victualling Yard?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1530 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the proposal is an interesting one which will be subject to the planning process as well as to an environmental and regulatory screening. The Government will therefore take a view at a later stage.

1535 **Hon. D J Bossino:** Is he able to share initially the Government's views in relation to the project? As I understand it, the idea is that the current creatures living there are meant to continue to live there. Does he have a view in relation to that? And does he have a view as to the management of the traffic and things like that? Those are the concerns which have been brought to my door in relation to this particular project.

1540 **Hon. Prof. J E Cortes:** Mr Speaker, I do not believe anybody lives there. Maybe the hon. Member would like to clarify what he meant by living there. *(Interjection)*

1545 Mr Speaker, this a private project. The Government is aware, but we have to wait for them to propose the detail. Keeping an aquarium of the type that they want to keep is not like keeping a goldfish in a tank. It is a complex issue. There are certain requirements, and in fact there are regulations elsewhere than in Gibraltar as to how you can keep aquaria. We would have to see whether we would need to legislate to ensure that it is properly maintained. So it is a complex process.

1550 I think it is a very interesting idea. I think if it works well, it could be a valuable addition to the tourist product, but it needs to be properly managed and we are awaiting the detail of the design and how they are going to run it. This is a private project. It will have to go through the planning process. I certainly hope that they will be able to satisfy all the requirements, but they have to satisfy those requirements.

1555 **Hon. D J Bossino:** Mr Speaker, what I take from his answer is that the Government has a completely open mind in relation to this project. Will this result in any government contribution in terms of financing?

Chief Minister (Hon. F R Picardo): We could give them a couple of goldfish.

1560 **Hon. Prof. J E Cortes:** No, sir, there is no plan for Government to contribute financially to this. *(Interjections)*

**Q511/2023
Devil's Tower Road –
New schools**

Clerk: Question 511/2023. The Hon. D J Bossino.

1565 **Hon. D J Bossino:** Does the Government have plans to build new schools in the area of Devil's Tower Road?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1570 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, it is possible that Gibraltar will need another primary school within the next five to 10 years, and most likely in the north. Current trends are being studied to determine whether this will indeed be necessary or whether the projected increases can be absorbed into our news schools.

1575 **Hon. D J Bossino:** Mr Speaker, is it something that will only impact a primary school? In other words, there will only be a need for a primary school? Will there not be a need for other schools? Can you give some information in relation to the nature of the study that he says he is conducting?

1580 **Hon. Prof. J E Cortes:** Mr Speaker, there may not be a need. It is being assessed; it is possible that there will be. I am confident that the size of the current secondary schools, if we include the new College – which is now in process, the planning applications and so on are out ... I would have thought that we are well-catered for, for the foreseeable future, in secondary, by the size of schools that we built. But the younger school age range is increasing. Our population is increasing not just by locals but also by people moving to Gibraltar. Although we have flexibility in the new schools we have built ... For example, the new St Mary's School currently is two-form entry but it has been designed for potential three-form entry and we have some flexibility in some of the other schools. This is precisely the exercise we have to carry out before we determine that Gibraltar may need another primary school. It is possible, but it is work in progress.

1590 **Hon. D J Bossino:** Mr Speaker, just to take him back to the question, because the sense I got in his reply is it was more wide, the Gibraltar application. My question related to Devil's Tower Road. Will the study look particularly at that area? And can I ask him to confirm whether his reply applies to that particular area or whether it is a Gibraltar-wide answer?

1595 **Hon. Prof. J E Cortes:** I think it is likely that the need would be in the northern district. We have a youngish population in the new terraces there and we have the Eastside development that will come online, so to speak, over the next few years, and we also have Chatham Views and Bob Peliza Mews, and they are all located towards the northern end of Gibraltar. Therefore, the likelihood is that the demand for school spaces will be in the northern areas. We would have to change and reallocate the catchment areas depending on where the space is, and it may be that once that has been analysed there will be a need for new primary schools, but I repeat that I am pretty confident that the secondary schools will be fit for purpose size wise – obviously for quality and so on for a long time, but size wise for much longer than the primary sector.

1605 **Hon. D J Bossino:** In relation to the primary school, is it too embryonic a stage in terms of the analysis for him to be able to identify an area that he is considering for the construction of the primary school?

Hon. Prof. J E Cortes: Yes, Mr Speaker, it is far too soon.

1610 **Mr Speaker:** Next question.

Q512/2023
68 and 72 Prince Edward's Road –
External rendering works

Clerk: Question 512/2023. The Hon. D J Bossino.

1615 **Hon. D J Bossino:** Please state which company and under whose instructions have external rendering works been carried out at 68 and 72 Prince Edward's Road.

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, necessary works to prevent a problem of considerable water ingress are being carried out by A&D Services under the instruction of Gibraltar Cultural Services, who manage cultural premises on behalf of the Ministry of Culture and the Land Management Committee.

1625 **Hon. D J Bossino:** Is the hon. Member satisfied as to the quality of the works which have been rendered in that area?

Hon. Prof. J E Cortes: Mr Speaker, the works are ongoing, so I am not yet satisfied, but I am sure that I will be satisfied once they are completed.

1630 **Hon. D J Bossino:** Does he have any concerns in relation to the heritage value once those works are completed?

1635 **Hon. Prof. J E Cortes:** No, Mr Speaker. The hon. Member may be referring to some posts about the use of Portland cement. That was an error by the contractor. Immediately that was spotted, it was changed to lime mortar on the recommendation of the Government Archaeologist.

Hon. D J Bossino: Is it the case that no long-lasting damage has been made to that building as a result of that error?

1640 **Hon. Prof. J E Cortes:** That is the information that I have, Mr Speaker. They have been able to rectify it in time and the plan is that it should be okayed by the archaeologist.

Hon. D J Bossino: May I ask the hon. Member the cost of the works?

1645 **Hon. Prof. J E Cortes:** The hon. Member may ask me, but I do not have the details. I do know, though, that there were three quotes and this was the most favourable one. I do not have the information as to what the cost is, but I can get that for him.

1650 **Hon. D J Bossino:** Mr Speaker, can he give an indication as to when the works are likely to be completed?

Hon. Prof. J E Cortes: No, sir.

Q513/2023
Southport Gates –
Update re works and cost

Clerk: Question 513/2023. The Hon. D J Bossino.

1655 **Hon. D J Bossino:** Please provide progress on the works at Southport Gates with an update on costs.

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1660 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the works carried out at Southport Gates have consisted of the dismantling and reinstallation of part of the pillar and the wall forming part of the Victorian Gate, currently

1665 the traffic gate. The disassembly and subsequent reinstallation of the shield was also carried out, a highly complex task as the piece is moulded out of mortar. Further work will remove some tree root systems to prevent future damage. The total cost at present is £63,265 and this includes scaffolding, contractor, materials and a specialist restorer.

1670 **Hon. D J Bossino:** Is that the total cost of the entire works – in other words, what has been spent to date and what is expected to be spent in totality once it is completed?

Hon. Prof. J E Cortes: That is the cost to date, Mr Speaker.

1675 **Hon. D J Bossino:** Does he have an estimation as to how much the works, once they are complete, are likely to cost the taxpayer?

1680 **Hon. Prof. J E Cortes:** Not really, Mr Speaker, because these works ... when you start, you do not really know when you are going to finish. They are old walls. You may uncover some other faults. You may see that there is a tree root that you did not know was there, which you then have to deal with. It is very hard to predict, so I would not like to hazard a guess. I would not think it is the same amount again, because we are now seeing the end of this work, but I would not like to hazard a guess.

1685 **Hon. D J Bossino:** Mr Speaker, I asked a question – I think back in October; I do not recall when – and I think he told me at the time that the works were likely to take about three or four months. Is he able to provide an estimation, given that he has breached that estimation as things stand at the moment?

1690 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I would very much have liked to have got the works finished and the scaffolding removed and opened the gate again, but because we identified other issues with one or two particular tree roots that we did not realise were there, it seems a pity and not really very cost effective to remove the scaffolding only to find that in a short period of time we are going to have to go back. So we took the decision, after discussing with the archaeologist and with the specialists from the National Museum, that it was best to carry on with the works probably a few months more and finish the whole of that area, and then it will be restored, hopefully, for many years to come.

1700 **Hon. D J Bossino:** Is he satisfied as to the progress of the works? Clearly he will say no, that he would have loved to have had it ready and completed. I think this has been going on for about three years, but I stand to be corrected. At the end of the day, it is about five square metres of wall. If one were to refurbish the entire walls of Gibraltar ... I think we are running to 10 km. If we take this long for five square metres then how long, for goodness' sake, are we going to take for 10 km?

1705 Is he satisfied that the progress is that the works are progressing well, in the sense that they are just encountering these heritage-sensitive issues which just need to be dealt with and were not encountered when they first envisaged and provided the hon. Member with a time estimate of the works?

1710 **Hon. Prof. J E Cortes:** I am satisfied, Mr Speaker, that the works are progressing well, meaning that they are being done well. Clearly, as the hon. Member predicted, I would have liked to have seen it done more quickly, but I am not going to rush it. It is not a job that can be rushed. If we rush it, then it is likely that we will get something wrong. These are historic walls that have been there for hundreds of years and they deserve the respect and the time that restoration requires.

Mr Speaker: Next question.

Q514/2023
Parson's Lodge –
Cost of development

1715 **Clerk:** Question 514/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state what the cost of the recently announced development of Parson's Lodge will amount to.

1720 **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, works are currently in progress and will be partly done in house, so the total cost is not yet available. The works are being paid for by the contractor as the normal part of the development of the Museum, one of their contractual obligations. The only difference is that a new venue is being used as an extension to the Museum. There is no additional funding being paid to the contractor for these works.

1730 **Hon. D J Bossino:** By 'the contractor' I assume he is referring to Knightsfield Holdings Ltd. He is nodding.

Can I ask him to explain what he means by 'in house'? This is, presumably, Gibraltar Government? Is that what he is referring to?

1735 **Hon. Prof. J E Cortes:** No, Mr Speaker, I mean the Museum staff. They have a conservator and they have staff in house who are able to develop the displays. It will not just be restoration works on the monument, it will be the preparation of displays, interpretation material and so on, and that is going to be done in house within the budget of the Museum and is not being charged in addition to the budget of the Museum.

1740 **Hon. D J Bossino:** I think he has answered the question at the tail end of his reply. So just so I have it clear in my mind, what he is saying is that these works will not result in extra cost to the Government because it is going to be paid for by the fund that the company currently receives. The hon. Member can confirm that my understanding is correct.

Is the hon. Member able to state when this project is likely to complete?

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Hon. Prof. J E Cortes: It is a phased project, so the answer is probably never. I have recollections of when I took on the Alameda Gardens – I knew I would never finish it; this kind of project is never complete. We will have a phase that is due to open right after the summer, and I suppose that the plans as announced in the recent launch will probably take, I would say, a year as a whole, but that is just a guess. I have not consulted the Director of the Museum for a date as specific as this.

1750

Hon. D J Bossino: Mr Speaker, does he have an explanation as to why it is the case that this particular company has been at the receiving end of a substantial amount of money from the Gibraltar Government, in excess of £1 million – he provided us with the details at the last session of the House – since at least 2014 when this Government entered into the current contractual relations with that particular company, and it is only now, a few months before a general election, that the company decides, lo and behold, to refurbish Parson's Lodge when it has been in a state of dereliction for so long?

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Hon. Prof. J E Cortes: Mr Speaker, I take issue with the definition of dereliction. I think the hon. Member may define dereliction as including the growth of wild species of plants, and I would call

1765 that beauty. Therefore, I do not concur with the hon. Member's assessment of dereliction. (**Hon. Chief Minister:** Rewilding.) Rewilding either. The Hon. Chief Minister is up to date completely with all these terms, as you would imagine from such a progressive Government. Thank you, Chief Minister. I do not think it was in a state of dereliction.

1770 These plans have been in the making for a considerable period of time. They have been doing a lot of other work within the Museum. They have done things like the reconstruction of the Neolithic remains. They have opened new galleries, the new Medusa Gallery, the Pillars of Hercules. They have done work on the World Heritage Site, and there is more, actually, which will be announced quite soon, another initiative at the World Heritage Site. So no, I do not see there is anything untoward in this at all, and I am very pleased that this is happening.

1775 **Mr Speaker:** One final supplementary.

1780 **Hon. D J Bossino:** I am grateful, Mr Speaker, for that. Let him just answer this question: how long has this company been thinking about the refurbishment at this particular place? I think he has said, using his words, a considerable amount of time. They have had the current contract for almost 10 years. At a very rough calculation, the company would have received almost, if not in excess of, £10 million from the Gibraltar taxpayer. How is it that now, three or four months before a general election, the company decides to announce, but not do anything in relation to it, its development of Parson's Lodge?

1785 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that question is out of order. It is a question about –

1790 **Mr Speaker:** Excuse me. It is digressing. The supplementary you have put is digressing from the original question. There was a reference to Knightsfield Holdings and now you are moving away and following supplementaries into the amount of Knightsfield – Yes?

1795 **Hon. Chief Minister:** Knightsfield Holdings is not here. The hon. Gentleman asked the question 'When did Knightsfield Holdings think of ...?' Knightsfield Holdings is not here. The hon. Gentleman is perfectly entitled to write to Knightsfield Holdings and ask him that question, but he cannot ask the Minister what Knightsfield Holdings think.

1800 **Hon. D J Bossino:** Mr Speaker, I am asking a supplementary on the premise of the answer the hon. Gentleman has given. Knightsfield is not here, but he has said that Knightsfield ... presumably ... because quite properly, the Gibraltar Government knocks on Knightsfield Holdings' door because it receives more than £1 million a year from it. I want to find out what it does. He knew that Knightsfield Holdings had been considering this project for a considerable period of time and I am asking for more specificity in relation to that. He cannot now say he cannot answer the question because the company is not here.

1805 **Hon. Chief Minister:** No, because the question that he asked, Mr Speaker, is when did the company think of this. The company is not here to answer that question. (*Interjection by Hon. D J Bossino*) No, he did not. The Hon. Minister said Knightsfield had been meaning to do this for some time. That is what they have told him. But you then asked a question of Knightsfield, and Knightsfield is not here to answer it. It is that simple.

1810 But having said that, the hon. Gentleman is right. Knightsfield receive an amount of money from the Government every year, in excess or in the region of £1 million, from the Gibraltar taxpayer, and the Gibraltar taxpayer has had a Gibraltar heritage site recognised by UNESCO as one of the most important sites, in respect of Neanderthals, in the world. We have made the front page of the *New York Times Magazine* for Gibraltar as a result of Knightsfield Holdings, so if the

1815 hon. Gentleman wants to ask questions about value for money and Knightsfield Holdings, there he has it – although he does not like it because all he wants to do is attack, attack, attack.

Hon. D J Bossino: Mr Speaker, a point of order.

1820 **Mr Speaker:** What is your point of order?

Hon. D J Bossino: Mr Speaker has called me to order because I have asked a question which the Speaker has said is not relevant to my first question. The hon. Member has gone off on a complete and utter tangent and he ... If I am called to order and Members of this House are called to order, then he must be subjected to the exact same treatment. That is why I am raising a point of order and I am quite relaxed at –

Mr Speaker: Right.

1830 **Hon. Chief Minister:** And, Mr Speaker, that point of order deserves a reply. (*Interjection*) Sorry, Mr Speaker, he has raised a point of order and you must hear both sides in respect of a point of order. He has raised an issue in respect ... It is called *audi alteram partem*, he might care to remember. He has raised an issue about dates in respect of which Knightsfield, who are not here, have decided to do something, the answer to which is that Knightsfield is not here. You have rightly raised with him, Mr Speaker, that he was digressing, but he, in all of the aspects of the supplementary that he put, raised issues as to value for money in respect of Knightsfield. What he does not like, and why he has raised a point which is not a point of order, which is to attempt to tell the Speaker what to do, is because – (**Hon. D J Bossino:** No.) He should have the decency of hearing my response to his point of order in silence, Mr Speaker. The point is that he has not liked the riposte to all the preambles that he has put in respect of his – rightly, in your view – irrelevant supplementary.

1845 **Mr Speaker:** I think, with respect to the hon. Member and the Hon. Chief Minister, it is very discourteous and disrespectful to suggest that somehow I am curtailing your ability to ask supplementaries and to allow the Chief Minister the opposite. It is disturbing and it is not something that I am going to tolerate from you. (*Interjection*) When I intervened, I said it was because you were digressing from the original question and the question in the supplementary. You were digressing and I wanted to point this out to you in order for you to understand what I was getting at. The fact was that I wanted you to complete your supplementaries and move on. That was the only reason for my intervention, and I think my intervention was absolutely correct.

1850 If the hon. Member has an issue with the Chief Minister, he can call or he can bring a motion to the House to debate Knightsfield Holdings, if that is his desire, but what I am not going to permit is the Speaker (*Interjection*) being subjected to disrespect and discourteous allegations. (*Interjection*)

1855 We now move on to the next – (*Interjection*) We are now moving on to the next question. (*Interjection*) No, the person who presides over this Parliament is the Speaker. (*Interjection*) With respect, you do not. We are now going to move to the next question on the Order Paper.

Hon. D J Bossino: Mr Speaker is absolutely correct.

1860 **Mr Speaker:** We are not talking about something – (*Interjection*) We are not going to continue this line of questioning and we are not going to be having any supplementaries. We are now going to proceed to the next question on the Order Paper.

Q515/2023
Moorish Castle –
Details of restoration and cost

Clerk: Question 515/2023. The Hon. D J Bossino.

1865 **Hon. D J Bossino:** Please provide details of the restoration which the Government states was conducted at Moorish Castle with details of the cost.

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1870 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the restoration works at the Moorish Castle are the Almond Tower, completed in 2018; the walls by the arch on Upper Castle Road, completed in 2019; and the Tower of Homage, completed in 2022. The Almond Tower and the walls involved a restoration of the fabric. The works to the Tower of Homage involved the removal of trees and shrubs on the façade, including roots, which were causing damage to the structure. There are works proposed at the Gatehouse, which will include removal of trees and shrubs and their roots and subsequent consolidation of the structure. The cost of this is still not known.

1875 The total cost of these works was Tower of Homage restoration, £8,138.85; Almond Tower and Moorish Castle wall restoration, £69,049.99; Moorish Castle arch restoration, £33,324.60

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Hon. D J Bossino: Mr Speaker, has the hon. Member not visited the site himself or seen the photographic evidence which suggests that none of the things he has said have been done to the Moorish Castle, by way of refurbishment and improvements of the site, have had the desired effect? The state of that particular historical monument is ... I am sorry I am going to disappoint him when I use the word again, but it is in a state of dereliction and it is actually shameful that it is in that state. Can I ask him, does he not agree with me that much more needs to be done?

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Hon. Prof. J E Cortes: Mr Speaker, I do not agree with everything that the hon. Member has said. Of course I have been to the site and I have seen that the works that I have specified have tremendously improved the areas which have been improved. This is a huge area. It would be a multi-million-pound project to do it all and it has to be done step by step. The hon. Member will be very pleased to hear that only last week I received a proposal for a considerable refurbishment and reutilisation of a sizeable part of it, which will have to be costed and perhaps may be paid for in other ways. So it is work in progress, there is a lot to be done, but it is a multi-million-pound project to completely maximise the full potential of the Moorish Castle complex, and that is something that over the last few years we have not been able to undertake for reasons well known to him and to the remainder of this House.

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Hon. D J Bossino: Can I ask him what those reasons are? Presumably it is COVID. Is that what the hon. Member –? *(Interjection)* Ah, okay. Let's leave it there. *(Interjection)* No, let's leave it there. *(Interjection)*

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Mr Speaker, is he able to state that the figures that he provided this House a few minutes ago in relation to the cost and the information that he currently has, are cost to the Government? In other words, it is not a cost which is being borne by the company mentioned earlier, Knightsfield Holdings Ltd, which has charge of this particular site?

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Hon. Prof. J E Cortes: Mr Speaker, I would have to confirm that, but I believe that it is additional to and I believe it has come from moneys voted in this House for refurbishment of heritage.

Mr Speaker, if I may, I think the hon. Member seems to have forgotten that we did go through COVID and that the economy did take a big hit, but that conveniently is forgotten by some.

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Hon. D J Bossino: Mr Speaker, the economy may have taken a big hit and the public finances, but the reality is that this particular company did not take a big hit. This particular company continued to receive the same amount of money – I know he does not like to hear it – in excess of £1 million a year. So these questions are legitimately posed. The hon. Member does not have the information in this House today. Fair enough, we can always ask the question again. But can I ask him this? As he describes it, the multi-million-pound project that he talks about, is this a project which is to be paid for by the Gibraltar taxpayer, or is it going to be paid for by the company mentioned a few moments ago?

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman will know, with the agreement of the Opposition the Government continued to pay all public sector salaries and indeed the salaries of all entities connected to the Government. That is to say, all companies that had contracts with the Government continued to have their contracts paid for during the COVID period even when they were not operating, for the simple reason that the vast majority of the amounts paid by the Government to these contractors, including under the contract with Knightsfield Holdings, which comes from a time before the GSD administration and before this administration ... the vast majority of that money goes to pay the salaries of the individuals who work in those companies. And not only did we, with their agreement, continue to pay public sector salaries and BEAT payments and salaries to members of the public in the private sector who were not able to go to work during the lockdown, we continued to pay these contracts. So the hon. Gentleman needs to remember that it was with their agreement that Knightsfield Holdings was paid the in excess of £1 million that they are paid, and the vast majority of that goes to the salaries of the good people who work for Knightsfield Holdings and all the other companies who provide services to the Government, many of which we inherited from them.

And finally, Mr Speaker, the hon. Gentleman should recall that all of the heritage assets of Gibraltar, including the Moorish Castle, which was one of the jewels in the crown of the heritage of Gibraltar, continue to belong and be the responsibility of the Government of Gibraltar and, therefore, the taxpayer.

Hon. D J Bossino: Mr Speaker, I think it calls for another question in this House, but it is shocking to learn that the vast majority of the excess of £1 million goes towards salaries. How many people do these people employ? What are the salaries, for goodness' sake? *(Interjection)* Well, let's see about that, what the hon. Member has just said. The Hon. the Chief Minister and indeed the Hon. the Minister responsible for this have failed to answer the question in relation to the multi-million-pound project. Is the expectation –? *(Interjection)* I ask the question: is the expectation that this amount will be paid for by the good Gibraltar taxpayer or by the company?

Hon. Prof. J E Cortes: Mr Speaker, I have not said anything like that. I have said that I had a presentation recently – in fact, I think it was Wednesday of last week – about a potential use and development of a significant section of the Moorish Castle complex. I have not said that it is going to deal with all of it. I have not said whether it is a government project or not a government project, because we do not know yet. It is a proposal that was put to me that I am extremely interested in, but it is in its early stages.

I have to add one thing, Mr Speaker. The complete restoration or reuse of the whole of the Moorish Castle complex will cost a lot more than £1 million a year – that has to be clear – and you cannot expect that to come from an operational budget. I think the important thing is that we are attacking those elements of the Moorish Castle which our archaeologists and the team from the National Museum feel are most in need of restoration. Hence, we did the Tower of Homage, which needed the work, the Almond Tower and the arch restoration, and this can continue. What we cannot do is, overnight, fork out millions of pounds just to keep the hon. Member happy.

Mr Speaker: Next question.

Q516/2023
Landscaping contracts –
Contract details

Clerk: Question 516/2023. The Hon. D J Bossino.

1965 **Hon. D J Bossino:** Please provide details of the contracts that each landscape contractor has with the Government or a government-owned company, to include the cost to the Government or government-owned company, duration and which areas the contractor is responsible for.

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 three horticultural contractors that have contracts with the Government. I am not going to name them specifically because obviously they are contractors that work in this industry and I believe we should not disclose the actual names company by company. Contractor A has contracts worth £773,950.20 per annum. Contractor B has contracts worth £113,112.36 per annum. Contractor C has contracts worth £9,684 per annum. These are ongoing contracts with no set expiry date.

1980 **Hon. D J Bossino:** Mr Speaker, starting with the beginning, why on earth is the hon. Member unwilling to provide details which he should be providing in answer to a question by a Member on this side of the House? This money which these three companies, one of them to the tune of – I think I have got it right ... almost £800,000 is received from the taxpayer.

1985 Mr Speaker, I would ask for your intervention in relation to this. I would have thought that this information is in the public interest and there is absolutely no reason why it should not be provided.

Chief Minister (Hon. F R Picardo): Will he give way? We have absolutely no problem in giving the details in respect of those three companies and naming them, in particular the one that they gave the contract to, which is the one that gets the eight hundred-odd thousand pounds.

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Hon. Prof. J E Cortes: Mr Speaker –

Hon D J Bossino: Ah... you were doing this to protect us were you?

1995 **Hon. Chief Minister:** Yes to protect... not to protect you, to protect the innocent...

Hon. Prof. J E Cortes: Mr Speaker, these were all inherited – well, the majority of them. They have been tweaked since then, but the bulk is there. The three companies are Greenock, Gibralflores and Eden Botanics.

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Hon. Chief Minister: I do not want to mislead the House. The Eden Botanics contract is not inherited because they could not get a contract to do anything under the previous administration, who refused to allow them to work in this area because of the first contract that they had given, but we insisted that everybody should have an opportunity, and that is why that company also now provides services.

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Hon. D J Bossino: Mr Speaker, is he able to provide answers to the other elements of the question that I asked for? I asked for the duration and which areas the contractor is responsible for. I do not think that information has been provided.

2010 **Hon. Prof. J E Cortes:** Mr Speaker, I said that they do not have a specific end, they are ongoing contracts with no expiry dates. Again, that arrangement is inherited.

The areas referred to are, in relation to Contractor A, North Front Cemetery, various government sites, Little Bay promenade, Moorish Castle estate planted areas, the Nun's Well area. By various government sites I mean a large number of the beds that we can see around town. Contractor B again covers a large number, although a smaller number of planted areas and also the area around Catalan Bay. Contractor C manages the areas around the Anchorage and the 100 Ton Gun, Varyl Begg Estate, Governor's Parade and a number of assorted areas around town.

2020 **Mr Speaker:** Next question.

Clerk: Question 517 –

Hon. D J Bossino: Mr Speaker, can I ask the hon. –? If I may, Mr Speaker?

2025 **Mr Speaker:** You have to ask permission. You cannot get up and continue as if nothing happened. You ask permission to speak and I will grant you permission to speak.

Hon. D J Bossino: Mr Speaker, I said if I may, albeit I said it once I stood and pressed the button, whilst maybe others have a different style. But I did ask permission.

2030 **Mr Speaker:** You may proceed with the supplementary.

Hon. D J Bossino: Is the hon. Member able to state with any form of precision whether the answer that he has provided includes the parks? In the last session he did say, in relation to my specific question in relation to Champion Park, that Wildlife Gibraltar Ltd is the company which was a beneficiary of that particular contract, as indeed that company is a beneficiary of Commonwealth Park. Is he able to provide information in relation to that?

2040 **Hon. Prof. J E Cortes:** Mr Speaker, the three horticultural contractors are the ones that I have mentioned. The company that he has mentioned are environmental managers and they manage land. It is not considered the same as the horticultural contractors that manage horticulture in assorted areas.

2045 **Hon. D J Bossino:** It is possible that I have used the wrong nomenclature, but I talked about a landscape contractor, so in the next session, Mr Speaker, I will ask the question, with your permission, in relation to the definition that he has used in respect of that particular company. *(Interjection)*

2050 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has told us that he had the answer in respect of wildlife in the last session, so he has had the answer in respect of wildlife. He has now had the answer in respect of horticultural contractors. He cannot ask the question about wildlife again because he asked it at the last session. If the hon. Gentleman is telling us that he wants to ask a question about a definition, Mr Speaker, of course he can, subject to your approving that question, but that is to get up and make a statement, not to ask a question. I think that would be out of order.

2055 **Mr Speaker:** What is it that the hon. Member is saying and what does he wish to do following this exchange?

2060 **Hon. D J Bossino:** Mr Speaker, I asked a question. I asked it from a layman's perspective. *(Interjection)* No. The hon. Gentleman answered the question using ... I will need to check what

2065 he says. He talks about horticultural I do not know what, and I am talking about landscape contractors. I thought that it would include – (**Hon. S E Linares:** Wrongly.) Perhaps wrongly, but the Hon. Mr Linares is an expert, I am sure, about these things. (*Interjection*) Yes. I thought that it included our parks in Gibraltar. But the hon. Gentleman has volunteered to me a way of putting the question. All I am saying is I will put the question in the way that he wants me to put it in order to get the answer. (*Interjection*)

2070 **Mr Speaker:** No, hold on –

Hon. D J Bossino: Mr Speaker, the hon. Member –

2075 **Mr Speaker:** No – (*Interjections*) No, okay, hold on. The question that the hon. Member is referring to was put to the Hon. Minister Cortes at the last session of the House, and as far as I can recall the question was answered, so I do not think the hon. Member will be permitted to ask a further supplementary on that question because it has already been answered. So right now what we have before us are answers which have been clarified in terms of the entities to which these amounts have been referred to, and if he wishes to continue asking along those lines, fine. One final one, and then we move on.

2080 **Hon. D J Bossino:** Simply by way of clarification, I accept what Mr Speaker is saying, that I would not be able to ask a question at the next session of the House in relation to Campion Park. I accept that, but from this exchange I will be able to ask, in my view, a wider question based on the definition the hon. Member has used when applying it to Wildlife Gibraltar Ltd.

2085 **Mr Speaker:** I do not think really it is a valid suggestion. The object of the hon. Gentleman's questioning is to dig down and hold the Government to account for its policies and the rest of it. The answer has been given, so why do you need to ask questions about a definition? The information is here. It has been given to you.

2090 **Hon. D J Bossino:** I can if [*inaudible*]

Mr Speaker: By the same process I can deny that question. (*Interjection by Hon. D J Bossino*) We now move on to the next question, so, please, will he ...? Please? He is not helping; let's put it this way.

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Q517/2023
Main Street and Irish Town –
Frequency of wet cleaning

Clerk: Question 517/2023. (*Interjection*) The Hon. the Leader of the Opposition.

Several Members: Hear, hear. (*Interjections*)

2100 **Hon. D J Bossino:** Common sense.

Hon. K Azopardi: I am not rising to it, Mr Speaker.
How often are Main Street and Irish Town wet cleaned?

2105 **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, Main street is done weekly in sections, and other cleaning, such as cleaning of stains, is done daily. Irish Town is also done weekly.

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Hon. K Azopardi: Mr Speaker, I guess that may be the contractual frequency, but I was wondering whether in his information and his dealings with the department and his officials ... What is the mechanism for review of those arrangements and supervision of the arrangements? The information coming to us, and hence the question that I put, was that even though theoretically there was supposed to be frequent wet cleaning, people are not seeing it on the ground. So I wonder whether in his discussions with officials ... Can I invite him? Would he be willing to do that, to discuss that with those in his department that are tasked with supervising these arrangements, to make sure that they are happening and, if they are happening, that they are doing it properly? The people coming to us are saying that they are just not seeing it and not seeing it being done to an efficient manner.

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Hon. Prof. J E Cortes: Mr Speaker, sadly, I no longer live in Irish Town. I have not done for decades, but I have fond memories of living there as a child.

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Absolutely. I am told that it is done weekly. There is a suggestion here that this not, in fact, happening. I have no indication that it is not happening. I do know that when there are specific problems the contractors are called in and they do clean in addition to the contractual ... Obviously I will check with my team and I will make sure that if it is not done, it is done, but I suspect it is being done; I have no indication that it is not. We have environmental monitors who oversee this and I suspect I would have known, but clearly there is no problem in my confirming this. *(Interjection by Hon. Chief Minister)* Yes, Mr Speaker, as the Hon. Chief Minister has very kindly pointed out, this is done around 5 a.m., so many people may not see it. I have no indication that it is not being done, but having not seen it for myself, I would obviously take advice.

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Hon. K Azopardi: I would be grateful if the Minister confirms it anyway. But if it is happening on a frequent and weekly basis, as he puts it, he may, on his own walks down Main Street and Irish Town, consider that perhaps the state of Irish Town and Main Street could do with some improvement. And to the extent that that is the case, and it is not just my opinion – there are plenty of people who would share that view – what steps could be taken in discussions with the contractor to make sure that the cleaning improves in that respect and whether it may have to do with the fact that the refurbishment is now dated? It may be all sorts of things, but I think a lot of people would say that the state of Main Street and Irish Town leaves a lot to be desired.

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Hon. Prof. J E Cortes: Mr Speaker, it happens every year. We do have an enhanced flushing programme in the summer. The summer is just about commencing now. That does happen and the amount of flushing is stepped up. I will confirm exactly how frequent that is going to be this year. I have to go back and confirm, but there is a regular mechanism for increasing flushing of streets during the summer period.

Q518/2023

St Joseph's area – Noise nuisance from chickens

Clerk: Question 518/2023. *(Interjection)* The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, what steps are being taken by Government to control the noise nuisance issues caused by chickens in the St Joseph's area? *(Interjections)*

Clerk: Answer, the Hon. the Minister for the Environment and Education.

2155 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, chickens are a nuisance (*Interjections*) due to the noise that they create and the possibility of the harbouring and transmitting of diseases, including avian flu.

Removal of chickens in the St Joseph's area and elsewhere has been carried out but has been hampered by some people who object to this either by destroying the traps or harassing the operatives.

2160 I can assure the hon. Member that any removal is done totally humanely, so that the chicken does not suffer.

2165 **Hon. K Azopardi:** Mr Speaker, I thank the Hon. Minister for the answer and acknowledge the issue that arises in the St Joseph's area because, as I said from a sedentary position, when this was first raised with me I tried to get information from those who were raising it with me because it sounded like an incredible story, but when they sent me videos and you see what were then 40 or 50 chickens and that it keeps people awake at night, it certainly is an issue that takes people to the borderline of what they think is acceptable.

2170 I am glad to hear that they are taking steps, but when does the Government envisage that the issues will have been rectified completely, so that people will not face those nuisance issues?

2175 **Hon. Prof. J E Cortes:** Mr Speaker, (*Interjection*) chickens ... I used to say the Barbary partridge is a secretive species. Chickens are not secretive, but they are not easy to catch, particularly when the attempts are hampered, and I must say that some of the operatives have been seriously harassed by neighbours who may well eat roast chicken on Sunday, but they do not want to see the removal of these chickens. So we have to be sensitive to that. And then obviously the chicks are really cute, and if a mother hen is there with chicks ... So there are all sorts of issues, as well as animal welfare issues, but it is done very humanely by people who know what they are doing. I can now only assume that I have the support of the Opposition in taking the programme forward, and we shall do so.

2185 **Hon. K Azopardi:** Mr Speaker, I was not going to ask another supplementary, but I will have to ask him what the programme is, because it sounded slightly Orwellian. I was assuming that the humane way is simply to get the chickens and move them somewhere else, perhaps to the Upper Rock where they can roam free and easy, and not to be served up on plates – unless the hon. Member is suggesting a slightly more macabre and dystopian solution.

2190 **Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member, I recall ... and he reminded me recently when he sent me a clip of a video on GBC when I escorted him through the Botanic Gardens and he held the job I currently hold as Minister for the Environment. But his credentials are somehow at risk if he suggests that we should release chickens on the Upper Rock, because somebody else who sat there as Minister for the Environment, the Hon. Jaime Netto, accused me of going to be the person who was responsible single-handedly for the extinction of the Barbary partridge in Gibraltar. If I were to follow his advice, he might be responsible because the chickens will introduce diseases and will outcompete Barbary partridge. They are bigger and more aggressive and therefore having them on the Upper Rock is not a good idea.

2200 Moving them away is an option, clearly. Humanely putting them down is another option, which a lot of people will not agree to, but we do it with gulls, as people know, and I do not personally like it but sometimes it is the only option. I repeat, it is humane. Obviously we do not have a lot of places where chickens can be legally kept. The trouble with chickens is if they get away, they will spread and they will breed and the population will increase to the detriment of other wildlife and clearly of the neighbours of St Joseph's.

Mr Speaker: Next question.

Q519/2023

**Bishop Fitzgerald and Governor's Meadow Schools –
Expected cost**

2205 **Clerk:** Question 519/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how much is the Government currently expecting to pay in respect of the works to the Bishop Fitzgerald and Governor's Meadow Schools?

2210 **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, £8 million.

Adjournment

2215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to Monday, 26th June at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 26th June at 3 p.m.

2220 I now put the question, which is that this House do now adjourn to Monday, 26th June at 3 p.m.
Those in favour? (**Members:** Aye.) Those against? Passed.
This House will now adjourn to Monday, 26th June at 3 p.m.

The House adjourned at 6.12 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 3.45 p.m.

Gibraltar, Monday, 26th June 2023

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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

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q520/2023

Vaping products –

Policy re displaying in shops, pharmacies and vending machines

Clerk: Meeting of Parliament, Monday, 26th June 2023.

Order of Proceedings: Answers to Oral Questions continued. Question 520/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, in light of the restrictions on the display, access to and marketing of tobacco products, can the Government state its policy on the displaying of vaping products in shops, pharmacies and vending machines?

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Clerk: Answer, the Hon. the Minister for Justice, Equality, Public Standards and Regulations.

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the Government is alive to the concerns that exist regarding the use and sale of vapes, particularly in relation to their consumption by children. As a result, in December 2022 I presented to this House legislation that makes it unlawful to sell to children and makes it a legal requirement for traders of electronic cigarettes to prominently display a notice stating that it is illegal to sell a vaping product to, or to procure a vaping product for, anyone under the age of 18.

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It is now an offence to sell to or procure vaping products for persons under 18, and police officers have powers to confiscate in the same way as this law restricts the sale of tobacco and alcohol to under-18s. Additionally, so important is this that the Office of Fair Trading includes checking compliance as part of their regular site visits.

Mr Speaker: Next question.

Q521/2023

Royal Gibraltar Police –

Number of officers resident in Spain

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Clerk: Question 521/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many members of the Royal Gibraltar Police Force are resident in Spain?

Clerk: Answer, the Hon. the Minister for Justice, Equality, Public Standards and Regulations.

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I am advised by the Royal Gibraltar Police not to make this information public for operational and security reasons. I will, nevertheless, inform the hon. Gentleman in confidence behind the Speaker's Chair.

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Hon. D A Feetham: Mr Speaker, is the Minister aware whether there has been a downturn in the number of Gibraltar residents, Gibraltar belongers, wishing to take up jobs within the Royal Gibraltar Police?

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Hon. Miss S J Sacramento: Mr Speaker, no.

Hon. D A Feetham: Mr Speaker, is the no because she has not made inquiries and this is the first time that she hears any such suggestion, or is it because she has made inquiries and the answer is that there is no downturn in demand for people within Gibraltar wanting to become police officers?

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Hon. Miss S J Sacramento: Mr Speaker, the no is to the fact that I am not aware that there has been a downturn in the number of police officers.

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Hon. D A Feetham: And is she aware as to whether there are vacancies in the Royal Gibraltar Police that have not been taken up? Is she aware of that?

Hon. Miss S J Sacramento: Mr Speaker, I am aware that there are currently vacancies for which they are being recruited. There was a very recent recruitment drive, and as soon as that process is complete the training process will commence. So I am aware that there are vacancies and these vacancies are already in the process of being filled.

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Hon. D A Feetham: Does the Minister know how many vacancies there are? If she has that figure ... And just so that I understand her, what she is essentially saying is that there are no unfilled vacancies, or rather that the vacancies that there are are in the process of being filled and there are no unfilled vacancies as a layperson would understand it.

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Hon. Miss S J Sacramento: Mr Speaker, there are vacancies and they are unfilled. However, they are being recruited for. I hope that the hon. Gentleman understands it that way. The way that the Royal Gibraltar Police recruits is that it must recruit in batches because of the way that police officers are trained. So, insofar as vacancies that arise, those are all being recruited for.

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Hon. D A Feetham: But are these historical vacancies that were not filled in the past and now there is a new process to try to fill them? Or is this just part of the normal process of vacancies arising and those vacancies being filled without necessarily meaning that there are historic vacancies that have not been filled?

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Hon. Miss S J Sacramento: Mr Speaker, there are not, to my understanding, any historic vacancies in the Royal Gibraltar Police. There are vacancies and recruitment is undertaken by the RGP usually twice a year because of the way that they need to train. It is not like any other position, where you recruit and engage people on a one-to-one basis every time a vacancy arises. There is a capacity for the training school that the RGP provides and therefore recruitment is undertaken

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80 in batches. But there is no issue of historic vacancies; these are all live vacancies. As I understand it, there has already been a wave of recruitment this year because there was a passing-out parade not that long ago.

Hon. D A Feetham: Mr Speaker, the hon. Lady has not come back on the number of vacancies, if she has that figure. I think that she was going to be responding to that.

85 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a figure that I have to hand.

Mr Speaker: Next question.

Q522-23/2023
Importation or supply of drugs –
Arrests and convictions since January 2023

Clerk: Question 522/2023. The Hon. D A Feetham.

90 **Hon. D A Feetham:** Mr Speaker, how many arrests have been made since January 2023 for the importation or supply of drugs?

Clerk: Answer, the Hon. the Minister for Justice, Equality, Public Standards and Regulations.

95 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 523.

Clerk: Question 523/2023. The Hon. D A Feetham.

100 **Hon. D A Feetham:** Mr Speaker, how many convictions have there been since January 2023 relating to the importation or supply of drugs?

Clerk: Answer the Hon. the Minister for Justice, Equality and Public Standards and Regulations.

105 **Hon. Miss S J Sacramento:** Mr Speaker, since January 2023 I am informed by the Royal Gibraltar Police that 19 people have been arrested for the offences of importation or supply of controlled drugs. Five have been convicted.

110 **Hon. D A Feetham:** Mr Speaker, does she have a breakdown between importation and supply in relation to Question 522?

Hon. Miss S J Sacramento: Mr Speaker, I think I have the information, but it is not presented to me in that way. I will, however, calculate it and give it to the hon. Gentleman before the Parliament session is over.

115 **Hon. D A Feetham:** If she can do the same in relation to Question 523, I would appreciate it.

Mr Speaker: Next question.

TRANSPORT

Q534/2023

**Registered vehicles –
Total number and hybrid/electric numbers**

Clerk: Question 534/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government update this House as to the number of registered vehicles in Gibraltar and, of that number, how many are hybrid and electric?

Clerk: Answer, the Hon. the Minister for Transport.

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Minister for Transport (Hon. P J Balban): Mr Speaker, there are 49,230 registered vehicles in Gibraltar. Of those, 1,805 are hybrid and 250 are electric.

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Hon. E J Phillips: Mr Speaker, insofar as the Government's target to decrease the number of petrol- and diesel-powered vehicles, can the Government give an assessment as to how that is going insofar as the take-up of hybrid and electric vehicles?

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Hon. P J Balban: Mr Speaker, other than the statistics provided, there is very little more that can be said – 1,805 vehicles on our roads are hybrid and 250 are electric. These vehicles do receive some benefits. People who choose to buy them will do. Remember the total number of registered vehicles in Gibraltar includes commercial vehicles and every single vehicle in Gibraltar, but other than the statistics provided there is a very little more I can say in that respect.

Mr Speaker: Next question.

Q535/2023

**Redibikes –
Whether new scheme to be introduced**

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Clerk: Question 535/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether it will be rolling out a new Redibike initiative?

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Clerk: Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, at present the Government is not actively considering the rollout of a government-subsidised bicycle rental scheme.

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Hon. E J Phillips: Mr Speaker, obviously this Government and particularly this Transport Minister's views on cycling and encouraging it are well known to the public at large. I was just wondering whether there are any public-private partnerships that are being considered insofar as the rollout of initiatives like this.

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Hon. P J Balban: Mr Speaker, no. At the moment there is no initiative that is being looked at that involves the sharing of bicycles. As you mentioned, my views on cycles ... We must remember we have tried and tested, between us, two different schemes in Gibraltar – one was the Gibibike

160 scheme, one was the Redibike scheme – and my personal opinion is that we are not ready for such schemes because we do not have the infrastructure to provide safe passage to people who want to use these bikes in that capacity. Those people who feel safe will no doubt buy their own, but at this stage in time for the Government to consider rolling out this sort of scheme I think would be premature in that respect.

165 **Hon. E J Phillips:** Doesn't the Minister think that that approach might be slightly inconsistent with his passion and certainly the drive that he has in pushing a generation of our people on to bicycles? Clearly the infrastructure is changing. He is rolling out cycle lanes across Gibraltar, and that is true across social media and the mainstream media. Isn't there any serious consideration given to a facility that can be used by tourists and indeed people alike to use bicycles? Clearly he is driving one policy and he will need to have that form of resource to enable people to use them.

170 **Hon. P J Balban:** Mr Speaker, yes, the hon. Member is absolutely right – eventually, when we have that infrastructure which will allow such a scheme to grow roots, absolutely I think it goes hand in hand. Every city that is worth anything in terms of its transport structure includes bicycle rental schemes. I think it is the way forward. But for us, remember the software for many of these schemes very quickly becomes outdated. If we are not truly ready to provide the option – and I do not think we are at the moment ... Although you know how keen I am in terms of rolling out infrastructure, at the moment we have just rolled out a very small section of infrastructure. Once you cycle out of Bayside Road, you are in the arena with the gladiators. There is no safe passage in that respect. So for us to even think that we will be able to encourage people to use this sort of shared scheme at the moment is the wrong presumption; I think it would be nonsensical and a waste of time. But the moment that the Government feels we have enough infrastructure to be able to provide the scheme, absolutely I think it is something Gibraltar should have and it is something I would then actively recommend that it does have.

185 **Hon. E J Phillips:** Just to pick up one answer to those questions, he currently believes that any initiative will not secure safe passage around Gibraltar insofar as those particular individuals. Could he explain that in a bit more detail? Currently there are many people on bikes coming in from Spain and we are trying to encourage people to take up cycling as a different mode of transportation for green reasons. He mentioned something about safe passage. Can he elaborate on that particular point?

190 **Hon. P J Balban:** Yes, Mr Speaker, yesterday we had no infrastructure, today we have some infrastructure, but in Gibraltar there are many kilometres of road for such a small place and we have only made safe Bayside Road and the approach to the Frontier. That is all we have. That is where children, parents and cross-Frontier workers can cycle safely in a completely segregated fashion without coming across a car. That makes cycling safe and that makes the uptake more appealing and more attractive to people who potentially want to take up cycling as a way to commute and get to work. That is my reference. So, at the moment, although that stretch of road is extremely safe for cyclists, the moment you arrive at Ocean Spa Plaza you are on the road with the traffic. No parent, I believe, who is scared to allow their child to cycle on our roads will allow their child to cycle to school at the moment, but as we roll out that infrastructure, which is being rolled out as we speak, there will come a point, very soon, whereby children living in certain estates will be able to cycle to school in a totally segregated fashion, which will hopefully give confidence to them and their parents to allow this to go on.

200 **Hon. E J Phillips:** I am grateful, Mr Speaker, for your leave to ask one further question. So it is the Government's intention – let's just get this clear – once the Active Travel Strategy is completely implemented insofar as cycle lanes, to introduce a publicly funded bicycle facility?

210 **Hon. P J Balban:** Mr Speaker, no. First of all, it is going to take ... There may be potential. We
do not need to have a full network throughout the whole of Gibraltar, or the whole cycling strategy
does not have to be in effect for us to be able to consider these things. Government is not
215 considering and will not consider at this moment in time, based on its research and what is going
on, being able to have that sort of scheme available at the moment. If someone were to see this
opportunity as a commercial opportunity and were to say, 'We are willing to invest because we
think the time is right,' then Government, I am sure, would consider that because I think it is
something that there can be. But us, just like yourselves across the House, having to set up a
publicly funded scheme when the time is not right now, I think would not be sensible.

220 **Mr Speaker:** Next question.

Q536/2023
Bicycles –
Number imported in last two years

Clerk: Question 536/2023. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many bicycles have been imported into
Gibraltar over the last two years?

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Clerk: Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, 4,816 bicycles have been imported into
Gibraltar over the last two years. The hon. Member may wish to note that this figure has been
230 provided by HM Customs and is specifically indicative of commercial imports by local suppliers.

Hon. E J Phillips: And just to be clear, it is not suggested that there are 4,816 bicycles on our
streets?

235 **Hon. P J Balban:** No, but there are four thousand ... I would say there are a lot more than that.
There are more than 4,816 bicycles in our jurisdiction. Whether they are on the street at any given
point ... I would hope that people would buy a bicycle to use it on the street. If people decide to
buy a bicycle as a decoration at home and leave it there, I accept that as well. I cannot tell you
240 whether they are all on the street. But remember, this does not stop people from buying their
own bikes and importing them themselves, so this figure is just a rough guide of importations.

Q537/2023
Cycle lane use –
Monitoring method

Clerk: Question 537/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how it is monitoring cycle lane use?

245 **Clerk:** Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, a new automated bicycle and PLETs counter has been installed at the newly opened cycle lane at Bayside Road by the Victoria Stadium. This counter captures all cycle and PLET traffic in both directions using this new road infrastructure. The counter reading at 10.15 a.m. on Saturday, 10th June stood at 12,721, being exactly one week from the date the cycle lane counter was commissioned.

Hon. E J Phillips: Does this counter only pick up bicycles, or does it also pick up other modes of transport, for example e-scooters?

Hon. P J Balban: Mr Speaker, before I answer that question I would just like to update ... This question was replied to about two weeks ago. The count at week 3 was almost 39,500, so in fact we have gone over 40,000 trips on that bicycle lane already in the period of three weeks. We were scratching 40,000 in three weeks and that includes bicycles and e-scooters. It includes both. I am sure we can actually differentiate, but the machine itself, the actual counter, will only tell us transits. It does not pick up pedestrians, it does not pick up pedestrians with suitcases, it does not pick up joggers. I have actually been there – I am a bit of a stickler; I cannot sit at home. I have been there and tried it for myself. Before I put my foot in it and say something which is not right, I would rather find out for myself, so I had the privilege of witnessing a road runner running on one of the tracks and I was keenly waiting to see whether it clicked. It did not. I do not know what the parameters are, it is a radar, but it does not pick up joggers, as far as I saw, and it does not pick up pedestrians, whether they are walking on the pavement or whether they are walking on the bicycle lane. I need to be a bit more specific. The system will do, but it will not be displayed on the monitor that we have. The monitor will pick up many things, but the counter will display just e-scooters and bicycles.

Hon. E J Phillips: Just one further question on that, and I think it links quite nicely to the previous question, where we discussed safety. There is clearly a volume of traffic coming into Gibraltar on bicycles, over 10,000 a week, and one of the concerns that the Minister raised in relation to the previous question was about safety and infrastructure and having the perfect infrastructure, or better infrastructure, to allow for our children to safely use bicycles. Isn't the Minister concerned generally about the volume of bicycles coming across the border and the lack of infrastructure and the issues with safety generally? And what is he doing in order to assist and give more comfort to people and encourage people to cycle in that context?

Hon. P J Balban: Mr Speaker, I am not concerned about the volumes of bicycles and e-scooters coming through the Frontier or circulating in Gibraltar. What I am very concerned about is the number of vehicles. Vehicles make the roads unsafe, not the bicycle, so my concern is those vehicles that can cause the most damage. So I am not concerned in that respect.

Remember, we cannot roll out infrastructure all at once. I wish we could. If we could have bicycle lanes falling from the sky, I would love that because then we would ... I think we have to be patient, and I think that is something we have to realise. We have only done one small section of Gibraltar, a very small part, and really a bicycle in its own right is nothing. It is not a network. What we have to provide is a network and we have to start joining the dots. At the moment, in principle, it is possible for someone living at Beach View Terraces to cycle in a segregated fashion, without seeing a car on the way, to the sports stadium, to Victoria Stadium, to the Tercentenary Hall to practise their sport and go back home in a totally safe manner. That is the first step. I think that is a very positive step. As we roll out the infrastructure further, it will be possible for someone to go to the beach, someone who lives, for example, in Portland House or someone who lives in Tradewinds, or eventually somebody who lives in Water Gardens, Varyl Begg etc. So, over time we will see the extent of the network increase, which will give people more options, and then it will become truly meaningful. At the moment, it is a tiny step in the right direction but it is going

to take time, obviously, so it is a question of just being patient. I am the most impatient person you can imagine. I cannot wait to see the next phase and the next phase finished.

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Hon. K Azopardi: Mr Speaker, I think the hon. Member has spoken about the placement of one counter – I think that is right – and in the context of the rollout of the cycle lanes that have been laid out and so on can I just ask him is he considering the placement of these cycle counters in other parts of Gibraltar that may not have cycle lanes laid out, in terms of perhaps assisting in the planning of the layout of this infrastructure so that you realise what kind of volumes there are in different parts of Gibraltar? Or is it that you can only place these counters if there is already a cycle lane in operation? Does it require there to be a cycle lane, or is it something that generically could be placed by the side of a road and will only pick up cycles?

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Hon. P J Balban: Mr Speaker, in traffic engineering, there are such counters which can be set up. I believe something was set up because of the tunnel to see how many cars, bicycles and pedestrians came through the Frontier and walked across the runway every day before the tunnel was open. They do exist, but remember the type of counter we have works best in an area where bicycles come one after the other. For example, the day we actually cycled – I will not say it was the official opening, it wasn't, it was just an inaugural cycle – most of those trips were not captured because the bicycles came in a clump, so they moved as one massive vehicle-type thing and the counter failed to clock the 250 or 280 or 300. So if you set one of these counters up on a road where you have cars in both directions, bicycles maybe clumped together in traffic and it will be impossible to give you very accurate data.

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There are things that we can do in terms of traffic modelling. In fact, those little black boxes that we have seen around the area, we normally set those up in different areas where we are looking at options at roundabouts or where we want to maybe consider making a road one way or changing the flow of traffic. You use these counters to gauge flow in different areas, but these ones specifically work best in a place where bicycles come one after the other.

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Mr Speaker: Next question.

Q538/2023

Cycle lane from Sundial to Waterport roundabouts – Total cost to date

Clerk: Question 538/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the total cost to date of the design, construction, painting, marketing and commissioning of the new cycle path from the Sundial roundabout to Waterport roundabout?

Clerk: Answer, the Hon. the Minister for Transport.

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Minister for Transport (Hon. P J Balban): Mr Speaker, the Ministry has to date spent an approximate figure of £14,000 on consultancy design fees from January 2022 up until the end of May 2023 on the first and second phases, which include Bayside Road and Glacis Road. This cost also covers a complete independent safety audit of these phases. The majority of the design work, preparation of documentation, marketing etc. has been carried out by the Ministry's technical office in house, to reduce expenditure. The contractor has not yet provided a final invoice to the Government for the work done on cycle lanes, which I know has the full support of both sides of the House.

Hon. E J Phillips: Is the Minister able to give a ballpark figure? I assume that once this plan was rolled out they must have known at some point roughly how much this stretch would have cost the taxpayer. Is he able to help me with that? I am not going to hold him to it, but it would be helpful to have a rough amount.

Hon. P J Balban: Mr Speaker, it is not possible to have that figure because as we start building infrastructure there are a lot of hidden costs, so for us to hazard a guess as to what bicycle infrastructure will cost would be impossible. Hidden costs will include things that you find underneath the ground when you start digging – cabling, ducting etc. – and these things sometimes can cause differences in cost either way. Sometimes you think there are lots of ducts, which then there are not, or sometimes you touch the surface and you realise that you cannot proceed unless you move certain things. So it is impossible to give anything like an accurate reply.

Hon. E J Phillips: So just to be clear, the Hon. Minister for Transport cannot provide the community with a rough average of how much it has cost so far to construct this stretch of cycle lane. The Government is responsible for spending the people's money wisely and should plan for the costs of a particular stretch. Is he truly unhelpful in that regard?

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the Minister has been asked for an invoice amount for the amount that we have paid, not for what the estimate might have been. The Minister obviously does not have here the estimate that we were working against. We would not start a project, because we are careful with the people's money, without having an estimate against which we would work. That is not the question that the hon. Gentleman asked. He just does not seem to realise that he is asking for a figure of money paid and now he has changed it to ask the Minister what was the estimate provided for the works, which is not a figure that I know the Minister has.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
Can the Minister advise the House where in the Improvement Development Fund estimates he expects this expenditure to fall? Obviously he cannot undertake expenditure for a project for which he does not have an estimate.

Hon. Chief Minister: Mr Speaker, the debate on the Estimates will be on 10th July. We can debate all of those issues then and identify which part of the expenditure relates to this project and many other projects which the Minister will be leading on, which will form the part of his contribution to the House, and I will be making some reference to them too.

Hon. R M Clinton: Mr Speaker, with respect to the Chief Minister I do not think this needs to wait for the Budget debate, which is about the Appropriation Bill for next year. I am asking the Minister this year where was this expenditure budgeted. Surely he must know. Does he not know?
(A Member: This year.) This year.

Hon. Chief Minister: Mr Speaker, I do not think the hon. Gentleman understands that the year we are in, that is to say this year, is the financial year the estimates of which we will be debating on 10th July, and therefore he has signed an undertaking not to disclose any information about that Book and he has signed an undertaking not to disclose any figures about that. That debate for *this* year, as he has said – he has said this year; this year means the current year – is the debate we start on 10th July. I do not understand how it is he has got it so wrong, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am referring to last year's Estimates Book.

395 **Hon. Chief Minister:** Ah, you said this year.

Hon. R M Clinton: Well, this year, as in this year ended. Perhaps I should clarify that for your purposes. Unless, of course, the Minister is saying that the money he spent was not budgeted in the last Estimates Book.

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Hon. Chief Minister: No, Mr Speaker, that is the opposite of what we have said. What we have said is that we will identify the expenditure in the Budget debate, which starts on 10th July. As the hon. Gentleman will know, or at least should know, this is the expenditure that has cut across two financial years. If what he wants to do is to have a debate on the Estimates Book during Question Time, then I am afraid the Government believes that that is outside the Rules.

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Hon. R M Clinton: Mr Speaker, I think the Chief Minister is stretching a point here. I have simply asked the Minister where in last year's Estimates Book ... As the Chief Minister just said and admitted, this is across financial years, in which case some of that expenditure will have been in last year's Estimates Book. Where, in last year's Estimates Book, in the Improvement Development Fund does the Minister expect this expenditure to fall?

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Hon. Chief Minister: Mr Speaker, first of all, I do not think it is a supplementary that arises from the question. Second, I am very grateful that the hon. Gentleman has clarified his question. That is to say, in GSD speak, he has changed it from this year to last year. The answer in respect of last year is very simple: under the STTP line.

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Mr Speaker: This is going to be the final supplementary.

Hon. K Azopardi: That is fine. Mr Speaker, the question asks about costs. The Hon. Minister has indicated that the cost has not been invoiced and the Chief Minister indicated in answer to my hon. colleague Mr Phillips that, being careful with the people's money, they would have done an estimate. Can he tell us what that estimate of cost was?

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Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the specific answer I gave to that a few moments ago.

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Q539/2023
Upper Town escalator –
Schedule for repair

Clerk: Question 539/2023. The Hon. D J Bossino.

Hon. E J Phillips: Please state when the escalator at the Upper Town will be repaired.

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Clerk: Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, I am informed by our managing agents, namely Gibraltar Parking Management Services Ltd, that the technical advice is that there are several issues which must be resolved before the escalator can be recommissioned. As we have stated in the past, there are a number of issues that result in these long-term breakages. Our managing agents have advised us and have provided proposals that include long-term solutions, which the Government are presently considering and we hope to be in a better position to provide the community with an update within the next few weeks.

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440 **Hon. D J Bossino:** Is he able to states what those, as he put it, several issues are?

Hon. P J Balban: Mr Speaker there were issues with vandalism of the escalator, there were issues with misuse of the emergency stop button which forced the escalator to stop and have to be restarted all the time, and there were issues with falling leaves on the escalator which affected
445 the working mechanism, just to mention a few of the different issues. Another issue is that in Gibraltar generally it is very dry. There is very little rain, but when it does rain it rains very hard. Those are the issues that compounded with all the issues we have had with the escalator and these are the ones that now are being looked at to be able to find a solution that actually works.

450 **Hon. D J Bossino:** He is saying that he will be able to make an announcement in a couple of weeks. Will that announcement include when the works are likely to be completed, so we have a properly running escalator once and for all?

Hon. P J Balban: Mr Speaker, the whole purpose of doing this is to try to fix the escalator, so
455 as soon as we are in a position to know exactly what needs to be done to make sure that this escalator works as trouble free as possible, I think the next step would be to commence works as quickly as possible to try to fix the problem.

Hon. D J Bossino: And may I ask, Mr Speaker, whether he has an estimate, dare I say, of the
460 costs of these works at this stage? And secondly, does he have an idea as to when he thinks those works are likely to be completed?

Hon. P J Balban: Mr Speaker, it is impossible for me to provide an estimate of cost because we
465 are still looking at the different issues that make up the full picture so we can provide an escalator that works totally. We are going to address the misuse of the button, we are going to address the vandalism, we are going to address the water and we are going to address the leaves. Until we have all the mechanisms in place and know exactly what has to be done to be able to fix and address these things, then I will not have an estimate of those costs. As to when, immediately.

470 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask, following on, how long this escalator
has actually been broken, in order to understand the three things, mainly, that he talks about –
475 vandalism, misuse of emergency stop button and falling leaves? Did all that happen together? From what I understand, the escalators have been broken for years, so at what point did these issues all conflate to have this escalator broken for so long and deem that these were the reasons for it?

Hon. P J Balban: Mr Speaker, I cannot agree that the escalator has been broken for years,
480 although it may seem that way. The escalator has been put to work constantly. The truth of the matter is that it has been stopped a lot of the time, it has been put back to work, it has lasted a short while and then it has been stopped again. There is also another issue we have had, which I will also share with the other side, which is the noise these escalators make – very little noise, but
485 at three o'clock in the morning, apparently, it was not noise that people wanted to hear and it also led to some issues as to why the escalator stopped working. That is really the thing. I cannot agree, but the people who live up there have found that the escalator has not been working for a sufficient amount of time because every time we need to call in the maintenance team or even restart the escalator it can take hours or it can take days.

490 **Hon. D J Bossino:** Mr Speaker, one disaster after another as far as this project is concerned. In the light of that, may I ask him whether it is the policy of his Government to ...? Is it still committed to this particular project?

495 **Hon. P J Balban:** Yes, Mr Speaker.

Mr Speaker: Next question.

Q540/2023
Priority parking for over-70s –
Whether Government will consider

Clerk: Question 540/2023. The Hon. the Leader of the Opposition.

500 **Hon. K Azopardi:** Mr Speaker, would Government be willing to consider introducing a scheme which would give priority of parking in certain areas to persons over 70?

Clerk: Answer, the Hon. the Minister for Transport.

505 **Minister for Transport (Hon. P J Balban):** Mr Speaker, there are plans under consideration at this moment in time to allow for priority parking in certain areas to persons over 70. More details will be announced in due course. The hon. Member should note, however, that there are already concessions in place in Midtown car park by way of three hours' free parking to existing Gibraltar ID card holders. There is also a 50% discount to all Gibraltar ID card holders over the age of 65. As for the Residential Parking Scheme zones 1 to 4, persons over 60 years of age
510 may purchase their first permit at a 50% discount.

Upon consulting with my team and relevant officials, I am informed that we have not, to date, received requests seeking concessions of this nature.

515 **Hon. K Azopardi:** That last remark is by the by because in your opening remark you did say that plans are under consideration, so can I ask, in terms of the rollout of that, what kind of timescale should we be expecting? Is there a plan devised for the rollout of these?

Hon. P J Balban: Mr Speaker, we are hoping to be in a position to announce this by the end of the year.

Adjournment

520 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to Monday, 3rd July at 3 p.m.

525 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 3rd July at 3 p.m.

I now put the question, which is that this House do now adjourn to Monday, 3rd July at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday, 3rd July at 3 p.m.

The House adjourned at 3.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 3.26 p.m.

Gibraltar, Monday, 3rd July 2023

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The Gibraltar Parliament

The Parliament met at 3.01 p.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Standing Order 7(1) suspended to proceed with laying of papers

Clerk: Meeting of Parliament, Monday, 3rd July 2023.
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: Papers to be laid – the Hon. the Chief Minister.

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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 2023, the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2023, the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) Order 2023 and the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) (No. 2) Order 2023.

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Mr Speaker: Ordered to lie.

Questions for Oral Answer

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q530/2023 FATF grey list – Update re removal

20 **Clerk:** Answers to Oral Questions continued.
Question 530/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update as to Gibraltar's removal from the FATF grey list?

25 **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 FATF has issued a formal public announcement following the June plenary of the FATF. This announcement contains their conclusions on all countries under review, including
30 Gibraltar. A press release was issued by HMGoG in response to the FATF's public announcement.

Mr Speaker, that is my answer to the question that was phrased by the hon. Member in respect of what I can say in respect of the FATF process. As the hon. Member and indeed the Opposition are fully aware, proceedings of FATF and Moneyval are subject to strict confidentiality provisions – I have explained this before – which is why I have made it absolutely clear, in this House and
35 outside of this House, that I am not able to say anything more, because if I did it would be against the best interests of Gibraltar and consequently I would not do it.

For the last 12 months, to be fair, the hon. Members opposite have been mature, responsible and co-operative in terms of how we have managed the public side, if I can call it that, of the FATF/Moneyval process, but of course, like all good things, they come to an end and the hon.
40 Members could not resist the temptation of throwing politics into this process when the one thing that this process does not need is politics. Mr Speaker, all that maturity and all that responsibility were thrown out of the window in place of an attempt to have a go at me, at the Government and, let's be clear, at every one else who has been involved in this process, for the sake of what I consider to be cheap political points.

45 Since the placing of this question, they have issued two press releases which are really quite astounding. The statements include that the press release that we issued at the same time as the FATF press release was issued was underwhelming in its lack of detail. The hon. Member is fully aware, because I have told him many times, that we cannot give any more information, so in what sense is it underwhelming? Surely he understands that we cannot share details of particulars
50 because we have sworn documents to the contrary. So how can it be underwhelming? If he cares to look back at the other statements that we have issued, it is consistent with all of those, and on each of those occasions he never once complained about the issue publicly.

He then says that last year I was 100% certain of delisting. I am 100% sure of our delisting, 100% sure. There is no question in my mind that we will be delisted.

55 He then says – in my view, remarkably – that there may be laws that Government could review to ensure the –

Mr Speaker: May I interject there, Hon. Minister? It seems that you are making a statement. I know that you are answering the question in the widest respect, but you are making a statement.
60 That is how I am hearing it. I think you need to answer the question from the Hon. Roy Clinton and then perhaps from then onwards you can start bringing in all those issues that you need to make public, to make clear.

Hon. A J Isola: Mr Speaker, if it does appear to be a little bit like a statement then I must
65 apologise, but I have perhaps myself fallen for the temptation of doing what the hon. Member suggested, which was that I should come to Parliament and make a statement. I will refrain from doing that and just leave the answer there and wait for other areas that the hon. Member may wish to raise, and I can just deal with those at that time.

70 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. Of course, on this side of the House we would welcome a statement from the Minister should he choose to make one, and I am sure if there is an amendment to Standing Orders for him to do so, we would support it.

75 When I asked the question, and obviously it was before we had the FATF result ... When I say his statement was lacking in detail, as he has mentioned, it is because there is some really basic stuff that is not in there, and that is what is the next step. It is only from reading the FATF's own press releases on their website that it is apparent that the next window is October 2023. The Minister could at least have said the next target is October 2023, instead of which we had a 10-
80 line press release congratulating everybody but not laying out what the roadmap is. That is all we really wanted. If he had come to the House and just made a statement saying this is where we are and allowed us to at least probe where we are, that would have been fine. I am not casting any aspersions on the Minister on how he does his work, but at the end of the day we are in Parliament and it is for Parliament to ask the Minister questions. It is as simple as that.

85 So can the Minister at least answer this question: is the next window of opportunity to be removed from the FATF grey list October 2023, and are there any tangible steps that he can disclose outside the non-disclosure agreement that he envisages that Gibraltar will be taking to achieve that?

90 **Hon. A J Isola:** Mr Speaker, I am astounded that 12 months after we started he still does not know what the process is. There is a process – (*Interjection*) Well, I have told him many times before and he has read the articles about Cayman. Surely he understands that there is a reporting process – I have said that before – there is a face-to-face process after an exchange on the reporting process, and then eventually there is a plenary. How can he be coming to ask what the
95 process is when we have been in this process for 12 months? Does he honestly not know? I find it staggering when I have told him many times before. Perhaps he should listen a little bit closer.

The hon. Member keeps saying the Minister should have come on Monday and made a statement (**Hon. R M Clinton:** Yes.) a week ago today, and he says yes now. Well, last Monday I was working – not in Gibraltar, I was in London. Incredible. And who do you think I was seeing at
100 exactly the same time that Parliament was sitting? I was seeing the Moneyval team at Her Majesty's Treasury, discussing the work that had to be done. I do not expect to be chastised, which is the word that was used in the press release, for not being here to give a statement when I am doing my damned work in trying to get the jurisdiction off the grey list as early as possibly can be done. So the reason for not being here is perfectly logical and something that I am sure he would
105 expect me to be doing, not to be chastised for not coming to Parliament to answer his question and give him a statement on where we are with the process.

Mr Speaker, as far as I am concerned, the approach they have taken in falling for the temptation of trying to score cheap political points is an absolute shame. Again, I have to say that – he talks about the responsibility and he talks about the resources – never in Gibraltar's history
110 have the Police had two accountants working permanently for them in relation to economic crime, never. Never has GIFU had a very senior prosecutor working within their ranks, together with staff from the FSC to help them with the process. Never have Customs and the Police had the legal services that they now have to help them in their economic crime. So before he tries to put the boot in on suggesting that Government has not given the people the resources they need, perhaps
115 he should talk to them because I am hugely grateful to the Royal Gibraltar Police, to Customs, to the Financial Services Commission, to the Gambling Division, to the Financial Intelligence Unit, to the Office of Criminal Prosecutions, to the Office of Fair Trading, to the National Co-ordinator, to the Legal Services Regulatory Authority, to each and every one of them for the incredible work that they have done over this past very challenging not just one year, but three or four years, in
120 doing everything they had to do to enable us to move through this process and to delist, as I am 100% confident that we will.

Mr Speaker: The Hon. Roy Clinton.

125 **Hon. R M Clinton:** Mr Speaker, I am gratified to hear that the Minister was meeting with Moneyval officials at the Treasury. He could have come here, made a statement and just said that. Great, well done. What I want to know is ... I do not know why he looks so astounded. It is a simple comment. What I really want to know is, is he confident that by October of this year FATF will be in a position to remove us from the grey list? He talked about process and we should know the process and the process takes time. Again, I speak not for myself – this is not my personal curiosity. 130 These are people in the street, these are people in industry who want to know. Is the Minister confident that in October we will be in a position to be removed from the grey list? He can stand up and say he is not in a position to say so. If that is his position, that will be interesting to know, too.

135 Thank you, Mr Speaker.

Hon. A J Isola: Mr Speaker, he does not need to worry about the financial services sector because I am very regularly in touch with them. I meet with a body that looks after every single aspect of financial services, every month, and they are told every month exactly where we are. So he does not need to worry himself about representing ... The financial sector, I have to say, is far 140 more supportive than he is. *(Interjection)*

If you want to know if I am confident, *(Interjection)* that we will, at the next hearing, be delisted, yes, Mr Speaker, I am entirely confident that at the next sitting we will be forward, ready to be delisted.

145 **Mr Speaker:** Next question.

Q531/2023

Mount Alvernia, Dr Giraldi and St Martin's staff through recruitment agencies – Numbers broken down by time spent in organisation

Clerk: Question 531/2023. The Hon. the Leader of the Opposition on behalf of the Hon. D A Feetham.

150 **Hon. K Azopardi:** Mr Speaker, in relation to the answer provided to Question 365/2023, how many of these agency workers have been working within those organisations for (a) less than a year and (b) more than one, two or three years?

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, within Mount Alvernia eight staff members have been working for less than a year, one staff member has been working for more than a year and one staff member has been working for more than two years.

160 Within Dr Giraldi, 24 staff members have been working for less than a year, 21 staff members have been working for more than a year, five staff members have been working for more than two years and six staff members have been working for more than three years.

Within St Martin's School, four staff members have been working for less than a year, one staff member has have been working for more than a year and 11 staff members have been working for more than three years.

165 I am now informed by the Department of Education that of the number of agency workers submitted in Answer 365/2023 who worked in St Martin's School, three staff included in the

original answer are Community Care individuals and have therefore been omitted from this reply, as they are not working.

170 **Mr Speaker:** Next question.

Q532/2023
Mount Alvernia –
Staff transferred to other parts of GHA or ERS

Clerk: Question 532/2023. The Hon. the Leader of the Opposition on behalf of the Hon. D A Feetham.

175 **Hon. K Azopardi:** Mr Speaker, since 1st January 2023, how many staff working at the Mount Alvernia facility have been transferred, for whatever reason, to other parts of the GHA or the ERS, identifying where they have been transferred to?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

180 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, four members of staff have been transferred from Mount Alvernia. One administrative officer has been transferred to Government Law Offices, one nursing assistant has been transferred to the domestic department at the GHA, and one registered nurse and one nursing assistant have been transferred to John Cochrane Ward, which comes under the ERS.

185 **Hon. K Azopardi:** Mr Speaker, can I ask if the Minister is aware of the state of discussions as to the staffing at Mount Alvernia and the intentions of whether some of them will be transferred later this year, for example, to the new Rooke residential or nursing facility?

190 **Hon. A J Isola:** Mr Speaker, my understanding at this moment in time is that none of them will be transferred to the Rooke nursing facility.

195 **Hon. K Azopardi:** None because a decision has been made that none will be transferred, or that there are still discussions going on as to whether or not any staff would be transferred? Or is it that the new home will run its own staff?

Hon. A J Isola: Mr Speaker, I say none at this moment in time because at this moment in time we do not expect any of them to transfer over to the new Rooke site.

200 **Hon. K Azopardi:** I hear what the hon. Member says. I think he has just repeated the answer. Can I just tease this out, if I may? Is it because there are ... at least it is not clear whether, at the moment, the residents at Mount Alvernia wish to move down to the new home? Is it tied in with that question, or is it irrelevant? In other words, if people at Mount Alvernia wished to be transferred down, it would still be the position that there would be no staff transferred to the new home?

205 **Hon. A J Isola:** Mr Speaker, to engage in these issues now is premature. I do not want to alarm anybody. I do not want to cause any more speculation than is necessary. The position is that at this moment in time we do not expect any of the people in Mount Alvernia to be transferring over to the Rooke site. And I know that is the third time I have said that in my answer, but that is the position.

Mr Speaker: Next question.

Q533/2023

**Transgender surgery –
Protocol to determine clinical decisions**

Clerk: Question 533/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, will the Government publish the protocol the GHA is following to determine clinical decisions on requests or recommendations for transgender surgery, and is there a minimum patient age for the consideration of such surgery?

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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 Gender Identity Disorder Service in Gibraltar is run under the guidance of a UK-based specialist, Dr John Dean, following NHS guidelines. For surgery, patients are referred to a specialist provider in England. UK regulations stipulate that individuals must be at least 18 to qualify for surgery.

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Hon. K Azopardi: Mr Speaker, I am grateful for that. The hon. Member knows that this question was tabled against the backdrop of an exchange of correspondence. He wrote to me on the issue because I had asked a different question in another parliamentary sitting, and as it is tied in, and given the original answer, can I just ask him, because I am not sure he did actually answer the question ...? My original question was will they publish the protocol, and the reason for that was that in his letter, if he recalls, he had indicated that they were developing what he called then a gender-affirming surgery pathway. I took that to mean a specific document or protocol which was being devised with the help of a specialist, and so I am asking whether they would intend to publish that protocol so that people are aware against which guidance people are being considered.

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Hon. A J Isola: Mr Speaker, I will have to go back and refer to that letter and better understand what it is in terms of the protocol and where we are at. If it is at all possible to be published, I certainly will. But let me come back to the hon. Member with more specific details, as I do not want to guess. My supplementary information does not cover that point and therefore I am not able to say any more at this stage, but I certainly will do, as I did last time.

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Hon. K Azopardi: And can I ask which of the procedures would be publicly funded? Some of them, presumably, depending on what it is, would not be publicly funded. Again, this stems from the original answer. And also, in the letter he wrote to me there was an indication that consideration was being given as to which of the procedures was being funded. Presumably that would be in the document, if a document is being devised.

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Hon. A J Isola: I assume so, Mr Speaker, but again, as I said before, I need to have a look at it and where it is in the process to be able to answer that question fully.

Hon. K Azopardi: Mr Speaker, when he talks about the minimum age ... I think he said according to UK regulations the patient has to be at least 18. Can I take it from that answer that that is the policy position of the Government?

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Hon. A J Isola: Yes, it is, Mr Speaker. As I answered in my question, the service that we provide in Gibraltar is run under the guidance of a UK-based specialist following NHS guidelines, so very much aligned to that.

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Hon. K Azopardi: And finally, Mr Speaker, can I just ask: the letter he wrote to me implied that there were patients awaiting a decision in respect of these matters currently in Gibraltar. I will just read from his letter, if he does not have it in front of him. After giving me an explanation about the process that they were following and the advice being sought, he referred to the engagement with a private provider in the UK awaiting a response regarding cost, and then the Minister said, 'This is with a view to urgently outsourcing treatment required by patients in Gibraltar.' That implied a degree of urgency. He used the word 'urgently'. Can I have an indication from the Minister as to the backdrop of that? When and how many people are we talking about and will the Government ...? Presumably the Government is alive to the fact that it needs to take decisions in relation to that fairly soon, or at least the GHA is. Does the Minister have more information to give to us on those aspects, as to the urgency required?

Hon. A J Isola: I have some detail which I would rather share with the hon. Member privately. I am also aware, with regard to the urgency, that some patients have been seen, some patients have pending surgery, and one of the more complicated issues is that there is a significant waiting list with the NHS in the UK, and that also has an impact on some of the surgery that is pending. In other words, it is beyond our control. We are seeking to do it as quickly as possible, but this is subject to both our own and the UK, in certain areas, waiting lists. I have some numbers which I am happy to share with the hon. Member privately, and maybe that will give him some more information.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to Tuesday, 11th July, when it is my intention to suspend Standing Orders and start with the consideration of the Appropriation Bill at 10 a.m.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Tuesday, 11th July at 10 a.m.

I now put the question, which is at this House do now adjourn to Tuesday, 11th July at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 11th July at 10 a.m.

The House adjourned at 3.26 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.02 a.m. – 12.33 p.m.

Gibraltar, Tuesday, 11th July 2023

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The Gibraltar Parliament

The Parliament met at 10.02 a.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

Standing Order 7(1) suspended to proceed with laying of papers

Clerk: Meeting of Parliament, Tuesday, 11th July 2023.

Order of Proceedings: 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: Papers to be laid – the Hon. the Minister for Housing, Employment, Youth and Sport.

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Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I have the honour to lay on the table the Employment Survey Report 2022.

Mr Speaker: Ordered to lie.

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Clerk: The Hon. the Minister for Business, Tourism and the Port.

Minister for Business, Tourism and the Port (Hon. V Daryanani): I have the honour the lay on the table (1) the Tourist Survey Report 2022, (2) the Hotel Occupancy Survey Report 2022 and (3) the Air Traffic Survey Report 2021.

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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 2023 – First Reading approved

30 **Clerk:** A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2024. 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 appropriate sums of money to the service of the year ending on the 31st day of March 2024 be read a first time.

35 **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 2024 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

40 **Clerk:** The Appropriation Act 2023.

Appropriation Bill 2023 – Second Reading – Debate commenced

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the distinct honour to move that the Bill now be read a second time.

45 This is my 20th Budget address as a Member of this Parliament. It is my 12th Budget address as Chief Minister. I am conscious of the honour that it is to be able to say those words, because Gibraltar will go to the polls this autumn and, as a result, this may be my last Budget as Chief Minister. I take nothing for granted. Indeed, the last thing I would ever take for granted is the support of the people of Gibraltar; I work to earn that support every single day.

50 In moving this Second Reading, I therefore appreciate that it is indeed an honour to present the Estimates of Government's revenue and expenditure for the year ending 31st March 2024, that is to say the current year. I will also present the outturn for Government's revenue and expenditure for the year ended 31st March 2023, which was the 11th full financial year of a Socialist Liberal Government since we took office in December 2011 and started to deliver policies, projects and changes which have positively transformed our nation for the better.

55 We have also had to deal with issues in these 11 years that have been without precedent in our democratic history – a full-on, worldwide respiratory pandemic that required us to shut down our economy and most of our public services and private sector, and of course we are dealing now with the seventh year post the Brexit referendum. Remarkably, we have now been in Government more years since the referendum than before it. Additionally, a major European war arising from Vladimir Putin's illegal invasion of Ukraine has created inflationary pressures that have caused cost of living issues for many of the least well-off in our community and more so beyond our

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65 shores. Of course, all of Brexit, COVID, the effect of the Kwarteng budget and the cost of living will temper and affect the statement I will make to this House today in support of this Appropriation Bill. I will say more later about how each of these has affected our economic performance and how they influence the measures I will announce today. Indeed, apart from our work to adhere to our golden rule on recurrent expenditure, little has shaped this address more than those three evils that have beset these past two terms.

70 As we start to see off these challenging times and start to round the corner, we do so because we have known how to manage matters responsibly and prudently in the depths of the worst moments we have faced. And so we will continue to act in this Budget as we have in the past, in a manner that is both responsible and prudent because to get beyond the pandemic, continue to manage Brexit and to ameliorate the cost of living issues faced by the less well-off, we must do so without creating future public finance issues for our children. Therefore, in taking the steps we will need to take today we must continue to act with a view to protecting the overall integrity of the nation's public finances in the short, medium and long term. That is the touchstone on which these Estimates are based, not on short-term electioneering; I will leave that to others. My concern is to ensure that at the end of my third term as Chief Minister and Minister for Finance we have restored financial stability and that said financial stability is secure going forward.

80 Integrity, stability, affordability, social justice – those are the litmus tests we have established for every measure that I will announce today, and that is the way we, as a people, ensure that we are ready for whatever else is thrown at us. In doing so, we will provide for repayment of the extraordinary COVID debt that we have incurred with the support of the Leader of the Opposition and Mr Clinton. Indeed, Mr Speaker, I vividly recall Mr Clinton saying, in your absence, to the Presiding Member who was then in your Chair, the following words:

85 now is not the time for us to nit-pick as to is this prudent or is this the right thing to do at this stage. We need to do what is necessary and we will work out later on how we pay for what we need to do. This is something I thought I would never say, but it is true.

That was on Friday, 20th March 2020. It is at line 644 of the *Hansard*, should any one wish to check my quotation. It was the right attitude then from the GSD Opposition. We, on this side of the House, stand by what we said and remain committed to in respect of the COVID debt being repaid as efficiently as possible and in a manner that provides as little drag as possible for future generations of Gibraltarians, because we must accept that we must all now contribute to paying back the BEAT scheme and the COVID funding that all of our people took the benefit of in the extraordinary funding that we managed of our health and care services for the pandemic period.

90 I have, therefore, worked diligently with the Minister for Financial Stability, the Financial Secretary and the Treasury to continue to ensure that the spirit of prudence and responsibility is the golden thread that laces these Estimates, as it has each Budget I have delivered in this House and as will continue to be the case should the people of Gibraltar so decide later this year. With Charles Santos, the talented new Financial Secretary, the third Gibraltarian successively appointed to the post, we have designed these Estimates once again to protect the most vulnerable in our community, as they are the ones now feeling the pressures that arise from the increases in the cost of living. We have ensured that our key public services can continue to be seamlessly provided and that the cost of these is not growing unnecessarily. And we have worked with colleagues in the trade union movement to ensure that they have understood how we have structured support for our employees in the public sector at this time of cost of living increases.

100 Despite the continued and repeated calls for cuts from the Members opposite for the GSD, I am very pleased that once again this year this Budget will contain no austerity, because it contains no cuts of jobs or services. That is the only way you can save money. Moreover, the income of the worst-off in our community will grow with the measures we will announce, because the measures I announce will all seek to do social justice above everything else.

110 Just like last year, 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. By doing that, we will achieve what we achieved last year: we will protect the
most vulnerable. In doing so, we in the Socialist Party that I represent and our Liberal partners
have always been clear that we believe we must never be spending more than we collect. Annual
expenditure must not exceed annual revenue. We are ready now to demonstrate our
115 commitment once again to that rule.

The truly exceptional circumstances of the joint financial years between 2020-21 and 2021-22
are now over. The COVID Fund is the past. From now, we are back to ensuring that annual
expenditure does not exceed annual revenue. In the past financial year we have managed to get
closer than we expected. The deficit was reduced, as I have already announced, from the
120 anticipated almost £50 million to £15 million. This year we will go further and we will work towards
restoring a surplus. That is to say we will balance the books and have something left over at the
end, too. We re-establish financial stability and we do so sooner than most other nations on the
planet after the pandemic. In doing so, we correct the anomalous position of the past three
financial years and we return to adherence to our golden rule, as set out by Sir Joe Bossano in his
125 first address as Chief Minister in a Budget debate after 1988.

I remind Members that the last time the golden rule was breached, other than due to the
exceptional situation arising as a result of the pandemic, was actually under Members opposite in
the financial year 2007-08. It was not breached by the GSLP Liberal Government I lead, despite
their many accusations of profligacy and protestations that we spend too much. It was breached
130 by them in 2007-08 when the extenuating circumstance leading to expenditure having to exceed
income was the General Election. I know it costs money to get Daniel Feetham elected, but my
goodness! So hon. Members will forgive me for not taking lessons from them on how to balance
the books, although I have no doubt we can expect hours of pontification on the subject in coming
days. Their theory and rhetoric are unmatched by their record in Government, so we will take
135 everything they say with the proverbial pinch of salt.

What is worth doing is reflecting on the fact that the man who laid down the golden rule was
unable to deliver his 50th Budget address last year. Last year he was afflicted by COVID – or rather
COVID was afflicted by him. It is not coincidence that after he got it the pandemic came to an end.
This year, he is back, fighting fit as ever and ready to provide us with the analysis that this House
140 has had the benefit of since 1972, the year I was born. I am sure I speak for the whole House and
for the whole of Gibraltar when I set out the appreciation of our nation for Sir Joe's continued
efforts for each and every one of us. No one can describe him as an easy taskmaster. No one would
describe him as easy to please. I don't think he cares, Mr Speaker. Win the GSLP a third successive
General Election and you may be lucky to get a kiss on the cheek and a pat on the back followed
145 by the inevitable '*Me voy pa la oficina, pisha,*' or 'I'm off to the office, old boy,' but no one would
describe him as anything other than the most committed Gibraltarian patriot amongst us all. At
84, if he is still here, still arguing and still defending Gibraltar and our people, frankly, whether you
agree with him or not – and I do – then you need to respect the contribution that Sir Joe is still
making today. He is more than a legend in his own lifetime, he is a legend in all our lifetimes, a
150 legend for our homeland and for all time. It was he who first established the principle that the
Budget debate was to be led by an elected representative of the people of Gibraltar. It was he
who first reflected that the debate on the annual Appropriation Bill was, for our Parliament, the
equivalent of our state of the nation debate, and there are many matters that fall to be assessed
in this last state of the nation debate in the lifetime of this Parliament, for this year is such a year
155 and this debate is such a debate.

In these tough times, which have required strong leadership and necessarily unpopular
measures, it has been the greatest privilege to have been entrusted by our people to navigate
Gibraltar successfully through these storms. I say 'successfully' advisedly and I say 'successfully'
objectively because when we come to look at the main subject of this debate, the numbers in the
160 Estimates Book, there is undoubtedly a success story underlying the performance of the Gibraltar

economy and, therefore, the public finances of His Majesty's Government of Gibraltar. In less time than we expected, in less time than most of the rest of the world, we have reduced our deficit and now we are predicting a surplus for the current financial year, a modest surplus which, in my view, we may even exceed. Indeed, as I showed the House in this debate some years ago, we have
165 traditionally exceeded our estimated surpluses in each year since we have been elected. But for now, I want to tie together a number of themes because I have spoken about our prudent financial management, I have spoken about our Golden Rule and I have spoken about Sir Joe Bossano, who first set this rule out in this Parliament, and our deficit reduction and our return to surplus has
170 been guided by each of those together, not least by Sir Joe's constant and difficult work in the Ministry of Financial Stability.

There are many detractors of the Government, of Sir Joe and of me out there – that is democracy. The social media experts who have degrees in everything and nothing all think they know better than anyone about everything. It is the curse of modern politics to see a small band of negative social media warriors try to negatively influence the majority. So be it. But I believe in
175 Gibraltar and I believe in the Gibraltarians. They see the work we do, they see the effect of the work we do, and I know they like the results they see. The Gibraltarians will like what I am going to announce today – the reversal of deficits into surpluses – and they like the modern physical, political and egalitarian Gibraltar we have built in the past 12 years and the way we have changed our nation for the better, not just paying for COVID and the BEAT measures, not just dealing with
180 Brexit, but also changing Gibraltar beyond recognition.

I remember when we were first elected, and the Gibraltarians remember when they elected us. Gibraltar was by no means a waste land in 2011, but neither was it in 1996 nor 1998, yet I remember a Gibraltar in 2011 where the Hospital was full and no beds were ever available. Now there are beds available every night.

I remember a Gibraltar when the issues facing those with mental health problems came after honouring a deal with Spain to build an airport that would never operate as intended. Immediately we were elected we built Ocean Views and now mental health provision in Gibraltar is improving like never before.

I remember a Gibraltar where charities were shunned and the service they can better provide was lost to our people, and now, with Clubhouse, Childline, GibSams and PossAbilities we provide better services to more people at greater value for money.

I remember a Gibraltar where schools were old, not fit for purpose and lacklustre, and they let down our pupils and our excellent teaching fraternity, where the boys' comprehensive school was half a century old and falling to bits, and now we have schools that are the envy of every nation
195 in Europe and the world. We have spent £160 million on new schools. Should we not have? Are those the savings that hon. Members would like to have seen us make? We were absolutely right to do so. That is not an extravagance, it is catching Gibraltar up from where we found it, and as a result every government school from 1st September this year will have been delivered by a socialist administration. That is a record to be proud of, as is the massive increase in resources we
200 have provided in the brilliant learning support facilities we are providing in our schools.

I remember a Gibraltar where there was only one LSF and it was not well resourced. Now I see a Gibraltar with better LSF facilities than most countries in Europe and with a better pupil-to-teacher ratio than anywhere else. The ratio is better than classes at Eton. On that we do spend money and we are proud to spend the money, and we are proud of the work our magnificent
205 teachers do – and they are magnificent, because I have met them all.

I remember, however, the Gibraltar where who you loved and who you married was an issue and having children on IVF was not possible. That was the GSD's Gibraltar. Now we defend loving who you want, how you want and having children because you want, whatever your gender and sexual orientation.

I remember a Gibraltar where a woman asserting her reproductive rights was one thing and one thing only, a crime, and yet now a balanced law provides for choice in the right way.

I remember the GSD's Gibraltar with half the doctors at the Primary Care Centre. I remember a system without a Primary Care Centre for children. Not anymore, as we have delivered a new PCC for our children only and doubled the doctors at the PCC.

215 I remember when we disgracefully dealt with dementia and Alzheimer's patients in the acute ward that was already unfit for purpose at KGV. That was the GSD's Gibraltar – not anymore, as we developed a fit-for-purpose facility that is the envy of any in Europe.

I remember a Gibraltar of rundown estates which have now been fully refurbished, with more refurbishments to come.

220 I remember a Gibraltar with a budget of only £750,000 for domiciliary care. This year we have spent over £4 million on giving our people the option and the dignity to stay at home, to be cared for at home and even to die at home, where possible.

I remember a budget of just over £200,000 for children in care in Gibraltar and just over £100,000 for the Dr Giraldi Home, and now we spent more than £1.2 million on children in care and the Giraldi Home. That is where we spent the money. That is what has transformed Gibraltar. That is what they tell me they want to stop.

I remember a budget of £10.5 million for policing, with only 253 police officers available to the Commissioner when we were elected. Now the budget for policing is £17.2 million and the total number of police officers is up by more than 10% to 284. Therefore, even with the issues that have arisen as a result of the McGrail inquiry, the number of officers available to the Commissioner is greater than ever before and with more being recruited already.

230 So yes, Mr Speaker, there are issues. Of course there are issues – Government is a constant, ongoing project, it is always about dealing with issues, to deal with crises and to deliver change and new projects – but when you look objectively at what we have done, when one looks genuinely at our record and not through the partisan spectacles of Members opposite, what you can see is a record of achievement unparalleled by many, except perhaps by the first GSLP administrations of Joe Bossano and the post-war administrations of Joshua Hassan. I give credit also to the closed-Frontier push, in three years, of Bob Peliza. But in overall terms, as I stand with my party and the Liberals to face the judgement of the people, I am proud of the record of achievement that we have delivered.

240 More new homes than any Government in our history. Some delayed – I get it – but still more than ever: Hassan Centenary Terraces phase 1 in snagging and being handed over already; Hassan Centenary Terraces phase 2, Chatham Views and Bob Peliza Mews all already under construction; and Mons Calpe Mews and Beach View Terraces a huge success alongside Charles Bruzon House and Sea Master Lodge. In 12 years, with Brexit and COVID, more than in 16 years under the GSD. More new schools than any Government in our history, and more new parks and areas for leisure than any Government in our history, and that despite COVID, despite Brexit and despite the day-to-day issues that blight us. We have delivered.

250 We are still – okay, sure – down a theatre and a military museum, I understand that. Because some projects just cannot be deliverable in the time available after the hiatus of COVID and with post-Brexit negotiations going on, we will be criticised of course, but let us not have debate that suggests, as we have heard before during the course of exchanges at Budget time, that we were not a new dawn but a false dawn. It is disrespectful to the people of Gibraltar to part from such a premise because it is demonstrably not true. And let us not have a debate about debt based on a nonsensical addition of the cost of every project without deduction of income, repayments etc. It is just an attempt to scare the people of Gibraltar into choosing stagnation over progress to talk direct and indirect debt up in that way. I see the Hon. Mr Clinton smiling. I can see he is reaching for his scariest mask, Mr Speaker. He might have wanted to go to Monsters University.

260 Sir Joe, who is our guru on these matters – and they now see as their guru too, sometimes, having long referred to him as a villain – is clear about debt not being a bad thing when it is for good projects and projects of important social value, yet all of this unfair criticism is literally water off a duck's back because we continue in order to deliver progress for our people. We look now, at the end of the lifetime of this Parliament, at the work done with deep satisfaction. We can see

265 achievements delivered in the face of adversity, we can see achievements crowning our time in
government so far, and we can see all of these things achieved in the teeth of constant criticism
of the unimaginative official Opposition, who present no alternative to our people.

When it comes to having faced the challenges we have faced, I am clear that the people of
Gibraltar know that at every turn we have made the right decisions for Gibraltar, the same
270 decisions nine or 10 out of 10 Gibraltarians would have made faced with all the information we
had at our disposal at the time we made each of the decisions we made. Not all of that information
was or is available to the public, it could not be and it cannot be, but as a Gibraltarian patriot I can
assure all the other 32,000 Gibraltarian patriots that they would have made the same decisions I
made – that we made collectively – if faced with the facts and the information we had. I know my
275 fellow Gibraltarians know and understand that and that the difficulties we face today with delayed
affordable housing and COVID debt would be faced by the GSD if they had been in Government
too.

Of course, that is relevant to the idea that Members opposite want to put about that we are
somehow to blame for delays to affordable housing. We are not. We do not deserve to be
punished, as they have suggested, for delaying the projects. Brexit and COVID are not controllable
280 aspects. They are not excuses, as they have shamefully been referred to by some Members
opposite in some of their flights of fancy. How can the loss of life of over 100 of our fellow
Gibraltarians be referred to seriously as an excuse? But in the end, we subject ourselves to the
judgement of our people. In the end, it is my responsibility to have got things right. It is the Cabinet
represented here that collectively made the decisions and it is on my political shoulders that
285 ultimate responsibility, politically, lies. I carry the weight of that responsibility on my shoulders
because I must. That is what people have paid me to do, and it has been my privilege to lead
Gibraltar in this difficult time and generation. We have not cowered, as others might, when the
time came to make difficult decisions. We did not falter, as others might, when we had to decide
to borrow to keep the nation going. My hand did not tremble when it came time to lock down our
290 people, to pay BEAT to all those furloughed. My hand did not tremble when it came time to unlock,
either. This Government team did it together. That is leadership, not the sniping from the corners
that we get from some quarters. It has been remarkable, in the troubled lifetime of this
Parliament, to see some agree to spending money and then cower in the face of the debt that
that spending has incurred. Some have urged us to do more and spend more and do things more
295 quickly, and then they run for cover when they see the cost. Come on, the people of Gibraltar see
through such cheap devices and such convenient political hypocrisy and cowardice.

When the time came, the people of Gibraltar know we acted when they needed us to act. Did
we get everything right? Probably not, but we made every decision in good faith based on the
information available to us. We were not rabbits stuck in headlights unable to make the decisions
300 our people needed us to make. That is what you elect a Government for, to make decisions, good
decisions, the best decisions possible on the basis of the information available. We did that
together also, in some respects, with the Leader of the Opposition, who attended Cabinet on a
number of occasions and agreed with our views on the most crucial decisions made by a
Government in the history of our democracy, literally life-and-death decisions, as close to a
305 Government of national unity as this nation has ever seen; something not done even in other
more mature democracies in Europe or the world. And so I want to thank the Leader of the
Opposition for the work we loyally did together in those harrowing moments. That is the Keith I
know, not the Mr Azopardi who has given way to the basest partisan instincts since then as he
faces his last chance to fulfil the ambition to see his name etched on the woodwork at No. 6
310 Convent Place. I say the same to the Hon. Mr Clinton, who I thank today, in the last state of the
nation debate in the lifetime of this Parliament, for the weeks in which we worked together with
Albert Mena on the BEAT measures, but I deprecate him for quickly running for cover on the
COVID debt incurred as a result of the decisions we made together.

By the way, Mr Speaker, as an aside, given the bleak analysis of the public finances they are
315 doing outside of here and will no doubt repeat during the course of this debate, I assume that

Members opposite are not going to go into an election promising to build another rental housing estate or any other affordable homes. If they truly believe what they are saying about the public finances, they cannot commit to anything but austerity, hellfire and brimstone for the next four years. I can imagine a lovely cover with flames on it for their manifesto, if they like. It is coming
320 with the cuts and the scissors. They will have to go to the election promising only to raise Social Insurance, raise taxes and raise all government charges. If they do not, then when they publish their manifesto in the General Election campaign, if they tell me today that we have spent too much, that we cannot spend more, that the debt is too high and they talk about the billions they say we owe ... when they publish their manifesto they will show that everything they have said
325 today is untrue. If they have one spending commitment in it they will be admitting that our analysis of the public finances is the correct one and theirs has been false all along. They cannot have it both ways. If Mr Clinton stands behind a manifesto promising public sector pay rises, maintaining the size of the public sector as it is – which they used to call bloated – and providing more services, Mr Azopardi doing videos talking about jobs in the public sector for your children
330 etc., bigger public sector, more money, then everything they say today is related to the genitalia of the male cow. Everything they have said in the past eight years will have been shown to be false, as has been the case in respect of the tactic that Mr Azopardi has been deploying on the continuing post-Brexit treaty negotiations. Can one really believe that if a safe and secure deal could have been done we would not have done it already? The reality is that we are continuing
335 the negotiations and have had to stop only as a result of the calling of elections in Spain. We must respect the democratic process in Spain, as our own electoral period will have to be respected. I remain optimistic that the issues that are live in the negotiations can be resolved without concessions by either side. None will have to lose and none will have to win on the perennial issues that divide us. In this respect I have to thank Michael Llamas, the Attorney General, for his
340 extraordinary contribution to this work. It was undoubtedly his destiny to be an expert in EU law to world standards, to be able to deal with the depth of the technical expertise required to take on the EU in this negotiation. He is the cornerstone of the government team which the Deputy Chief Minister and I proudly lead and he is ably assisted by Daniel D'Amato and the rest of his team. The teams from London, Brussels and Spain are also to be recognised and thanked for their
345 diligence and ingenuity in addressing the difficult technical issues that arise. I publicly thank them all today for their continued perseverance.

The House and the public know that I was quizzed on the negotiations most recently by the European Scrutiny Committee of the House of Commons. There is little more I can offer the House by way of update other than to say that on the British side we continue to work to try to advance
350 matters as much as possible in readiness for a recommencement of negotiations as soon as possible after 23rd July, regardless of the outcome of the Spanish negotiations. Surely Mr Azopardi is not going to seriously try to argue that if a safe and secure treaty could have been reached he would have been able to do it where we have not. That argument is tantamount to trying to push every drop of torrential rain upwards through a jungle ravine, because if it had been possible to
355 do such a deal, we would, of course, have done it. I am clear that we will keep on working for such a deal, but no such deal has yet emerged, at least not one that passed our strict filters of what is safe and secure. Perhaps what is on the table might have passed Mr Azopardi's filters, as he has already said that, as far as he is concerned, an Andorra-style solution is not joint sovereignty, as he sets out in his book *Sovereignty and the Stateless Nation*. Well, for us in the GSLP Liberals a
360 modern Andorra-style solution *is* joint sovereignty and we would not consider it safe or secure for Gibraltar. But we will keep working. We are almost there, and because we are almost there we must continue as soon as we can after 23rd July.

Mr Speaker, it is time to now start to get under the bonnet of the economy before turning directly to attend to the guts of the public finances of our nation. In doing so, I will remind the
365 House that last year I advised that the preliminary estimate for the GDP for financial year 2020-21 was £2.416 billion. In fact, the final GDP estimate for financial year 2020-21 has come in at £2.42 billion. There has been no material difference, therefore, between the forecast, the

preliminary estimate and the final estimate for 2020-21, for which I congratulate the Statistics Office and our Chief Statistician in particular.

370 The forecast for the GDP for 2021-22 was for £2.59 billion, already surpassing the pre-pandemic GDP. I told the House that this pointed to a strong bounce back in the economy which should have a positive knock-on effect on the public finances. That pointed to a solid performance with an increase of £173 million on the previous pandemic double year, or a 7.2% increase in nominal terms over the final year estimate for 2020-21. In fact, the forecast was substantially met and the estimate now for 2021-22 is £2.55 billion, which is as near as damn it to the forecast. 375 Again, I congratulate the Statistics Office for their estimating prowess. That represents a growth of 5.4% or £130.2 million added to the size of the economy.

I turn now to the preliminary GDP forecast for 2022-23. The Statistics Office forecast for financial year 2022-23 is £2.74 billion. This represents a very credible and positive growth of 7.5%. 380 That is an economic growth in cash terms of £190.94 million in terms of the size of the economy. This surpasses the pre-pandemic GDP estimate by 6.6%, as it was in 2019-20. The gross trading profits of companies grew by 8.2% over the year and income from employment increased by 7.3%. The number of employee jobs rose by 2.5% over the year to reach a record high, and average earnings increased by 5.1% in nominal terms. We can analyse which sectors of the economy 385 affected that growth. The economy is really dominated by four main sectors: tourism, financial services, remote gambling and shipping. Tourism is 20% of GDP and 10% employment, financial services is 20% of GDP also and 13% of employment, remote gambling is 28% of GDP and 12% employment, and shipping is 10% of GDP and 5% employment. I will have something to say about the docks in Gibraltar later in my address.

390 The Gibraltar public debt to GDP ratio fell in net terms to 22.4% of GDP in 2022-23 from 25.6% in 2021-22. These ratios continue at a lower rate than that of the UK and most other European countries. Importantly for the purposes of this debate, the ratio is considerably lower than when we took office during the course of the financial year 2011-12 when the GDP to net debt ratio stood at 25% with no pandemic for the GSD to blame for the increased debt. So, not a bad record 395 for the GSLP Liberals to be able to come out of a pandemic with a GDP to net debt ratio lower than the GSD's 2011 GDP to net debt ratio. Indeed, the whole House will recall that when we were first elected, the former Chief Minister, Sir Peter Caruana KC, and Mr Feetham came to see me and the Deputy Chief Minister at No. 6. At that meeting, as Sir Peter would repeat at the ceremonial opening of the House on 21st December 2011, he told us at the leaders' debate that 400 the gross public debt had grown to £517 million and net debt was £304 million. It became apparent that we were about to exceed the debt ceiling as then set out in section 3 of the Public Finance (Borrowing Powers) Act 2008 and that we would require a resolution of the House for more borrowing because we were going to exceed the debt ceiling under the GSD. In fact, Sir Peter said at the ceremonial opening, 'We will support the new Government in any Parliamentary 405 approval that may be required for additional borrowing'. You do not require parliamentary approval for additional borrowing, unless you have the device that you need, which is a resolution of the House, when you are going to bust the debt ceiling, which is exactly what he told us was going to happen and exactly why he was offering the resolution across the floor of the House. And then they come to talk about debt and say that we have taken too much. When we were elected 410 – and the people of Gibraltar were not told during the general election campaign by the GSD that they were about to bust the debt ceiling – and we were told only the morning after we were elected that we were about to bust the debt ceiling, Mr Azopardi and I both had faces of surprise when we were told by Sir Peter in the leaders' debate that the debt had gone up to £570 million.

Now, not only are we on a lower GDP to net debt ratio, we have massive headroom for extra 415 borrowing should we need it, although we are not going to take it up. We are not about to bust the debt ceiling, which is what was going to happen under them. We have a lot of headroom. We are not going to take it, but should we need to, as at 31st March 2023, the end of the last financial year, the net public debt ceiling restricted by the GDP parameter stands at one billion and ninety

420 five million pounds. Net public debt as a percentage of GDP stood at 22.4% as at 31st March 2023, leaving headroom for an additional borrowing of £481.8 million.

Mr Speaker, just to reflect on that, they are the ones who come here, to this debate in particular, to pontificate about how much debt we have taken, how much debt we have incurred, how terrible the debt that the GSLP Liberals have incurred is – ‘Isn’t it terrible?’ At the last election they were in government, they did not tell the public that they had three or four million left before they bust the debt ceiling. They hid that. The GSD hid it from the public with some of the characters who defend the same position now in the GSD fighting that election and some of them in their executive committee. They hid from the public that they were about to hit the wall, bust the debt ceiling. I am telling the public before we go into a General Election that we have almost £500 million of debt available to us should we need it. How can they even think of coming here to preach to us about whether the debt is too big under the GSLP Liberals? Because it is easy. That is why they do it, because they do it politically. They do it in a way that does not look at the numbers in the Estimates Book, does not take people to the numbers in the Estimates Book. That is why they say ‘Please ignore the Estimates Book, it does not contain the truth,’ thereby denigrating the work of the Treasury, the Financial Secretary, hundreds of civil servants as controlling officers etc. Why do they want you to ignore the Book, Mr Speaker? Because the Book tells a story they do not want you to know, a good success story of the GSLP Liberal period in government, with £480 million of headroom, of more debt than we can take, and under them we were days away from busting the debt ceiling, something which they hid from the public in the General Election of 2011.

440 Aggregate debt – gross debt – now represents just 30.9% of GDP as at 31st March 2023. According to the Office of National Statistics in the United Kingdom, since last month, for the first time, the United Kingdom already exceeded 100% aggregate debt to GDP ratio. In fact, when we took over, in financial year 2011-12, aggregate debt, which was £517.7 million, represented 43.1% of a GDP of £1.2 billion. So, even on the aggregate debt measure we hold a better record than that of the GSD. And Mr Speaker, can I just save them a bit of time? The comeback to this is not that there is some government debt through government companies, because of course the £517 million does not include the debt in government companies that they incurred and it does not include the £100 million almost of debt on the Hospital, which was under sale and leaseback. So if the comeback is, ‘Ah, but you have other debt in government companies,’ well you had other debt in government companies which if you were to include then would have immediately busted the debt ceiling before December 2011. So they can save their ink on that old chestnut, Mr Speaker.

We have also been lowering the GDP to tax ratio considerably in our terms in office. This year is no different. 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. Last year, the ratio was already one third lower at 8.7%, with a total of £225.6 million collected in Social Insurance at £45.6 million and person tax at £180 million. This year is going to be even lower, where the ratio is going to be 8.6%, despite the temporary tax increases of 2% for two years that I had announced last year. This is based on a Social Insurance collection of £53.6 million against a personal tax take of circa £182 million on the factor cost GDP calculation of £2.7 billion. A GDP to tax ratio of 8.6% measures super-favourably to the GDP to tax ratio in the UK of 32.7%, which is 73.4% higher than in Gibraltar. That is a good comparison to do between Gibraltar and the UK that some might want to reflect on. The GDP to tax ratio in Spain to the end of 2021 is 36.6%, which is 76% higher than in Gibraltar. Sometimes, it is worth Gibraltarians considering just how well off we are compared to residents of other nations, and this statistic is an important one in demonstrating that.

Finally, Mr Speaker, on the GDP, with all the usual caveats I want to give the GDP per capita calculation. I have long insisted that this is not an exactly meaningful calculation. It is a measure, however, that is often used internationally. The GDP per capita in Gibraltar is £80,517 per person. At the exchange rate on 16th June of US\$1.28 to the pound sterling, the GDP per capita of Gibraltar

amounts to US\$103,000, drawn with that of Ireland, which is third in the world ranking, just below Luxembourg and Norway. It does not mean much, but it is a measure that the Hon. Sir Peter Caruana introduced to this debate and therefore I maintain it. The GDP per capita in the United Kingdom is US\$45,295 and in Spain US\$29,421, making these important reference points 23rd and 40th in the ranking respectively.

Mr Speaker, underlying that magnificent GDP performance is the entrepreneurship of our business men and women and the hard work of our people and those who travel to Gibraltar to afford us the benefit of their hard work too. In 2022 the yearly average for Gibraltarians registered unemployed was 29, a staggering 93% reduction in unemployment since 2011 when it stood at 442, despite the many pre-election meetings held in the Minister for Justice's offices in No. 6 Convent Place. That is a reduction of 413 more Gibraltarians in employment each month in our time than in their time. In 2023 we have continued to maintain low unemployment levels, where in the second quarter of 2023 the average of registered unemployed stood at 26. That represents a staggering and hugely creditable 95% reduction in unemployment since the first quarter of 2012 when we were first elected. I am proud of that record and I credit the Future Job Strategy and the very committed staff of the Employment Ministry, in particular the indefatigable Debbie Garcia, for these excellent results. As a result, the Employment Survey, which hon. Members have received today, shows that total employee jobs increased year on year by 2.5% – that is 747 more jobs – from 30,403 to a record high number of jobs in our economy of 31,150. That is an all-time high number of individuals registered as working in our economy. It is in keeping with the GDP growth we have reported. The growth comprised an increase of 797, or 3.1%, full-time jobs and a decrease of 50, or 1.1%, part-time jobs. The increase was concentrated in the private sector, which grew over the year by 915 – that is 3.9% – from 23,638 to 24,553 in 2022. The MoD also increased marginally by 13, or 2.7%, over the year from 486 to 499 in 2022. The public sector decreased by 181, or 2.9%, year on year from 6,279 to 6,098 in 2022.

Average gross annual earnings in respect of all employee jobs increased by 5.1%, from £32,443.47 in October 2021 to £34,105.45 in October 2022.

Mr Speaker, one of the drivers of our economy, as I set out in the analysis of the GDP, is tourism. The effect of COVID on this area of activity therefore greatly knocked the economy, and consequently government revenue and the public finances, for six. In the past year, total arrivals including non-Gibraltarian frontier workers increased by 38.2% – 2,244,655 – over the year to 8,120,685 in 2022 compared with 5,876,030 in 2021. The estimated total number of visitor arrivals, excluding non-Gibraltarian frontier workers, increased year on year by 75.1%, or 2,107,855, from 2,806,830 to 4,914,685 in 2022, reaching 61% of pre-pandemic levels already.

Arrivals by land in 2022 including non-Gibraltarian frontier workers was 7,708,394, increasing from the previous year by 34.5%, or almost two million, although still remaining below pre-pandemic levels. The largest positive impact came from visitors arriving in coaches, which increased by 96,000. Visitor arrivals crossing by motor vehicle increased by 30%, or 1.349 million. The number of pedestrians also increased by 40%, or half a million. The number of visitor arrivals by land, excluding non-Gibraltarian frontier workers, rose by 70%, or 1.8 million. The numbers are all in the Tourist Survey.

Visitor arrivals by air in 2022 grew by 64% almost, or 72,000 people, reaching 89% of pre-pandemic numbers of visitor arrivals by air. Visitor arrivals by air staying in Gibraltar increased by 34% over the year and surpassed pre-pandemic levels during the month of April, rising by 14% – not just because we were the only air corridor to the UK; this was the year after that, this was the year when the airways were open. The percentage of total visitors by air staying in Gibraltar stood at 45.2%.

Arrivals by sea in 2022 continued to increase compared to the previous year as coronavirus restrictions were lifted. Arrivals by sea grew by 583% year on year, mainly due to the increase in cruise calls and the smaller impact from the reintroduction of the ferry commencing around mid-2022. The number of cruise liners increased by 131, or 298%. Cruise ship passengers grew as a result of this, when compared to the previous year, from 22,229 to 213,383 in 2022.

525 Tourist expenditure is estimated to have grown by 63.1%, or £80.86 million, year on year, from
£128.19 million to almost £210 million in 2022, driven largely by an increase in the number of
excursions from Spain and the influx of cruise ship visits. Expenditure by excursionists from Spain
increased by £65 million, or 83%. Spending by cruise excursionists increased by £10 million over
the year.

530 Visitor arrivals at hotels increased year on year by £3.4 million, or almost 10%, as hotel arrivals
rose by 22% despite the closure of the Caleta Hotel. The largest positive impact came from tourist
arrivals, that grew by 28%, to our hotels. Room nights sold grew year on year by 15.4%. Room
occupancy increased significantly by 72.4%. Guest nights sold increased by 10%, reaching 86% of
pre-pandemic levels. Isn't that remarkable?

535 When we come to Question Time and we listen to the Hon. Mr Bossino attacking Mr Daryanani,
one would think that all these numbers were going in the wrong direction. They are all going in
the right direction. When you look at the numbers, when you look at the reality of what is
happening on the ground outside of this Parliament, when you look beyond the rhetoric to the
reality, what you have is the success story that I have just set out and is in the Tourist Survey that
hon. Members now have. Mr Bossino might want to get up and say, 'You should have done better,
you should have done more.' Of course it is easy from the side lines – the bulls are seen very well
540 from the barrier, which I am sure is a phrase Mr Bossino is well acquainted with – but when you
are in the arena to deliver these numbers, diligently working hard every day, these are numbers
to be proud of in tourism.

All that brings me to the effect of all those indicators on the public finances of this community.
I can confirm that the draft Estimates Book is once again published online, in similar fashion to
545 last year. If those beyond this place cannot find it, it is on all my last social media feeds. There is a
link to the Book and you can click onto it there. I trust that members of the public will thus be able
to see clearly where every penny of their tax pounds comes from and where it is going. The public
should be able to follow as they listen to the deliberations of this House. I therefore refer all those
watching or listening who want to follow the economic part of the debate to look at the Estimates
550 Book as we go through the next sections. I will refer to the relevant page numbers of the Book
during the speech to make it easier to follow, although unlike Tinkerbell I will not be sounding a
sound when I do.

Inflation, world events and uncertainty in the markets all continue to create pressures which
have made the next 12 months extremely difficult to predict. As always, we have taken an
555 extremely prudent approach when it comes to our figures. Let's start by looking back first at the
year gone by. We were projecting a loss for 2022-23 of £45.26 million. That is to say a deficit of
close on £50 million. As I have made public already, we have come in at a projected loss of
£15 million, £30 million less of loss in real cash terms. What a recovery. And to be clear, I am not
claiming credit for that, I am announcing it, as is my responsibility, but I am thanking every
560 economic actor in our economy for the increased revenue that we have had. I am thanking every
controlling officer in the Departments and Ministries for sticking as closely as they have to their
spending targets. Apart from demand-led areas like health and electricity generation, we have
largely stuck closely to our spending targets. I thank my ministerial team, in particular the Minister
for Financial Stability, Sir Joe Bossano, for taking the decisions we had to take to ensure we
565 reduced the deficit as we have. Greater revenue to government coffers – for that, I thank our
entrepreneurs and the private sector and every taxpayer in this economy. Sticking to spending
targets – for that, I thank our controlling officers, Ministers and the public sector as a whole on
behalf of taxpayers. That is the recipe for this magnificent performance in the last year.

Mr Speaker, let me see if I can break this down into a more relevant analysis for those listening
570 and watching to understand. Our third-party revenue came in at £730 million, over £90 million
more than our projected revenue of £637 million. That is record revenue again, the highest
revenue in the history of our public finances. This shows that government revenue streams were
recovering sooner than anticipated, despite all the adverse effects of the pandemic. That is
evident from page 5 of the Estimates Book for those following using the Book.

575 Personal and corporate tax came in at some £100 million in excess of our projections, and that is on page 6 of the Estimates Book. This is, in part, the first-year effect of the increase of 2% on personal tax and the increase of corporate tax of 2.5% which were announced during last year's Budget and not factored into the Estimates Book when it went to print at the end of April last year.

580 With regard to import duty we were hopeful that we would see an improvement from 2021-22 and provided an estimate of £120 million. Unfortunately, import duty revenue once again was disappointing and came in at £93 million. The COVID Fund stepped in for the last time to cover the difference. I will say more on the COVID Fund later on and how and why it will no longer impact the Estimates going forward.

585 General rates and salt water charges were actually down, but this was due to discounts still being applied and businesses still catching up with the impact of COVID.

GHA Group Practice Medical Scheme revenue came in around £3 million over our Estimates. For those following the Book, this is visible on page 9. This is directly in line with the increases in Social Insurance and enables the public to see the direct effect that this has had on the affordability of our Health Service.

590 Revenue from the increased electricity tariffs is also reflected in the Estimates Book, as this came in some £3 million higher than estimated. Again, this is on page 9 of the Book.

Tourism began to recover during 2022-23 and this is shown by the £3 million of additional tourist site receipts collected in comparison to the estimate. This is visible on page 7 of the Estimates Book and puts into its proper context Mr Bossino's constant, self-serving, negative and unconstructive criticism of Mr Daryanani's work as Tourism Minister. In fact – funny how the numbers do not lie – Mr Daryanani is the Minister for Tourism who has presided over the highest revenue in tourism and tourist site receipts in our history, which have more than doubled over the receipts we inherited from the GSD, which Mr Bossino holds up to us as the pinnacle of achievement, because he refers to it as the 'golden legacy' that we were left by the GSD. More than double means 100%. Inflation was 29% in that period. In the circumstances, when we hear Mr Bossino's no doubt vicious criticism of Mr Daryanani in days to come – 'Yawn!' I hear the public cry – we shall all be reminded that it is a hollow criticism, as demonstrated by this magnificent financial performance in those lines of receipts in the first year post COVID – not in 2023, I am reporting 2022 – because the strong rhetoric from Mr Bossino is not matched by the reality on the ground actually delivered by them when they were in government, especially when compared with the more than double performance from us in this area despite the intervening pandemic.

600 Additionally, port revenue was in line with our estimate, even despite the limited cruise line activity, as this industry was the most impacted by COVID and is still recovering worldwide. That is on page 10 of the Estimates Book and is also a credit to Minister Daryanani, who is also Minister for the Port, despite the constant and negative criticism from his shadow in that portfolio, also. I wonder who it is ... Ah, yes, Mr Bossino. The objective facts just do not cut it for Mr Bossino. They demonstrate that all his criticism is simply political rhetoric and not actually a criticism of what is happening on the ground when it comes to tourist expenditure, when it comes to tourist receipts and when it comes to port receipts.

615 Most of the other revenue you will see in the Book, in the blue pages at the beginning, was in line with expectations. This, in itself, is to be welcomed and is a credit to the estimating process undertaken by the Ministry of Finance, which I have the great honour to lead. All of that is evident on pages 6 to 10.

620 On the expenditure side, I believe we once again managed reasonably well. We projected Consolidated Fund charges of £99.4 million and the forecast figure came in at £110.3 million. That is on page 13 of the Estimates. The difference is made up of an additional £5 million in respect of borrowing costs as interest rates soared – thank you Kwasi Kwarteng – and £4 million in respect of additional tax refunds. We provided for a potential increase in borrowing costs, but no one could have expected the sharp increases during 2022-23 arising especially after the Kwarteng

budget, which saw interest rates literally jump within 24 hours. No one could have projected for those in February 2022 when last year's Estimates Book was being cast.

As for tax, we maintain our policy to give back as soon as possible, and this was shown by the £4 million increase beyond the estimate we spend on refunds. It is important to note that these payments were repaid to taxpayers and they were made in a deficit year. We could just as easily have held back tax refunds and made the deficit even smaller. In fact, I think I should just quickly do the analysis – I believe we paid, in total, £14 million. So we provided £10 million to pay refunds, we added £4 million to that and we came in at a deficit of £15 million. If we had not paid the tax refunds, if we had done that which I found was the case when I was elected in 2011 and refunds went back to the age of Alexander the Great, we would likely have had a surplus even in the year that I am reporting the deficit for, because the amount we gave back to taxpayers and the amount of the deficit is almost identical. But we did the right thing and we gave it back to taxpayers when the taxpayers needed it most. There is a cost of living issue affecting everyone and these are hard times, so the Treasury should not hang on to taxpayers' money when it should be refunded, and that is why we spent the £10 million that we had provided for and added £4 million, to put more money back into taxpayers' pockets.

As for departmental expenditure, we projected £552 million and the forecast outturn came in at £605 million, a difference of 10%. Three quarters of this is not unexpected, with a £35 million overspend in the demand-led areas that are the GHA, ERS and the Care Agency. There are a number of reasons for this and I am going to go through them.

In the last six months of the financial year, all COVID costs were absorbed by the departments. This added an additional spend to the GHA, ERS and Care Agency, which we did not provide for and previously would have been met by the COVID Fund. The cost of medical supplies, drugs and pharmaceuticals have all increased worldwide. This is another cost that we did not envisage and could not estimate for, but which we could not avoid. We continue to give the best care and service to our patients and this resulted in an additional cost of around £4 million in sponsored patients-related expenditure. Again, we would not seek to curtail this spending, even though it puts us over our estimates and even though we are criticised by the GSD for overspending. It is overspending on people's health, on sending them to see a doctor in the UK, to have their operations in the UK, on paying for the medicines that have got more expensive. How can they tell us that we should not be spending this money, when it has to be spent?

The GEA is another authority that came in at higher than expected cost, with a total of £78 million when compared to an estimate of £54 million. That accounts for the balance of the overspend that I have referred to the House. Exclusively health, care and electricity generation. The increase in price of LNG accounted for over £9 million of this overspend. Whilst we have done away with some of the temporary generators, we are not yet able to safely dispose of these and we have to therefore continue to maintain them, and they run on diesel. Maintaining these in conjunction with the higher fuel costs is another reason for the GEA overspend. Otherwise, again broadly in line with other years, most departments fell within the boundaries of their Estimates whilst others overspent slightly. The slight overspend was compensated for by the savings.

I now turn to the COVID Fund, and that can be seen on page 279 of the Estimates Book. At the time of the preparation of the Estimates Book we took the optimistic approach that the worst of the pandemic had passed and all that remained was the impact of COVID on our main revenue streams, for which we provided £40 million for 2023-24. In terms of expenditure, we believed we would be over the worst, and such was our optimism that we only estimated expenditure of £120,000, specifically to protect our most vulnerable, the elderly. Of course, it was not that simple, and whilst being close, we were still off and the COVID Fund has had to absorb over £2 million in respect of COVID-related costs for the Gibraltar Health Authority. As has been said many times in this House, the COVID Response Fund has been funded by Government borrowing. The effect of this shortfall in revenue for 2022-23 was why the Government needed to borrow. It got to a point during 2022-23 that we had no choice but to accept that COVID was now part of everyday life. This led to the decision to dissolve the COVID Fund and any COVID-related expenditure would now

680 be departmental expenditure, another reason for increased costs across some departments. The
remaining balance in the fund, £2.86 million, is the total from all donations received from the
community. These donations were from citizens, including children and senior citizens and, of
course, our business community, some of whom made substantial donations. We have always
said that these moneys would be used for an exceptional purpose for the benefit of the entire
community, linked of course to the GHA. I am pleased to announce that we will be investing in a
685 significant overhaul of the entrance to the Hospital, in which the entrances to the PCC and
St Bernard's will be one and the same and will include new modern and comfortable waiting areas
for the entire Hospital, with digital check-in facilities and enhanced meeting spaces adjacent to
the new entrance for patients and visitors. A visual representation of how this will look will be
published in coming days. The new areas will also create a new mezzanine floor which will house
and centralise administration for the whole Hospital in one area. This change will mean that
690 waiting areas and administration areas around the entire Hospital will be released for clinical use
and centralised within the new facilities. It is our intention to acknowledge the magnificent
contributions received by the GHA in the new entrance and we shall shortly consult widely with
the detailed plans to ensure this is a real Team Gibraltar project, funded by all for the benefit of
all. I hope that this will be the last time I will have to speak on the COVID Response Fund to this
695 House.

Mr Speaker, I have already informed the public, during an address to the Chamber of
Commerce annual dinner, that we are projecting a £2.5 million surplus for the current year. That
does not mean we are fully recovered from the last few years, far from it, but we are certainly
back on track and back on the right track. Additionally, aside from COVID, we cannot ignore the
700 other external factors producing challenges for us. Continued inflation above the 2% target and
rising interest rates also affect the public finances. These are not factors we can control, but we
have nonetheless tried to factor all these into the estimating process. We are conservatively
estimating revenue for the year 2023-24 of around £723 million. That is some £7 million below
the forecast outturn for 2022-23. The reasons for this are as follows.

705 Tax receipts are pitched slightly lower than the outturns – they always are. Again, we
consistently estimate conservatively in this area.

We have reduced our import duty estimate in line with last year's outturn and no higher, so
we are going to keep an eye on that revenue. Again, it is prudent to be conservative with this
particular revenue stream. The first three months of the year are on track to achieve the
710 £95 million estimate that we have made.

We remain hopeful that the number of visitors and tourists continues to increase, as the
tourist survey shows, and that the forecast outturn will improve. Again, we nonetheless estimate
prudently. All other revenue streams are also estimated on a very prudent basis, to ensure that if
there is any error we are underestimating our revenue and not overestimating it.

715 Mr Speaker, in terms of expenditure we are projecting Consolidated Fund charges at
£120 million and departmental expenditure at £570 million. The reasons for this are as follows.
The Consolidated Fund charges factor increases in our external cost of borrowing assuming an
average base rate during this financial year of 4.25%. Similar to last year, we may find that the
outturn exceeds the estimate given the approach in recent months by the Bank of England on
720 increasing rates further, contrary to what was originally envisaged. Indeed, since the Estimates
Book was presented to Members of the Parliament, interest rates have gone up already by ¾%.
Given the Prime Minister's statements to the effect that inflation must be controlled, the Bank of
England is likely to take that as an instruction, in effect, although it is independent, to be more
aggressive than the Federal Reserve and the ECB in continuing to raise interest rates.

725 As I said last year, borrowing costs are mitigated by channelling costs through the General
Sinking Fund, but this of course impacts liquidity and surplus.

Departmental expenditure is estimated at £570 million. This is down by £35 million from the
year just closed. We continue to be prudent on spending whilst providing for the increases in

730 inflation and other external factors and we must continue to be controlled and ambitious to deliver the surplus estimated and, if possible, an increased surplus.

Additionally, we are making a commitment to repay 10% of any surplus toward the COVID debt. Given the anticipated £2.5 million estimated surplus, we are providing £500,000 for such a repayment, to allow for the surplus to be up to double the estimate.

735 Last year I raised in this House that back in 2003-04 – 20 years ago – the GSD entered into a finance agreement to purchase and fund the current St Bernard’s Hospital. That was an agreement we have previously said was bad for the taxpayer. In fact, it was an agreement done in Mr Azopardi’s time as a Minister, but which Mr Feetham himself has been highly critical of. To be fair, it is the one thing I always accuse Mr Feetham of being consistent on, his criticism of the GSD deal for the sale and leaseback of the Hospital. He does not often get faint praise from me. This was a deal done under the former, former, former leader of the GSD whilst the current leader of the GSD was a Minister, but criticised by the former, former leader of the GSD and with that former Minister now being the current leader of the GSD. *(Interjection)* I know.

740 I raised last year that the initial finance raised by the GSD of £54 million would end up costing the taxpayer £109 million, so long as we paid it all back last year. If we did not, the £54 million would have cost even more than £109 million. So no lectures from them, please, on how to manage debt. In the Budget debate last year I advised that we had been given the opportunity to get out of this agreement. It was what is colloquially known as a no-brainer that we should get out of that GSD arrangement, and in July 2022 we filed the relevant documents to not only benefit from a rebate of £825,000 but to give us the opportunity to terminate this historic sale and leaseback – historically bad sale and leaseback – and enter into a new agreement to repurchase the Hospital building and vest title away from the bank. Had we not done so, we faced an obligation to make a £17 million bullet payment that was due under the GSD arrangements in January 2023.

745 So we exercised the option to buy Gibraltar out of those massively unfavourable GSD debt arrangements, which were not on the balance sheet, which were not in the Book. Once we exercised the option, we looked at several different repayment options taking into account different repayment period lengths and the various rates offered, but always trying to make a saving on paying for the building we had owned and the GSD sold, and to have more money left over after that exercise to spend on healthcare. Given the volatility of the interest rates in the negotiation period, we have opted to secure a short-term, fixed-term product. We have agreed a three-and-a-half-year term to repay the full outstanding balance of £16.9 million at an all-in rate of 4% at a time when the Bank of England base rate was 3.5% and there was no certainty it would stop increasing any time soon. This facility has been obtained with the Gibraltar International Bank. Other options available were on a longer-term basis and at variable rates which would now already have seen us paying a rate of over 6%, so we made the right choice. The Hospital is now once again owned by GCP Investments Ltd. The building is valued at over £40 million on our books. This new deal is extremely beneficial to the taxpayer in the short and long term, and most importantly, these arrangements undo the sale and leaseback which was so rightly vehemently criticised by Mr Feetham 20 years ago. We are already saving over a million pounds a year over the long-term option we had been offered, which is now at 6%, and in three years’ time we will have freed up a further £5 million available to spend on healthcare for our people. Ironically, this is the GSLP Liberal Government undoing indirect borrowing that the GSD incurred – with Mr Azopardi in it – the very thing that they criticise us for in this debate.

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770 It is high time that we stopped differentiating between mental and physical health and I much look forward, therefore, to welcoming the service users to our new Community Mental Health facility in the coming months, which will be partly funded by a charitable donation, particulars of which will be announced shortly, and this will also be at St Bernard’s. I am also grateful to the Mental Welfare Society for their helpful comments on the improvements to our Mental Health Services, which are most welcome.

780 Mr Speaker, last year I announced that the Government had made the decision to exercise our
de facto option to acquire all the issued share capital of AquaGib. I am pleased to report that we
continue to make progress on our acquisition of AquaGib. I had hoped to have completed this by
now, but as hon. Members will know, the Government will only conclude agreements as and when
785 we are satisfied that they are in the taxpayers' best interests and we have negotiated them in the
best possible way. Additionally, of course, since the last Budget session a lot has happened, not
least the fire in Powers Drive which occupied two months of senior AquaGib executives' time and
has therefore undoubtedly delayed us. We are, nonetheless, working through a review of the
assets of AquaGib, and when this is finalised we will proceed to complete. I will not set a deadline
790 for doing so, as I do not want that to work against the taxpayers' interests in the negotiation. I
shall very much look forward to making the announcement that the acquisition has been
completed in whatever timeframe we can.

I now want to address the separate issue of the COVID debt. Last year I discussed our strategy
for the repayment of the COVID debt once this had fully crystallised. The strategy was always, as
I have told the House before, to enter into a 25-year repayment plan in December 2023. The top
795 cover for that would be a UK government sovereign guarantee for that period to amortise the
interest rate liability for the debt over the period and we had achieved agreement from HM
Treasury to the initial period. The one thing that no one expected was the volatility of the markets
and the sharp changes in interest rates in the last 12 months. The reasons for the sharp increase
in interest rates since last October are well known and I have already alluded to them during the
800 course of my address. As a result, in order to save the Gibraltar taxpayer millions of pounds in
interest rates over the next 25 years, our strategy has had to be adjusted in order to be as prudent
and cost effective as possible. It is clear that entering into a long-term repayment plan now, when
interest rates are at their peak, would simply have had Gibraltar enter into the most unfavourable
plan, and burden us all for 25 years. That was something I was not willing to do. A quarter of a
805 century of higher than necessary interest rates on £500 million of borrowing would be the wrong
decision for Gibraltar, even if it meant that I could not come here now and say that we had settled
the 25-year period for the debt.

We changed our strategy in partnership with and with the full support and advice of HM
Treasury. We therefore engaged with the banks and extended the current facility for a further
810 three years, to December 2026. That means that we can fix for the final 22 years when interest
rates are again expected to be lower, thereby taking the benefit of those lower rates for the
taxpayer. If they have not come down yet, we can fix again for three years, if we have to, and wait
until the best moment when interest rates are deemed to be again at a low, and then fix for the
remainder of the 25 years. I am therefore pleased to be able to announce to the House today that
815 we have agreed the same terms with RBSI/NatWest for a further three-year extension of the
current facility. This facility is covered by the UK sovereign guarantee. Documentation is being
reviewed and should be finalised within the next few weeks. This not only shows the excellent
work being done between HMGoG and the banks but also the faith that the banks have in us and
our ability to deliver. We are hopeful that during the next three years the markets will settle and
820 we will be in a better position to negotiate the best long-term deal for Gibraltar to repay this
facility. This long-term facility will include a commitment – this is hugely important – to repay 10%
of any surpluses in our Budget towards the debt, which has always been the idea from day one
and is something we proposed and was not required of us by the lenders.

The UK government and HM Treasury have always maintained that they will continue to
825 support Gibraltar on the long-term repayment plan on the COVID debt. I take a moment to remind
us all that without the guarantee back in 2020 the facility that pulled us through COVID would
have been much more expensive. It simply is not the same to go into negotiations with banks and
institutions having a UK guarantee and going in without having one. Changing the focus of the
repayment of the facility into a further initial three-year term for the reasons I have set out has
830 obviously resulted in us having to change the focus of the guarantee. Discussions to extend the
guarantee have been ongoing with the UK government to secure the three-year extension to the

guarantee, given we are rolling over the facility for those further three years. The Financial Secretary has been working closely with officials in both the FCDO and HM Treasury to secure the extension to the loan guarantee. The extension has now received FCDO official approval and is going through the HMT, ministerial and parliamentary approval process. The whole thing will have to be laid on the table in Parliament for a particular period of days in the UK, as we will have to lay also the loan document here. Our thanks to the UK government, in particularly HMT and the FCDO, for their work and consideration on this matter which exemplifies both the confidence the United Kingdom has in Gibraltar and its Government and how much we can rely on the United Kingdom when it matters.

Beyond these three years, we have had a political commitment from the UK government from the beginning to continue to work with us to assist by the provision of the guarantee in respect of the remaining 22 years. This is, of course, subject to the terms of the final 22 years of the facility being agreeable and the guarantee receiving official, ministerial and parliamentary approval as necessary when the facility is agreed. Over the next few years we will be looking at different options in respect of the long-term plan. Indeed, initial conversations have already been taking place, so it is not something that we would leave till the last minute. In the final analysis, what is important is that I see no reason whatsoever that we will not, as we anticipated, have the facility and the guarantee for the next 25 years to amortise the repayment of the extraordinary multigenerational debt we had to acquire to deal with the COVID pandemic, which we acquired with the agreement of Members opposite.

Mr Speaker, the rainy day funds have continued to be available and in great measure have been uncalled upon. The Savings Bank now has a reserve of £67.5 million, estimated to go up to well over £70 million in this financial year. It is remarkable to think that when we were elected the bank's reserves had been entirely depleted by the GSD. There was literally only £1,000 left in the kitty then. Today the kitty is full and getting fuller under the auspices of the management of Sir Joe Bossano. We have not had recourse to that reserve, even in this time. We will not be taking many lessons, again, from them on savings, given that they left the Savings Bank with no savings, only £1,000, and we now have it at £68 million. Additionally, the trustees of the independent charitable trust Community Care report that they hold a reserve of £38 million. Although that is less than we would have wanted them to have – we were aiming for much higher – it is £38 million more than what they had when the GSD were in power. They allowed the charity to have its funds also depleted to zero. However much they preach and pontificate about prudence, the fact is that the one time they got their hands on the purse strings they stripped the rainy day funds bare. Just remember that the Savings Bank had a thousand pounds – that is to say it was stripped bone dry under the GSD – and it has £68 million now. Just remember that the independent charity Community Care had £60 million when they were elected and it had zero, zilch, by 9th December 2011, and it has £38 million now. Indeed, the former GSD administration said it was raining – I remember the former Chief Minister coming in one day and saying, 'It's raining,' – because they wanted to spend the rainy day funds, but there were no materially adverse political circumstances applying at that time. There was no pandemic, it was nothing to do with the joint sovereignty challenge, it was just raining – raining because they said so, raining because they wanted to bung more. Now, £69 million in the Savings Bank and £38 million in Community Care. The GSLP Liberal administration, conversely, has preserved the rainy day funds even when it has been pouring pandemics and political problems like Brexit. So by any objective standard, by any genuine analysis that is not party political in its focus, it is clear that it is the GSLP Liberals that are prudent with spending and, in particular, with the promotion and protection of the rainy day funds.

I now turn now to my responsibilities in respect of the Civil Status and Registration Office. The department continues to provide all services relating to citizenship, registration of births, deaths etc., and we can see by the rising number of requests for services that there is a clear indicator that Gibraltar is returning to pre-pandemic activity. With regard to marriages and civil partnerships, a total of 1,761 marriages were performed in Gibraltar. In addition, 43 civil partnerships and 11 conversions from civil partnership to marriage were also undertaken. The

885 department has been promoted in television programmes in France and we see this having an
effect in the number of marriages that are taking place in Gibraltar. Mr Speaker, I want to lay on
the table today – and hon. Members have had already, I think, circulated to them – a short report
on the other excellent work being done by this department, which includes data on births and
deaths registered as well as applications for Gibraltarian status, nationality, permanent residence
and visas. I ask that these be taken as read into the *Hansard* as a handout is at Question Time at
890 the end of my Budget address.

On Customs, I also want to address my responsibilities as Minister. HM Customs continues to
work as part of the Government team in the treaty negotiations in order to ensure the best
possible outcome for Gibraltar with regard to the cross-border movement of goods is achieved.
The department has continued to deliver a value-for-money service through its collection of
895 import duty and fees and the prevention and detection of crime. As a result, this past year has
seen an officer being assaulted whilst trying to curtail some smuggling activity, and a customs
vessel being fired upon, this time using a firework. These acts, conducted by criminal groups, have
been meant to intimidate our officers and disrupt their operations. Notwithstanding, officers have
remained resolute and determined to uphold the law for the benefit of all our community. Their
900 work includes seizing two tonnes of cannabis and almost 200kg of cocaine in the various
operations they have been involved in this past year. The Government stands with all our officers
in such circumstances and I thank them all genuinely for their work in every regard. Every time
they succeed the criminals fail and all our people, especially our children, are safer as a result.
Mr Speaker, I now lay on the table a short report on the other excellent work being done by this
905 department, which includes data on training, seizures of items being smuggled into Gibraltar and
data on the control of attempts to trade illicitly in tobacco. I ask that these, too, be taken as read
into the *Hansard* as a handout, as at Question Time. Hon. Members will welcome the fact that
that curtails the length of my speech this morning.

Mr Speaker, taxation is the lifeblood of any government. It provides the necessary resources
910 to fund public services and infrastructure development. It is a significantly important contributor
to our economy and consistently accounts for approximately between 40% and 50% of recurring
government revenue. It is, therefore, essential that, as is customary, I update Parliament on
developments in this field that are relevant to our jurisdiction, our community and the general
public in their capacity as service users.

915 The total amount of tax collected in the 2022-23 financial year is £406.8 million. That comprises
£247.7 million in personal taxes and £159.1 million in corporate tax. This year, we have seen
£47.3 million more in personal income tax and £37.3 million more in corporate tax than in the
previous financial year 2021-22. The increased rates announced in previous Budget sessions for
both personal and corporate tax are delivering the results envisaged. Whilst unpopular, their aim
920 was to stabilise our economy moving forward. Stabilised our public finances they have. No
government willingly increases taxes unless it is absolutely required to do so. Those that do
typically do so to secure an economically prosperous future for their citizens. That is what my
Government has done. Hard times require strong leadership; strong leadership and robust and
affirmative decision-making. These decisions may sacrifice personal political popularity in the
925 short term but ultimately seek to ensure financial stability and future successes. That is the type
of leadership Gibraltar needs and deserves. That is the type of leadership we who are in
government deliver. Short-term gains need to be balanced with long-term economic strategy, and
that is what we are doing. The evidence is clear and the numbers speak for themselves, especially
on tax revenue. Personal tax revenue has increased by 24% and corporate tax has increased by
930 31% from the previous financial year.

The management of Gibraltar's finances is not a political tool that should be manipulated to
gain popularity. The Government I lead does not do this and will not do this. The Government I
lead takes its obligation on our public finances very seriously indeed. We understand that holding
Gibraltar's purse strings requires serious and mature thought and a good collegiate approach with
935 experienced Cabinet colleagues in conjunction with the expertise of successive Financial

Secretaries and the Commissioner of Income Tax. Responsibility for public finances needs long-term vision and the ability to navigate a roadmap to get to where you want to go. Many might ask where it is that we are seeking to go. The answer is simple. The answer is: renewed economic success – Gibraltar’s renewed economic success, our renewed economic success. We are now
940 close. Our forecasts show that there is light at the end of the tunnel, a tunnel that was dug deep by the impact of the pandemic and our exit from the EU. In overcoming these last hurdles, we must all stand united, patient and resolute as we continue with our prudent financial management plan. This is a plan designed to deliver a return to prosperity in Gibraltar, a Gibraltar for everyone to enjoy, a Gibraltar that our children and our children’s children will enjoy, a home for
945 generations, a financial Rock standing steadfast against economic adversity and emerging stronger than ever before. That is what we aim for, that is what we stand for, that is the path we are on, and this is what we are determined to achieve. As I have said previously, it is not an easy path. This is evidenced more than ever by the manner in which we have forecasted future tax receipts. Our financial estimates for the 2023-24 financial year are conservatively projected as
950 £405 million. This cautious estimate ensures that any residual impact and risk from both our EU exit and the pandemic are considered and suitably hedged against.

Mr Speaker, during the 2022-23 financial year, my Government continued investing to ensure ongoing progress is made in issuing tax refunds. During 2022-23, £10 million was allocated in the Estimates to the payment of tax refunds, exhibiting our commitment to ensure that as many
955 taxpayers as possible are repaid the moneys due to them. Prudent financial management does not mean cutting all spending indiscriminately. It means spending wisely. It means investing meaningfully for the benefit of the majority. There is no better example of this than the continuing investment this Government makes towards the repayment of tax refunds, putting money back into the pockets of taxpayers. Despite the shrewd approach to public spending, we have not
960 reneged on our duty to the taxpayer to ensure that they are paid back in taxes what they are owed. These continued investments represent the highest amounts ever provided for tax refunds in government Estimates – the highest amounts *ever*. This is why my Government has been able to achieve such a significant improvement in the payment of tax refunds and the eradication of the infamous lengthy backlog we inherited in 2011. For this reason, significant amounts will
965 continue to be allocated to tax refunds, with a further £10 million allocated in the financial year 2023-24. Taxpayers are not to blame for the financially difficult time we find ourselves in. This is solely due to a series of uncontrollable factors no one could have ever imagined. We would not have believed when we were voted into government in 2011 that we would face the challenges that we face. It is, therefore, unfair for the taxpayer to assume the burden unnecessarily and not
970 get repaid what is owed to them. That is why we remain committed to giving back to taxpayers as soon as possible. The Commissioner of Income Tax’s Office advises me that the team continue to make progress with their tax refund programme, despite the lasting impact of the pandemic and resourcing constraints. Presently, refunds for 2019-20 have been completed and the team at the Income Tax Office continue working tirelessly to expedite the remaining refunds for 2020-21 and
975 2021-22. I wish to take the opportunity to publicly thank all of them for their continued efforts.

Mr Speaker, there is a lot more I need to refer to the House on taxation that is deeply technical but very important. In order to minimise the time that I take on this address, and to assist
980 practitioners in the field of taxation, I am laying on the table the additional 130-plus paragraphs that relate to this aspect my address. I ask that it be taken as read in this House to form part of *Hansard*. The matters in that additional material included matters related to the simplification of taxes, Pillar 2 measures, the digital tax office and a consultation on international tax matters. This is substantial and important material, but I will not read it all out, allowing instead that the material be reflected as the policy of the Government, in effect from today, now, and permitting it to be analysed in greater depth by technicians. All the additional material I am laying on the
985 table will appear as annexes to the published version of my speech today, which will be available on the government website and social media when I finish this address.

I now turn to the specific Budget measures that will apply in this financial year. I will start with measures related to taxation. I will take personal tax rates first. The tax rates that were increased last year have contributed significantly to notable increases in tax revenue. As explained earlier, we are well ahead in the game. Our financial recovery journey is at a more advanced stage than we estimated. This is extraordinary news, a return to budgetary surpluses by financial year 2023-24. This significant achievement and the expectation that our weaker economic position of recent times has now been reversed are sufficient reasons to announce today that the 2% increase in personal tax rates implemented last year can be halved for those on incomes below £100,000. The Government is all too aware of the pressures households are now facing with the increases in the cost of living. Accelerating the reduction of these rates well ahead of time is now the right thing to do. Unfortunately, these increased rates of personal tax must continue into the second year as originally intended, albeit reduced by 1%. This will allow our future economic growth to be steadily supported as we return to the stability we had previously enjoyed, but Government does not feel it is right to collect more tax than is necessary from those families that are facing difficulties. For this reason, we are bringing the personal tax rates down by 1% for all incomes below £100,000. This means that the maximum effective rate for anyone earning above £25,000 and below £100,000 will be 26% and not 27% when taxed under the GIBS. Similarly, the effective rate will decrease from 19% to 18% for anyone earning below £25,000. Those earning above £100,000 will continue to have that income taxed at 27% for another year. If we are returned to government, all rates will return to 25% next year – once again, proof that this Government is all about giving back whenever we can. This is the satisfying result of making hard decisions, the ability to reverse such actions early and ease the financial burden on all taxpayers, as we have worked hard to do. This once again demonstrates that we are a Government that successfully manages short-term financial crisis, with the long-term economic prosperity of the community being the net result.

Mr Speaker, in these times it is essential that we ensure that we do social justice in the deployment of the fire power available to the community, and just like last year one of the things that our Budget must do is insulate the most vulnerable from the effects of continued high inflation and the increases in the cost of living that we are seeing affecting everyone, but in particular the lowest paid in our community. So keeping to the analysis that the key factors in economic vulnerability are earnings and dependence on state payments, my Government will continue to act to protect the incomes of the most vulnerable. In the circumstances, we will be ensuring that those on the Minimum Wage, those on disability benefit and recipients of the state or old age pension will all enjoy the benefit of increases in line with inflation to the payments that they receive. We will also take measures to assist the lowest paid in the public sector and we will provide a tax stimulus to encourage private sector employers to assist the lowest paid in the private sector also. I will take each of these in turn to announce the relevant increases that this Budget will provide, as follows.

The Minimum Wage will increase, in line with our estimate of inflation, at the rate of 6.2%. The Minimum Wage will, therefore, increase by 50 pence to £8.60 an hour. The Government considers this year, like last, 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. We are not increasing the Minimum Wage by more than inflation, but neither are we failing to increase the Minimum Wage at least by inflation. As a result, based on a 37.5-hour week, the Minimum Wage will go up from £15,855.75 to £16,770, an increase of £914.25 per annum. Based on a 39-hour week, the Minimum Wage will go up from £16,489.98 to £17,440. This is an increase of £951.80 per annum. Those worst-off in work will, therefore, enjoy the benefit of salary increases in the region of £950. Last year, the Minimum Wage went up by £1,200, this year by £950. Despite that, there are some sitting opposite us who pretend that they are the champions of the working class, and yet Mr Feetham and Mr Azopardi have sat in GSD Governments that failed to raise the Minimum Wage in many of the years that they were in government. Under the GSD, the Minimum Wage usually went up only in an election year, so the GSLP Liberal reality here really catches up

1040 with the great untruth that underlies GSD rhetoric in this area. It is the GSLP that introduced the
Minimum Wage in its first Budget after the 1988 election. Now, in our second stint in
administration, the GSLP Liberals can say that we have raised the Minimum Wage in every single
Budget since 2011. And now, with the cost of living rising, the GSLP Liberals that I proudly lead in
1045 this House can rightly boast that we have delivered an increase of £2,150 in the Minimum Wage
in two years. That is an average increase of over £1,000 a year over the past two years on the
Minimum Wage. It was £5.40 an hour, or £963.30 per calendar month, when we were elected.
That equates to a Minimum Wage of £11,559.60 a year under the GSD. If we had just adjusted for
inflation, the figure would have increased by 29.5%, or approximately £1.60 an hour, making it £7.
1050 In fact, it is now £8.60 an hour, or £17,440 per annum. That is an increase of 60% in the Minimum
Wage over 12 years, an average increase of 5% a year, an increase of almost £6,000 in 12 years,
or an average of £500 per year under the Socialist Liberal Government that I proudly lead – proof
positive, objective proof, that working people, especially those on the Minimum Wage, have no
better representatives than the GSLP Liberals and are never better off than with a GSLP Liberal
Government.

1055 Mr Speaker, 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 we expect to be in the region of 6.2%. The
increase will be rounded up to 7%. 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. There will also be an increase for
occupational pensions from the Government, which will increase by 2% in line with the provisions
1060 of section 6(2) and (2A) of the Pensions (Increase) Act. Those pensions have been increasing by
2% each year for the last 21 years, even in the years when inflation has been lower. They will also
rise by that rate today.

The student maintenance grant will increase from the next academic year by 15% for last year
and this year, in order to assist with the cost of living increases in the United Kingdom over the
1065 past two financial years. No student, no parent and no Gibraltarian or Gibraltar resident should
ever take for granted the great benefit that having all tuition fees paid for and a full maintenance
grant to attend any UK university to study any course any student may wish and achieve a place
at actually represents – a GSLP policy which was roundly decried but has been the foundation of
our people's professional development.

1070 The sponsored patient allowance will also increase by the rate of inflation over the last two
years, or 15%. Our patients are in the United Kingdom and they need to be able to fund the time
that they are there with dignity.

1075 Mr Speaker, I have had several very positive and very constructive meetings with Unite the
Union, the GGCA and the Gibraltar NASUWT in relation to the cost of living issues that arise from
world events beyond Gibraltar over recent years. These are, of course, principally the illegal
invasion of Ukraine by Russia and the effect of the Truss/Kwarteng budget of autumn 2022 which
has sent interest rates soaring. We acknowledge that this is detrimental to the workforce and that
those worst hit are individuals on the lowest incomes, as they may find it harder to make ends
meet. As the largest employer in Gibraltar, it is my Government's responsibility to lead on
1080 mitigating such difficulties. We will do so, but without forgetting that we are a socialist party. With
this in mind, I am delighted to announce to this Parliament the measures which will benefit those
at the lower end, with a progressive system of thresholds to meet the most urgent needs of almost
the entirety of the workforce.

1085 The Government is fully committed to helping all public sector employees and has decided to
pay a single, non-consolidated lump sum in September 2023. The payment will not be subject to
tax deductions. That is to say it will be a tax-free lump sum paid at the end of the second quarter
of the current 2023-24 financial year, in time to help bridge the gap that the cost of living increases
may be creating for the lowest paid in the whole year. It is designed to be fairly administered
between grades. An extensive exercise has been undertaken which has led us to apply a staggered
1090 payment approach. To this end, I now announce the following measure. Public sector workers

below a basic salary of £50,000 will receive a non-consolidated, non-taxable lump sum assistance payment of £1,200, which is the equivalent of approximately £1,500 if taxed; public sector workers with basic pay between £50,000 and £75,000 will receive a non-consolidated, non-taxable lump sum assistance payment of £900, which is the equivalent of approximately £1,100 if taxed; and public sector workers with basic pay between £75,000 and £100,000 will receive a non-consolidated, non-taxable lump sum assistance payment of £600, the equivalent of approximately £750 if taxed. All of these sums will be paid in one lump sum at the end of the current quarter, which is the end of the first half of the current financial year. The total cost will be in the region of £6.5 million, distributed between all public sector workers whose basic pay is less than £100,000. Public sector employees will no doubt welcome the payment, which will be paid separately to their payroll before the end of September 2023. The bandings and thresholds the Government has identified are progressive and will afford payments to almost the entirety of the workforce. Those earning basic pay above £100,000 will not receive any assistance payment. The payment will not apply to Members of Parliament in other employment or in receipt of occupational pensions. Given the public finance constraints that the Government is operating under in this post-COVID/Brexit environment, those on such incomes are unlikely to suffer the hardship we seek to use public money to ameliorate. Therefore, that payment will not apply certainly to any member of the Government. The objective is to use public money to help those on the lowest incomes and not those on the highest incomes. It must be noted that the Government will not cross the line of borrowing to fund public sector pay. Consequently, this extraordinary assistance payment, although not recurrent, must be met by the projected surplus of £2.5 million and savings which do not affect frontline services. Given that the payments the Government will announce will exceed this projected surplus, Ministers will be asked to identify savings of a minimum of £500,000 within their respective portfolios without these savings impacting the provision of public services. In any event, we also anticipate that the estimate will be higher. Additionally, in order to assist private sector employers who may wish to also ameliorate the effect of cost of living pressures on their employees, the Government will, in the 2023-24 tax year, permit similar assistance by tax-free payments up to the amounts and on the same terms as is being paid by the Government to employees in the private sector also, within the same salary thresholds. The payment must be excluded from payroll reporting and the deduction will not be allowed against the employer's profits. The Government has consulted with the Commissioner of Income Tax to ensure that we make our workers the full beneficiaries of this assistance programme through the provision of a tax-free payment. We want to ensure that we give employees all of the money. We will, therefore, introduce a specific exemption in the law applicable for the current tax year.

The Times front page on 16th May 2023 opened telling the world that the UK had lower salaries and higher taxes – and more taxes, too – than ever before. That is a good comparison to do, between Gibraltar and the UK. One fifth of all taxpayers in the UK are in the 40% tax band. On 17th April, the Deputy Governor of no less than the Bank of England said that UK households had to get used to feeling poorer. I do not accept that for Gibraltar. I do not believe that that is where we need to take Gibraltar. I will *not* accept that for Gibraltar. For that reason, these measures are designed that we start to show that we will not settle for feeling poorer and this is the start of how we return to the prosperity that we have known and repay our COVID debt timeously, as we have agreed to do.

Mr Speaker, some employers are genuinely finding it hard it to wait the 10 days to employ a person. In the circumstances, the £15 penalty introduced to ensure that the 10-day vacancy period is respected will be waived, in the discretion of the Director of Employment, upon application of the employer showing why there was a good reason why the 10-day vacancy period genuinely cannot be respected. Additionally, the £18 charge for the registration of a vacancy will be reduced to £8.60 and will increase in line with the Minimum Wage. In other words, the cost of registration of a vacancy will be reduced by more than half and will now equate to only one hour of work on

the Minimum Wage. No employer can persuade me that they cannot afford one hour on the Minimum Wage to register the employee.

1145 In addition to this, I am also pleased to announce that the Government will amend the entry-level salary of all public sector jobs to £21,674 per annum. This will positively impact government grades and public sector employees including care workers, administrative assistants, nurse assistants, school crossing patrol officers, special needs learning support assistants and many more. This measure aligns with our ongoing commitment to the parity principle with UK salaries. This is not to be taken lightly and equates to an enhancement of 16.61% for lower earners in the lowest entry point of these grades. Coupled with the 6.64% public sector support payment, which is what equates to that level, this will equal a 23.25% increase in this year's take home of the lowest entry point in the service. This is a testament to the Government's commitment during the past 12 years to public sector employees and meeting the needs of its workforce, and this year, more than ever, emphasising the needs of those who may be facing genuine hardship.

1155 The Civil Service and the wider public sector enjoy the full support of His Majesty's Government of Gibraltar. The Civil Service knows and understands my Government's commitment in relation to it. Our commitment is in our manifestos and proven track record over 12 years in Government; a commitment to the manning level of at least the Civil Service when we were elected. In fact, we have grown the Civil Service from 1,910 people to 2,694 civil servants – and we do not agree that this amounts to a bloated Civil Service, which is how the GSD has referred to that increase. Let's not forget that, when they try to pretend to side with public sector workers and civil servants, they have referred to the Civil Service as being bloated. That was the GSD position. Bloated means grown beyond where it needs to be and plays directly to the underlying reality of their rhetoric of cuts, cuts, cuts. We have grown the public sector as a whole from 3,900 to 5,200. I defend the size of the Civil Service and the public sector generally. In fact, in particular I defend their excellent work, not least but especially when COVID hit and the nation needed the public sector. That is why everything we have done in government that has or had the potential of having an impact on the Civil Service and the wider public sector has been done in consultation with the staff and unions, and these measures are no different. We will maintain our commitment to ensure that the Civil Service is adequately resourced so that it delivers the required results to fulfil our manifesto commitments. I am, therefore, delighted to inform the Members of the House and the public that we will start the Administrative Assistant (AA) external recruitment process tomorrow morning. Furthermore, as per my earlier announcement, new entrants into the Civil Service as Administrative Assistants will benefit from the measures announced in my Budget speech and commence with a salary of £21,674, a 13.4% increase to the previous starting salary, because we stand by the parity principle and the parity agreements that were signed in the 1970s and in the past months the salaries have increased in the United Kingdom, pushing the entry grade to that level, and therefore we immediately honour the parity agreements. Much is being said about the public sector and the Civil Service, but my Government fully supports this central pillar of our civic and business communities.

1180 In terms of the services provided by the public service, as from 1st August all fees charged by any government department and payable to the Government, including licence fees and forms, will increase in line with inflation, rounded to the nearest half point and to the nearest 50 pence. This is a very minor increase but it is essential in order to ensure that government fees do not, once again, fall to ridiculous levels where you pay, for example, five pence for something.

1185 Last year, I announced that electricity and water billing would increase by 8%. The increase of 8% was an estimate at the time based on available figures taking into account any inflation to 31st July 2022, and that was the total increase for the year. The total for the year was 8%. As all members of the public and hon. Members will have seen, the increases in electricity charges in Spain, the United Kingdom and the rest of Europe have exceeded 300% in some instances – 300% elsewhere, 8% in Gibraltar. The EU, therefore, had to agree a capping mechanism to permit a subsidy for Spain and Portugal as costs of fuel and, consequently, electricity rocketed. Here, although people complained of an 8% increase, the increased costs were fixed and modest by any

1195 measure compared to every other country in Europe and the United Kingdom. There was,
nonetheless, a statement from me that we would increase these charges annually on 1st August.
This year, water and electricity bills should, therefore, increase by a further 6.2% at least. In fact,
the cost of generating electricity is still high as a result of the war in Ukraine continuing to keep
1200 fuel prices high, though not as high as they have been. However, recognising the increase in the
cost of living is not abating, the Government, this year, will not increase water and electricity
charges whilst inflation continues to be above 5%. This will help every resident of Gibraltar. Again,
this is a measure that will be particularly appreciated by the lowest paid in our community, but it
will also benefit those with mortgages, who will have seen costs increase as interest rates have
risen, as does the subsidy on electricity and water production which is now being shown on the
bill and reflect the subsidy of 10% for water and 50% for electricity. So not only did we not put up
1205 electricity by 300%, like every other electricity company and government in Europe, almost, we
continue to subsidise by 50%.

Mr Speaker, many young Gibraltarian professionals are buying in the open market and not just
in the affordable housing market. The first-time homebuyer allowance will, therefore, increase
from £260,000 to £300,000.

1210 The current stamp duty brackets were introduced more than 10 years ago. As a result, stamp
duty on sales over £800,000 will now go up from 3.5% to 4.5%. I am also asking LPS, in particular
the Commissioner of Stamp Duties, and the Financial Secretary to commence a consultation, to
report to me by 30th September, on whether we should introduce stamp duties on the assignment
of purchase contracts for real property. These are often-times contracts entered into by
1215 purchasers off plan for new developments and can be flipped at a profit of hundreds of thousands
of pounds, so it is right that we should consider whether stamp duty should be applied on those.

The current measures reducing import duties to ameliorate the effect on higher fuel prices will
continue in respect of fuel duty at least until the end of the third quarter of this financial year,
that is to say 31st December 2023.

1220 At present, private vehicle importations carry higher duties than those imported by dealers.
These are, nonetheless, being circumvented by some by agreeing that some dealers should use
their licences to import these vehicles for a fee. Apparently, £500 is the going fee. As a result, the
measure is useless and defunct. Private vehicle importations will now, therefore, attract the same
duties as the importation of vehicles by dealers.

1225 Fully diesel or petrol cars currently have a cap on duty payable of £25,000. Many are, therefore,
using Gibraltar to bring high-end cars, some worth over £1 million, just to register them. This
proves that the cap was a good idea. It will, nonetheless, be increased to £35,000.

A similar cap will be introduced on the importation of pleasure vessels. The cap will be fixed at
£35,000, as it is for vehicles. This will also make Gibraltar an attractive jurisdiction for the
1230 importation and ownership of such vessels.

The import duties on fitness trackers, bicycles, bicycle accessories or spare parts, treadmills
and all other gym or fitness equipment will be reduced to zero. We want to promote the use of
this type of equipment, to ensure that more people take up the challenge of getting fitter and
reducing obesity and the problems that are associated with being overweight. The minor loss of
1235 revenue will be compensated massively in savings to the Health Authority as we improve the
health of our community and prevent long-term health problems associated with being
overweight.

Continuing on the issue of the nation's long-term health and leaving aside the issues of politics
associated with this particular commodity, the attraction of which I confess I have never
1240 understood, duty on tobacco goes up by £25 per master case. That is to say 50p per carton, or 5p
per box of 20 cigarettes.

Similarly, duty on vapes and all associated products will be half that on a box of 20 cigarettes.
It should be cheaper to vape than to smoke, as vaping is likely better than smoking, but it is not
without its own health problems.

1245 Individuals who are enrolled in a gym or who contract a personal trainer who is registered with the Tax Office will be able to deduct 10% of the verified cost of their training against the bottom line of their tax bill. Let's get the health of the nation on a better footing all year round and not just when trying to squeeze into our bikinis or mankinis.

Parents who are funding private tuition for their children in Gibraltar will now be able to set off 10% of the cost of that education against the bottom line of their tax bill.

1250 Whist I am Chief Minister, owners at Cumberland Terraces will be able to count on the continued assistance of the Government to correct the issues that have arisen at that estate developed by the GSD contrary to advice and with GJBS having to step in to save the development given the liquidation of the earlier developer and contractor. This arose after the GSD Government lost £7 million it had loaned to the developer and was one of the reasons, actually, that Barclays quoted to us for shutting shop in Gibraltar. We will also continue to help all other affordable estates and stand behind any construction defects in such estates and continue our refurbishment programme of government rental estates.

1260 Mr Speaker, as a member of the legal fraternity, I have to regard Shakespeare's most pernicious phrase, at least at first blush, to be 'the first thing we do is kill all the lawyers'. In fact, the phrase is a defence of lawyers. It is uttered, as I told the House some years ago, by Dick the Butcher in *Henry VI, Part 2*, and Dick, there, is a particularly villainous character. The meaning Shakespeare intended is that society could not exist in a state of fairness and peace without the protectiveness of both the law and its staunch guardians, the lawyers. Dick the Butcher is suggesting that in order for the coup that he is planning to get Jack Cade into power to succeed, they must eradicate society of the very defenders of justice who could both stop the revolt he intends to help spur and then remove the power that he hopes to grab for Jack Cade. In other words, this suggests that Shakespeare represented lawyers as the most fundamental defence against the grossest manifestations of power-hungry antics wrought by the worst of humanity. US Supreme Court Justice John Paul Stevens shared this reading of the line, even analysing it in a 1985 decision of the United States Supreme Court, although it was a dissenting decision:

As a careful reading of that text will reveal, Shakespeare insightfully realized that disposing of lawyers is a step in the direction of a totalitarian form of government.

1275 For all those reasons, the attacks on the alleged 'barristocracy' in politics is, in my view, as misguided as Dick the Butcher's phrase is poignant, but the defence of the defenders of rights and the rule of law cannot just be political. The Government recently commenced the Legal Services Act. That includes requirements of compliance which are designed to protect the public and the legal profession. It also introduces fees which are mandatory for the first time. These will be easier for firms to bear than single practitioners, but single practitioners are an important part of the life blood of the legal system, the rule of law and the criminal justice system in particular. For that reason, the Government will introduce a tax credit for single practitioners, a term that will literally affect those who practise alone and not in a chambers or firm or company setting with others in the same building, that will allow each of them a deduction of 75% of the fees they now have to pay to the LSRA against the bottom line of their tax bill.

1280 Mr Speaker, in late 2022, with market turmoil and the threat of rising interest rates, the Gibraltar International Bank launched a 4.25% fixed mortgage proposition to provide both certainty and protection to its customers. The 4.25% rate, fixed for three years, has been taken up by almost a thousand homeowners with a value of £161 million on the mortgage portfolio of the bank to both the bank's existing customers and new customers, an important support in uncertain times for our residents, in particular those who have mortgages and are homeowners. Today – this morning, in fact – BBC reports that mortgage rates in the United Kingdom have soared to the highest level in 15 years already. With Prime Minister Sunak's de facto instruction to the Bank of England to get inflation down to below 2% – although the Bank of England is independent, many commentators are saying that the Prime Minister's clear strategy has been communicated

1295 to the Bank of England by his statement and therefore they will take that as an instruction – we
can only expect to see mortgage rates rise further. Last month, the Gibraltar International Bank
revisited fixed rates, prior to the latest base rate rise to 5%, extending both three- and five-year
1300 fixed rate offerings of 4.49% focused specifically on supporting the purchasers at the Hassan
Centenary Terraces (HCT) development. They could be charging 6% or more, but they are charging
4.49%. To date, mortgages offered and in the course of offer are supporting 135 borrowers to a
total of £16.8 million in that development. The HCT proposition also factors in no lending fees,
1305 £1,000 cash back and no valuation fees, all with the intention of combining certainty, protection
and practical day-one support to new homeowners. In addition to the HCT mortgage proposition,
the bank has launched new three- and five-year general market fixed rate mortgages of between
4.55% and 5%. This is exactly why the Government set up this bank, to assure Gibraltar and its
residents of retail banking services. Who would have thought that I would today, some nine years
1310 since we started operating, have repaid all of the start-up costs? The bank’s performance remains
strong during 2023 and the expectation is of full-year profits above £10 million, against the
£8.1 million recorded in 2022, but in particular keeping mortgage rates down in this community
by making that offer with the Government as shareholder, obviously, forgoing the greater profit
that we could have if the bank were charging the higher rates.

1310 Mr Speaker, as I announced at the Gibraltar Federation of Small Businesses annual dinner, the
Business Nurturing Scheme returns this year also. The Hon. Mr Daryanani will say more in coming
days about the details of that.

I now want to address two extraordinary matters before I move on to my conclusions. The first
1315 is the cost of the ongoing McGrail inquiry. The second is the performance of the entity that took
over the running of the dockyard. The McGrail inquiry that the Leader of the Opposition is so keen
to speculate about is also reflected in the Estimates Book. Those following the Book can see the
reference on page 2. Expenditure to the end of March 2023 already exceeded £1.5 million. This is
an expensive exercise. External costs, approved by the secretary to the inquiry, were already
1320 £963,000. The Government’s related costs amounted to £410,000. That gives a total of
£1.373 million and a bit more cost investigating why someone decided or agreed to apply for early
retirement. Expenditure for the current year to 30th June has further increased. External costs
approved by the secretary to the inquiry for the year to date stand at £452,000. That makes a
total, up to now, of £1,825,481.32 on the McGrail inquiry, a lot of money that could be put to
1325 much better use – exactly the reason why, when I agreed to convene the inquiry, I nonetheless
said it was unnecessary, as I am sure will be proven to be the case once the matter is resolved.

I recently referred the House to the acquisition of GibDock by Balaena. I explained to the House
1330 in a Statement the many advantages we had been able to negotiate over the deal which the GSD
had negotiated for the shipyard. Today, I can report on the facts as they have developed. In the
time since GibDock was taken over by Balaena we have negotiated new environmental covenants
with them. There have been only three noise complaints under the new management. These were
all minor and related to the period literally just after 8 p.m., one at 8.01 and one at 8.10.
Additionally, I am able to report to the House that the company will pay a total contribution to
the Treasury of £3 million this year. That is made up of just shy of £180,000 in corporate taxation,
1335 £2 million of PAYE and £850,000 of Social Insurance. These figures are provided by the company
itself, not by the Commissioner, as that would be confidential information, but the company is
keeping to the commitments it entered into with the Government and has agreed that we should
be free to report that to the House. The company’s EBITDA is up from £3.8 million to £8.5 million.
Peak employment in the first year of Balaena operations is up from a maximum of 210 people pre
1340 Balaena to 440 post Balaena, and for the first time in many years, probably since the yard was a
Royal Navy dockyard, it has had work ongoing in its three dry docks at once. Additionally, we are
working on other projects with the Balaena management team, who see great scope in the
increased use of Gibraltar for other aspects of their worldwide business and see opportunities to
attract others here too.

1345 Mr Speaker, as I start to round up, I want to thank all the public servants of Gibraltar for their support these past 12 years. Everything that Gibraltar does is delivered thanks to them, as they, in effect, represent our reach. They are literally our arms and legs. In particular, I want to thank you and the Clerk of the House for your fantastic parliamentary support to me as Leader of the House and to other Ministers throughout the year and the whole lifetime of this Parliament.

1350 I also want to take this moment to thank all of my remarkably hardworking Cabinet colleagues for their support throughout the past four years as we have led Gibraltar together through the most difficult and challenging times in our recent history. It has been tougher than tough, tough and unforgiving. These past four years have required an effort like never before. When we look back – and in this I fondly include Mr Licudi also – this is the Cabinet team that dealt with COVID, this is the team of Gibraltarians who stood in the arena, who were at the crease when the time came to tame the threat that came upon the world and on our shores in February 2020. Thank you to each one of them from me. I may be the lead singer, but I make no music on my own.

1355 I must also record my thanks to the Chief Secretary, the Attorney General, the Financial Secretary, as well as the former Financial Secretary, and the Chief Technical Officer for their incredible support, their energy and their single-minded determination to defend Gibraltar's interests. What a team we have at Gibraltar's beck and call. I will not tire of referring to the most extraordinary dedication and the most incredible ability that they each represent. It is a thrill to work with you all to date and I sincerely hope I will be afforded the honour of doing so again – one more time only – after the autumn General Election, if the people of Gibraltar so decide.

1360 Of course, that leaves my personal staff at No. 6 to thank. They are more than just a team. Wow, they really are an extension of family. Given the hours we work, that may not be surprising ... excuse me ... so my deepest and most personal, sincere thanks to them all for the 12 years so far. It is so easy to say 12 years, but that is a hell of a lot of problems faced down thanks to the support of the teams I have just referred to, a hell of a lot of time in the office, a hell of a lot of family hours lost ... three, two, one ... and so all that work is, I know, valued by the community and the nation as a whole.

1370 That is why, even before they start to address you, with the predictable rhetoric of the Opposition, I want to expose the fallacy of the arguments we repeatedly face – this will be the easy part now for me to get through, if hon. Members allow me – because no one in our community should fall for the arguments of the sirens opposite without having their eyes wide open to the reality of what is behind what they are saying. The reality is that they will undoubtedly attempt to manipulate the numbers in the Estimates Book again this year. They will use arbitrary methods to calculate debt and they will denigrate the work of the magnificent team at the Ministry of Finance and all the controlling officers of the Government by pretending that these meticulously prepared figures are somehow inaccurate or not fully representative of Government spending. They will apply different rules to us to those they applied to themselves in government, and they will seek to do so in order to paint a picture of allegedly burdensome obligations of debt created by me and now hanging around our nation's neck – we know because we have heard it all before – but none of it will be true. Of course. But that never matters to the GSD. Their aim, as always, is to strike fear into the hearts of our citizens regarding the actions of this Government, to sow discord and doubt among our citizens regarding the actions of this Government.

1385 But the people they are trying to dupe are the Gibraltarians, and the Gibraltarians are not easily duped. They can see that the GSD Opposition does one thing in government and then says another in opposition. They see that even the things they say are contradictory. Whenever a task remains incomplete, what is their immediate reaction? Having said we are spending too much, do they propose that we conduct an economic analysis to assess affordability of a project? No, because they do not want to tell parents or patients or athletes or swimmers or rugby players the truth. They do not want to tell them that they will not fund their new facilities. They want to start by beating us with a stick for spending too much. Then they want to beat us with a stick for not spending quickly enough. Their knee-jerk response is to issue a press release pointing fingers at the Government and demanding answers for the delayed construction of houses, schools, sports

centres and other vital facilities that they said we did not have the money to fund. They want us to build more and build more quickly, and spend less and save money. That is to say they want to hold us to an impossible standard of doing more, more quickly for less and without spending. In colloquial language, they are operating in *el mundo yupi* of public finances.

1400 Moreover, they cannot possibly claim that everything they advocate for, which our dedicated government officials diligently execute, could have been achieved by them at a significantly lower cost. In fact, their record suggests they are the last people to give advice on bringing projects in on time. At least I am smiling now. The cost overruns on the Airport, which cost four times as much as they originally budgeted, or the Theatre Royal, suggests they should actually try to keep
1405 their heads low on these matters. The one time they had a chance to prove that they could bring projects in on time and on budget, they did the opposite. The one time they had a chance to prove that they could protect the rainy day funds, they sucked them bone dry. It is evident that without actually making an investment you cannot build anything, and that investment which we have made, if they had been in government, would also have contributed to borrowing, just as they did
1410 with the Hospital, with the disguised borrowing called the sale and leaseback – Mr Feetham used to say that was hidden debt, until he joined the GSD; he remained consistent, saying it was a bad thing, but he did not talk about it much – just like they did with the government car parks, which they financed through a company as well, just like they did with RBS in the contracts they executed for the new power station which was going to destroy the Upper Rock Nature Reserve. If I may say so again, Mr Speaker – and I know they balk at this because I know they are fearful of their
1415 history being recalled by the public in an election year – we had to save Gibraltar from the particularly terrible idea of a grimy, smelly, diesel power station – a GSD power station – on the Upper Rock’s front door, by the Nature Reserve, where now we have the Lathbury sporting facility, and with the cost of electricity going up 5% a year for 20 years, that is to say 100%, and those contracts signed.
1420

Therefore, Mr Speaker, I find myself having to seriously question the existence of the economic miracle that the GSD appear to promise the people of Gibraltar. It seems a bit like a Ponzi scheme that one might fall for. The GSD are selling an illusory notion that they can deliver everything without borrowing or reducing available funds. *(Interjection)* The GSD are selling the idea that you
1425 can have something for nothing. But the people of Gibraltar know that real leadership is not about telling fairy tales, it is about telling people the truth and standing up to act as necessary. They must stop treating the people of Gibraltar like children, pretending that the people of Gibraltar do not understand the arguments. Our people do understand the reality of the arguments. That is why they repeatedly reject the GSD, and I believe they will again reject the GSD at the next General
1430 Election because the fact is that they find it so easy to criticise, but proposing viable alternatives requires true leadership.

Regrettably, I have yet to hear anything from GSD Members opposite other than tired repetitions of their previous Budget speeches. Every year, they dust off their old speeches, their old scripts, rehashing what was said in previous years, yet every year when I present a
1435 comprehensive plan, they fail to respond, opting instead to recite their pre-prepared dogma. Indeed, every year it is the same old story, the same speeches, the same criticisms, the same monotonous dogma, and also the same dearth of ideas. The GSD say that they yearn to be elected to run this esteemed institution that we call the Government of Gibraltar, yet they can only point out what they say is wrong. They ignore they are often complaining about things they used to do
1440 themselves, and they fail to offer any alternative or any solution. We are, instead, committed to progress. We refuse to be trapped in a cycle of stagnation. Our Budget represents a vision of a brighter future for all Gibraltarians, especially young Gibraltarians, a future built on innovation, investment and resilience. We understand the complexities of governance and the financial realities we face. Our proposals are rooted in pragmatism and a genuine desire to uplift our nation.

1445 I know this community, this nation, the good people of Gibraltar will not be swayed by the empty rhetoric of the GSD Opposition. The electorate is discerning. They will not be persuaded by their abundance of criticism served up with a dearth of ideas. How can the GSD expect to earn the

1450 trust of the people when they rely on the same tired and exhausted lines year after year, proved
wrong year after year? Our citizens deserve better. We deserve an Opposition leader who offers
innovative solutions. We deserve an Opposition that presents an alternative vision for progress,
not a reversal of progress achieved on women's reproductive rights, which is what they stand for.
We deserve an Opposition that possesses the determination to turn an alternative vision for
government into reality. But we have no such alternative in the same old GSD. Has-beens and
1455 wannabes do not a constructive alternative make. That is why our people rise above the negative,
destructive, repetitive dogma of the GSD. They embrace our vision of the future filled with
promise and prosperity and designed to keep Gibraltar safe, for that is what we have done and
that is what we will always do.

In the face of adversity and in the face of challenge after challenge, we keep Gibraltar safe. On
the international level and in facing national challenges, we keep Gibraltar safe. It is the job the
1460 people entrusted us with and it is the privilege and honour we discharge each day as we keep
Gibraltar safe. And as we do, I know that most Gibraltarians would class themselves as socialists.
Very few would associate themselves with the policies of the Partido Popular or Vox. That is why
the Gibraltarians want to see continued, affordable and prudent investment in better services in
health, in education, in elderly care, in services for the most vulnerable and in investment in the
1465 living environment around us. They do not want to see Clinton cuts and Azopardi austerity. They
prefer Picardo prudence and Bossano brilliance. They prefer the GSLP Liberals-Socialist approach
to the GSD's PP- or Tory-style cuts and austerity.

We do not represent giveaways to buy votes. We will not give nor promise to give £500 a
1470 month to those who do not need it. We represent annual increases in the Minimum Wage. We
represent social justice. We represent those who work hard every day and those who are having
such a hard time that they cannot even work. That is the aim of every one of our Budgets, to
deliver for working people and to deliver for people who cannot work; to ensure that those who
can work have the jobs available and are taxed as little as possible and, in the context of the public
sector this year, have that little bit more help to get through these difficult periods; to ensure that
1475 those who cannot work are, therefore, also provided for and those who work in the private sector
are also provided for. That is why, once again, as all our Budgets have been, this is a careful Budget
that honours the sacrifices of yesteryear, works for today and protects those who will come
tomorrow.

Like many others, I remember a Gibraltar where our parents were all paid in small paper
1480 envelopes on a weekly basis. I do not fail to wonder about how far we have come, and I confirm
once again that we are on the right road, we are on the right track. Today, after COVID as before,
I see a Gibraltar of entrepreneurs and workers in partnership, I still see a Gibraltar we have built
through generations that have never had an easy ride, and that is why, with the COVID debt to
deal with and with Brexit still to be safely resolved, the measures announced today are not
1485 designed to deliver spending on goodies to win an election. Instead, these Estimates are designed
to deliver spending properly, and carefully calibrated to protect the whole nation, because this
economy is back, the great people of Gibraltar are back, these public finances are secure, financial
stability is restored. We have sailed the ship successfully through the storm. We have safely
reached the shore with deficits behind us. We have kept Gibraltar safe, and in doing so we have
1490 confirmed the confidence that the people of Gibraltar deposited in us as the team that could keep
Gibraltar safe. We remain the best option to keep Gibraltar safe, and as Gibraltar goes to the polls
later this year, that will be the choice that we represent, the choice that has always been to keep
Gibraltar safe, delivering a people's Budget, a fair Budget, a renaissance Budget to leave COVID
behind, to make Brexit history and to propel our nation forward, doing so as the people's
1495 Government, delivering fairness for many, not the privilege of the few, because that is my
responsibility, that is our obligation and that is always our aim.

Mr Speaker, three terms successfully delivered, 12 years, the best economic performance in
Gibraltar's history, a new dawn delivered for our people, the strongest foundations established
for our people, a green Gibraltar taking root and the best is still to come, keeping Gibraltar safe at

1500 every turn. And to think that we were once called unfit to govern by those whose performance in
government was never as good as ours. Once again, I stand before you, the Parliament and our
people to deliver a serious Budget coming out of the toughest times, budgeting for these serious
times, budgeting by serious people always looking to achieve the same thing – every generation
provided for, every generation cared for, every generation with us as we continue our work to
1505 keep Gibraltar safe and continue to propel our nation forward toward a brighter, even more
successful future with financial stability restored, taxes cut for all earning under £100,000, a lump
sum for our public sector workers, a tax break for the same for our private sector workers, no
increases in utility charges, all costs controlled, all spending geared to do social justice every time;
all our measures carefully designed to responsibly give back to every worker and to keep Gibraltar
1510 safe always, equally responsibly continuing our policy of stimulating different parts of our
economy to deliver both growth and social justice. Once again, under the GSLP Liberals, that is
what this Appropriation Bill represents. That is what this Socialist Liberal Budget delivers, financial
stability restored, and that, more than anything else, is how we keep Gibraltar safe. And so, for all
of those reasons and each of them, I unhesitatingly commend the Bill to the House and the GSLP
1515 Liberal team to the people.

Before I sit down, Mr Speaker, and given the length of my address, I would propose that the
House should now recess and return at 3.30 this afternoon. I trust the short recess will avail the
Leader of the Opposition the time to take into consideration the things I have said as he prepares
his reply. *(Banging on desks)*

1520

Mr Speaker: The House will now recess until 3.30 p.m.

The House recessed at 12.33 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.46 p.m.

Gibraltar, Tuesday, 11th July 2023

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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*]

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

Appropriation Bill 2023 – Second Reading – Debate continued

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.

5 **Hon. K Azopardi:** Mr Speaker, and there I was tempted to say no, but ... What a performance
this morning. What a performance. It was almost like going to see Neil Diamond at his last concert.
Let's unpack what the Chief Minister has said this morning. He already wrote the electioneering
headline he wanted for today some weeks ago when he said the Government would announce a
10 my analysis will show, this projection is built on a hopeless fiction. It does not stand up to scrutiny
and is constructed on a simple manipulation of figures and an underprojection of Estimates in
areas where the Government must know the projections are downright fanciful, unrealistic or
lacking in any substance whatsoever. It is a fiction because it is a convenient narrative months
before a General Election, but a fiction nonetheless.

15 For the Government and the Chief Minister in particular to seek to rewrite its financial record
and cast its projections in this way by pretending that things are better than they are is a disservice
to the electorate and a disservice to the need to have a responsible approach to our public
finances at this very delicate juncture. That pretence that things are better than they are can only
generate natural expectations, when the reality is that people should be told how serious things
20 are. And for what? The perceived short-term electoral gain of the party in power, but to the
detriment of Gibraltar's wider interests. We refuse to tell our people electoral fairy tales.

25 Anyone seeing the Chief Minister wave the Budget book at the Chamber of Commerce dinner
a few weeks ago would have been struck by the backdrop of sheer incredulity or stunned silence
in the faces attending that event. After all, there he was, having taken the confidential Estimates
of the Government, which could not be published till today, as a stunt prop for his speech, waving
it about to emphasise the financial miracle he was going to announce today. It was waved about
as a starter to what he promised was a feast of financial recovery, unparalleled and years ahead
of its time – an expression he has repeated today; from his toughest Budget ever, as he described
the one last year, to an upbeat pre-electoral message of recovery, and all in a bare 12 months.
30 What a magician and how lucky we are to have him steering us to success and wealth.

35 But of course the reality is somewhat different to that spin. In fact, the surplus projected for
2024 is built on a deeply massaged set of figures which given the history of unrealistic figures and
lack of discipline will likely lead to a year in which they will, once again, not deliver what they
promise in many key areas. The surplus will not materialise, if this analysis is right, without some
heavy changes of position or other adjustments or savings throughout the financial year affecting
parts of the current Estimates.

The picture is worse still because the people are bailing out the Government with the higher taxes that they are paying. The Government has been unable to tighten its belt and do what it promised. It talks big but does not deliver; if it did, then taxes could go down more quickly and wages could go up more steadily. But because its spending projections are massaged, unrealistic or, where realistic, are simply not met through indiscipline or because there is waste or recklessness, we continue in this spiral of financial crisis with a Government addicted to debt and in an unbreakable cycle of unrealistic projections masking the real picture.

That is the true picture being taken to the election. Presenting a false picture of solvency and financial health to the electorate is what they did this morning, but the people will see through such tactics because the realities are all around them. They are the ones feeling the pinch, the pressure of the cost of living crisis. They are the ones tightening their belts while the Government loosens its own belt from the obesity of its reckless financial management. It is the people who bail out the Government year and after year, the same people who are penalised by tax increases and Social Insurance hikes, the same people who are told their wages cannot rise and the same people who will see through this Government at the next election and want something different.

Before I turn to that financial analysis in detail, and as this is a state of the nation debate, I want to say something about the longstanding Brexit negotiations and the state of play of them. Our policy is and continues to be that we would like to see a safe and beneficial agreement concluded with the EU which establishes a new relationship with the European Union. While we have been critical of the Government in what we consider were negotiating lost opportunities, concessions or failures over the last seven years since the Brexit referendum, we have also given them significant space to negotiate an agreement in the way that they have chosen.

They have chosen to negotiate on their own, and that, of course, is their prerogative. We do think there have been failures along the way and missed opportunities to secure lasting rights for residents of Gibraltar which could already have settled aspects of what we all want. Today is not the time to get into the detail of all that, but it is clear that as we have drifted along over the last seven years we have precious little to show of a lasting nature that secures our future. That is a reality.

Additionally, and while there has been much positive music from time to time, the opportunity of negotiating something with the present political government in Spain may be coming to an end. We will see what the result of the Spanish general election is on 23rd July. The main political parties contesting that election have published their manifestos, most of which mention Gibraltar in one particular light or another. The result of the Spanish election is a matter for the Spanish people and I will not comment on that process. Whatever the outcome of the election, I would assume that we would agree that the objective of seeking to conclude a safe and beneficial agreement will remain and that a Gibraltar Government should continue to seek the same. Additionally, and because the result of the Spanish election will be known before our own General Election is held later this year, what I will say is that whatever the outcome of the Spanish elections and for the remaining lifetime of this Parliament, the Chief Minister knows he can rely on us to make common cause with him against Spain as necessary for the defence of Gibraltar's interests. We would hope, likewise, that we could count on him on the fundamentals if there is a subsequent change of government in Gibraltar.

Mr Speaker, the activity of the COVID Fund dominated a lot of the work in the 2019-21 and 2021-22 Budgets. We did remark last year that we were surprised, in some respects, that the COVID Fund was still being used to supplement departmental expenditure when the worst moments of COVID had, thankfully, long passed. This year we see those have reduced significantly, although some payments were still made during 2022-23, not least £2 million to the GHA, although the bulk of the remaining activity went to plug so-called 'lost' general income. Whether some of that lost income is properly due to COVID, however, is a moot point given the Chief Minister's acceptance, for example, that a lot of the import duty reduction is directly related to other matters. In February 2023 Mr Picardo said, talking about import duty on tobacco, in this House:

When we had the revenue that we had, there was much more activity. Now we have much less revenue, there is much less activity, there is much less illicit activity, there are many fewer prosecutions. It is a really neat curve ... that is borne out and justified by the low levels of revenue, which the hon. Member has seen in the Estimates Book, and with the COVID Fund if we were taking 2019 as the year. If he looks at the years afterwards, there is much less activity in respect of tobacco, licit and illicit.

90 He added, a couple of questions later in the same meeting of Parliament, that this was in part due to the MoUs entered into with Spain on the price of tobacco and other measures introduced by the Government. That being the case, the booking of some of this loss of revenue in the COVID Fund in the last financial year was questionable, as by the Government's own admission this was not due to COVID at all, and any continued use of the fund for that was similarly doubtful for the same reason – it will give a partially unrealistic figure for the cost of COVID. So we welcome that
95 the Government appears not to intend to continue that practice and will not be booking further expenditure in the COVID Fund. We also welcome that the COVID Fund would not continue to be used for the most basic reason that thankfully means we are not in that unprecedented global pandemic we were in during 2020 and the time that followed.

100 Mr Speaker, like they did last year, the Government is only intending to make a contribution of £1 million to the Improvement and Development Fund. That fund, from which projects are delivered, will depend on income on continuing sales of land to continue to fund its activity, but there are some projects there that could affect the overall financial picture in relation to that fund. For example, a notional sum has been provided for the awaited urban waste water project, which is likely to cost tens of millions. It is also striking that there is still £265,000 provided in the fund
105 for the never-ending completion of the Island Games facilities, which were held four years ago now, in 2019, with over £560,000 spent last year on this. The so-called 'digital transformation' saw an extra £3.35 million spent last year and a further £850,000 allocated for this year on top of all the millions in previous years, and the Sustainable Transport Plan, within which we assume lies the cycle lane cost, incurring a spend of £1.2 million this year, after spending over £475,000 last year. Many of my colleagues will address those issues in coming speeches.

110 I turn to the analysis of the state of public finances, the revenue and expenditure and the Budget measures. I start, because that is where I must start, with the headline-grabbing notion that the Government is projecting a small surplus of £2.5 million for the end of March 2024. At best, what could be said is that this is an entirely superficial presentation, that it is not much more
115 than putting a sticking plaster on a deep, festering wound to keep it out of sight, because in reality, when you look under the sticking plaster, which to the outside world indicates repair, in fact there are the same systemic problems there were 12 months ago, unaddressed because either the Government does not have the courage to address them or the ideas to do so. It is, as I have described it already, a wholly unreal projection built on a hopeless fiction, and that can clearly be
120 seen by looking at the year's numbers and comparing them to last year's projections and expenditure. Indeed, it is important to do so, because that and what went on before provides the context to understand the current narrative. Once we delve into what has happened, we can see clearly that this present story of financial recovery could have been scripted by George Orwell.

125 For the financial year 2021-22, the Government predicted a deficit of £50 million, £1 million per week. In other words, they predicted that the public sector would cost £1 million per week more than it would generate in revenue. That was like losing over £136,000 per day or £6,000 per hour. That calculation of daily loss was based on the fact that they were going to borrow £50 million pounds to prop up public finances – Sir Joe Bossano had then described it, candidly, as the worst deficit ever – but undaunted by that grim reality, an out-of-control Government could
130 not even keep to that Budget in 2021-22. Instead of borrowing £50 million, it had to borrow £100 million just to keep afloat, to pay wages and other recurrent expenditure. There was a total overspend of £91 million, of which £35 million was overspent by departments alone in 2021-22. In the estimate for 2021-22 the Government promised it would spend, and was authorised to spend, £768 million. In fact, the actual expenditure for 2021-22 was £859 million, a figure of
135 around £91 million above the estimated Budget. Some of that was additional contributions to lost

revenue, but a big chunk of that was simple departmental overspend, namely £35 million of that total. If this was the worst deficit ever in the worst financial year ever, there should have been the strictest adherence to the approved Budget ever. Instead, there was overspend. In the year of the worst financial deficit ever, Mr Picardo's Government could not keep to their Budget. And so what was the recipe to get out of the crisis last year? Well, simple: tax the people more, pass the bill on for the people to pick up, get the people to bail the Government out of their mistakes, their years of directionless financial management, years of borrowing and racking up of debt, years of playing poker with the people's money. So after the need to borrow £50 million more than expected just to keep afloat in 2021-22 and the overspend by departments, you would have thought that the lesson would have been learnt and they would keep to their Budget this year. Wrong. The departmental overspend is still there, but bigger. I say all that because it is the context of all that that demonstrates why this Budget surplus is built on a fiction. The sleight of hand and massaging of the figures in the presentation of the rosy narrative today cannot hide that reality or the ever-increasing catalogue of financial promises Mr Picardo does not keep.

I see some Members opposite shrug their shoulders – perhaps in dismay at the analysis because they know it is true, because in 2021-22 the forecast total Consolidated Fund expenditure was £768 million. In fact, as stated, they spent much more, at £859 million. When the Government came to this House last June, June 2022, to present the Budget for this last financial year, 2022-23, they promised to spend £136 million less than they had done the previous year. We warned then that those projections were unrealistic given the previous results, with some stunning examples in certain departments. But it is their Budget; it is for them to defend how realistic it is. We said it was unrealistic; they said it was not, that it was realistic. In overall terms the Government promised to spend £723 million in 2022-23 as Consolidated Fund expenditure – in other words, £45 million less than their promise for 2021-22, which had been £768 million, which they had not kept to anyway. And like they did in 2021-22, the Government failed to keep to their promises for 2022-23 and in fact spent £791 million this last year, instead of the £723 million they promised to spend. In other words, £68 million more. The departmental overexpenditure alone last year was in the region of £55 million.

So having had a departmental overspend in 2021-22 of £35 million, no lesson was learnt and there was an even bigger departmental overspend in 2022-23 of now £55 million. This worsened position was indicative of either an inability to keep to their Budget or that the figures presented last year were hopelessly unrealistic. Either way, the citizen has little comfort. If the figures were realistic last year and the year before that, then what you have is a Government that is unable to keep to its Budget. These are not our figures, they are theirs. What confidence can you have in Mr Picardo or his Budget surplus if his Government cannot stick to its promises on handling your money? How can you trust such a Government on public finances? You would have thought that the figures in the Budget book would be realistic. That would be the least you should expect from your Government. If, on the other hand, the figures were not realistic, this would reveal a much wider and dangerous malaise that is symptomatic of a Government that is unwilling to be transparent with its citizens, that is opaque with its finances and deliberately masks the true financial picture from the voter.

I regret to say that I think it is the latter. I simply cannot believe that some of the figures presented last year were realistic. They were obviously not so, when you analyse them. For example, the projected £128 million expenditure for the GHA in 2022-23 looked extremely unrealistic, as it was over £40 million less than it had actually spent in 2021-22. Last year, I warned, in respect of the GHA expenditure, 'Are these figures realistic? Will they keep to their budget this time? And will they do so in a way that the public service is not impaired? That is what the user expects.' And indeed, as we had warned, the GHA could not keep to their budget of £128 million and spent £155 million this year.

Equally, this year we are being treated to the same unrealistic figures, and that is important because it affects the bottom line. So beyond the eye-catching miracle headline of the £2.5 million surplus, in fact there are very clear reasons for the projection and pretence of the restoration of

so-called financial stability, and none point to any government-inspired brilliance. First, the prospect of the small surplus for 2024 has only been possible by a patent set of unrealistic figures in the health and care sectors particularly. If unrealistic figures had not been presented in the health and care sectors, then the projection could only have been one of a further deficit. Let's look at those examples in detail.

How is it realistic that having spent £155 million last year the GHA will now go on to spend £129 million? In other words, the GHA is going to spend £26 million, or 17%, less than last year. How is it realistic that the Care Agency that spent more than £27 million last year is now going to spend £19.8 million, more than £7 million less? It must be clear that those numbers are unattainable and without them the projection would only be for another deficit. And those unrealistic numbers are not the only ones in this Budget.

So Mr Picardo can go and tell Health Service workers and nurses, physios and patients, doctors and paramedics that this year the magical £2.5 million surplus is built on the fact that the costs of visiting consultants are supposed to be £700,000 less than last year, that the drugs and pharmaceuticals budget is being cut £2 million from what was spent last year, that the Government wants to spend £2 million less on prescriptions, that the Government hopes to spend £3 million less on sponsored patients, that they want to spend £1 million less on medical and surgical appliances, that the budget for office equipment in the GHA has been slashed by 85% from what they spent last year, that the Care Agency is supposed to spend £1 million less on home support, supported living in the community. Those Health Service or care workers already suffering from low morale would likely laugh in the Government's face.

Go and tell teachers that this year the magical £2.5 million surplus is built on the fact that the Government has provided only £1,000 for temporary cover for teachers. This is a provision that they know 100% they will not keep to, because the Government knows they will have to spend moneys on cover for teachers. They know because they know they spent £1.6 million on temporary cover in 2018-19, they spent £3.99 million in the double year 2019-21, they spent £3.15 million for temporary cover in 2021-22 and they spent £1.9 million in 2022-23. In other words, it is a complete fiction to pretend that they will spend £1,000 on this item, but all of these things are affecting the financial bottom line on which the cash surplus of £2.5 million is built.

So what happens if some or a combination of those items happens? Bang goes the surplus; it is as simple as that. If the GHA spends the same amount of money as it did last year on sponsored patients, bang goes the surplus. And bear in mind that we already know that, because they provided only £1,000 for temporary cover in education, there is a certainty that at least £1.5 million or £2 million will be spent on that, so the surplus is shrinking all the time. Very little needs to happen beyond that – and as the analysis will show, we have probably lost the surplus already – to swallow up the entire projected surplus.

Digging a bit deeper in the GHA examples shows how farcical these numbers are and how a Government properly planning would know that they are unrealistic. In 2018-19 the GHA spent £11.4 million in relation to sponsored patients, in the double year 2019-21 they spent £33.65 million – in other words, an average of £16.8 million – for each of those years, in 2021-22 they spent £14.75 million on sponsored patients and last year, 2022-23, they spent £13.72 million. All of those figures between £11.4 million, the lowest sum, in 2018-19, almost six financial years ago, to £16 million. How, then, is it serious to project that the sponsored patients budget will cost less than it did in 2018? The sum projected for 2023-24 is lower than the sum spent in 2018-19. The sum projected for this year is £10 million. That is the same sum they projected last year, and we told them that was unrealistic last year. And what happened? They ended up spending £13.72 million. As we said, that figure was unrealistic, so how is £10 million realistic this year? The same goes for GPMS prescriptions. These cost the GHA £11.9 million in 2018-19; £25 million in the double year 2019-21, so around £12.5 million a year; £12 million in 2021-22; and £11 million in 2022-23, last year. So how is it realistic that this year it is going to cost £9 million, in 2023-24?

There are others, but just those few examples show how fragile the foundations of this £2.5 million surplus are and how easily those foundations will crumble as soon as there is a need

240 to deal with the realistic needs of the Health Service, the care service or education service, things
that are inevitable. This is not an infrastructure project that you can decide as a Government not
to do, or postpone, and save millions and therefore the cash surplus is built on an infrastructure
project that is not happening. It is built on unrealistic health, education and care figures. And let's
be clear, I am not criticising the provision of funding for health and care or teaching when further
245 funding through the year is necessary. If it is necessary, of course it should be provided. What I
am saying is that the figures set out in the Budget are unrealistic from day one because the
services will cost more. This is likely from the figures of the past, and the Government must know
that. And if it does not know that, then it has not heeded the warnings we gave last year, which
have turned out to be true. I cannot believe that they are not heeding the warnings that must be
250 being given by officials in those departments, given their experience of managing those budgets
in the past. That is a political decision of the Government, and by following the same tactic of
underproviding through a set of unrealistic figures it knows cannot be delivered, it produces a
false picture of the financial bottom line. In other words, the small projected surplus is totally
unrealistic, too. It is a work of fiction to suppose that on those unrealistic projections it will
255 materialise unless other numbers change and they make big savings elsewhere, and we know that
making big savings just isn't their track record.

Additionally, and at its most basic, the Government would have you believe that it will spend
less in overall terms than last year. Basically it says it is going to spend £68 million less than last
year. That is the way they will produce their projected budget surplus. Again, as an overall picture,
260 that is what they are building the cash budget surplus on – on them saying, for people to believe,
that they are going to spend £68 million less than last year, when they have a track record of not
being able to do that.

Second, the projection is not only suspect because of the lack of realism of some basic
projections, but it is premised not on some great incisive financial work of the Government but
265 rather largely on the cash bailout that the people have given the Government by way of increased
tax. Indeed, had it not been for the much higher yield in tax revenues last year in both personal
income tax and corporate tax, the Government could also not have projected the surplus for 2024.
That is presumably partly due to the 2% increase in income tax and rises in corporate tax, as well
as other factors. My colleague the Shadow Finance Minister, Mr Clinton, will have more to say
270 about that.

And what happens next year? The increase in tax was said to be for a temporary two-year
period only, and now will only be partially for two years because of the announced cut today, so
how does that affect the prospect of stability going forward? If there is a reduction of tax as
promised, then presumably the tax revenue will reduce, affecting, therefore, the bottom line
275 beyond 2023-24 and maybe even 2024-25. We cannot see how, on current critical assessments of
the Government's public finances and figures, that would not plunge us into a bigger deficit,
because the current Government is clearly unable to keep to its forecast Budgets. So without the
projection of unrealistic figures or the increased moneys by way of tax that workers and
businesses have given the Government, any pretence of a possible surplus in 2023-24, projected
280 in the way the Government has, would be impossible.

Any so-called recovery is not due to sophisticated planning or diversification by the
Government. It has been enabled by the blunt instrument of raw taxation and taking more money
from people to fund the continuing excesses of Government. Again, to put it into context, after
massive overspending and a big deficit in 2021-22 and not having learnt that lesson, the
285 Government again did not keep to its own Budget in 2022-23. You would have thought that having
asked people for a handout of more money from the hard-earned wages of workers by way of
higher tax, it would have led by example with great discipline and demonstrated it could keep to
its Budget. You would have thought that this was the necessary quid pro quo of having to ask
people for more money, that the Government would not then have the cheek not to keep to the
290 Budget it presented. But maybe it cannot keep to its Budget because the figures are unrealistic
and its numbers cannot be believed. Is that the narrative, that the figures are unrealistic? Or is it

the other narrative fed to us by Mr Picardo this morning, that savings are possible but they have not yet been prepared to make them? This morning he made a stark admission when he said he wanted to fund the lump sum payments to public sector workers out of the cash surplus and savings that he had directed Ministers to make. That is going to cost £6.5 million on their own figures, and given that he has directed that, there must then be savings to be made, it is just that they have not been prepared to make them before. Or is it that the story changes constantly and he just cannot keep up with his own story?

To compound things in such a year of deficit and overspend, and when discipline should have been there, in a stunning example there was an overspend in the budget for travel costs and expenses of Ministers of about 89%, but less money than forecast spent on children's services. The priorities are just wrong. And the absolute dearth of ideas and direction in how to manage a recovery was demonstrated last year by the announcement of the imposition of a so-called COVID business recovery tax of £1,250 on all companies, more than a thousand pounds per company, that was rapidly ditched in the quickest U-turn in history the day after. It spoke to the mess of financial planning, the desperation of the thinking, the mindless endangerment of the financial services industry and the recklessness of the approach of Government.

The Government is not projecting to borrow to underwrite recurrent expenditure this year. This would be welcome news if it is borne out, but of course, even here, we must remain sceptical because in the last two financial years they have been unable to keep to their financial projections and financial promises on borrowing. In 2021-22 they promised to borrow £50 million but instead were forced to borrow £100 million to fund recurrent expenditure. Last year they said they would borrow £50 million but in fact had to borrow £75 million. Let's see if they can keep to their borrowing promise this year, having failed over the last couple of years and given the impact of other measures I will analyse later.

Mr Speaker, when making his excited announcement of the incredible projected Budget surplus for 2024, Mr Picardo said to the Chamber of Commerce that this would, in effect, restore financial stability. Of course, being financially stable and having financial stability means much more than just being in surplus. It is about the long-term financial health of the community or whether government finances are being handled sustainably. It is about whether we are on the financial cliff-edge or whether we have systemic long-term problems with our public finances. As the saying goes, two swallows don't make a summer, and here, just because there is a projection of a surplus built on unrealistic figures and with people's hard-earned tax moneys, it does not mean that Gibraltar is in a stable place.

To get to financial stability will need much more work, which will start with a change of government because the present administration is uncommitted to doing what needs to be done to establish proper financial stability, transparency and accountability. Integral to that is the basic notion that in exchange for the people entrusting you with their hard-earned money, the Government should tell the people what it does with the people's money. Instead, Mr Picardo presides over the most secretive administration in Gibraltar's history.

For example, it is impossible to judge our true financial health or stability because of the opaqueness of public finances. We now have hundreds of millions of pounds, almost £1 billion, parked in off-book transactions through a series of entities. We do not know how much of that money has been spent or remains. The structures underpinning that intransparency have gone beyond a simple web of companies, transforming itself into what Sir Joe Bossano, the ironically titled Minister for Financial Stability, has described as a jungle of opacity – a GSLP jungle where they have stashed the people's money away. That jungle needs to be pulled down.

That jungle has just got worse in the last 12 months, with hundreds of millions being planned to be deployed in projects at Coaling Island or Laguna Estate or at Eastern Beach through the Community Supplies and Services Ltd structure (CSSL) – of which my colleagues will say more – a structure where the Government seemingly is the financial hand and the organising brain, while at the same time disowning it by saying it is a charity with independent thinking. The fact that civil

servants working to Ministers sign planning proposals or seem to direct decisions is a massive contradiction to this factual farce.

345 Financial stability is also influenced by your financial leeway as a government and your debt. That impacts on everything the Government can do and how much the people are taxed. The reality is we already had gross direct and indirect debt of £1.3 billion before COVID arrived on the scene, and he knows that when we supported the emergency COVID Budget in March 2020 we expressly reserved our position on the issue of the historical debt and whether it had been
350 responsible, or not, to be so much in debt at that point. The fact that we were already £1.3 billion in debt before COVID was due to one of the biggest breaches of promise by Mr Picardo, which in this election year is worth remembering.

In 2011, in his New Dawn promise, he solemnly declared to people in his manifesto that he would halve the then existing gross debt of £480 million. He was unequivocal in an accompanying
355 video that it was that spiral of debt that could lead us to ruin. In 2012, in his first Budget speech as Chief Minister, Mr Picardo added:

[...] 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.

Mr Picardo continued:

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 ...'

By 2015 they were going to halve the debt to at least £240 million. Of course, this was a promise shattered and buried. Instead of halving it, because that 'spiral of debt' would 'lead us to ruin', he
360 has proceeded to almost quadruple it to an atmospheric £1.9 billion. What happened to his concern that the spiral of debt would lead us to ruin? He converted it into an ever-increasing, downward, faster spiral.

His is the Government of financial records, it is true: record debt, record deficits and record breaches of promise affecting financial governance to the people of Gibraltar. The problem is that
365 that debt does haunt us, deprives us of financial leeway and hampers our emergence in a post-COVID period. It means our people have to pay more and do so, as well, because of the inability to keep to its Budgets and its promises.

His rather contorted explanation this morning about the debt ceiling and the new formula on the calculation of debt and how he has the headroom to get to £1.09 billion in debt was feeble.
370 Has he not realised that when you count the indirect debt, to use his own terminology, he has already bust through the debt ceiling a long time ago, well before COVID arrived, and not just by a few million but by hundreds of millions?

The stable management of our public finances should be a vehicle to deal with social and economic policy, but if public finances are in disarray then social objectives are not dealt with, our
375 economy is not properly repositioned and people continue to suffer in a cost of living crisis because of government inefficiencies. People have been penalised significantly because of the handling of public finances over the last few years. Having brought Gibraltar to the financial precipice, shackled our people to a legacy of debt, spent hundreds of millions of the people's money, hidden hundreds of millions in a financial jungle and presiding over an administration
380 mired in inefficiency without a clue to get out of their own financial mess, the only resort left has been to ask the people for a bailout by taxing them more. This is happening when we have the worst cost of living crisis in decades and when homeowners are facing the pressure of higher

mortgages, but because the Government has no financial leeway, because it is up to its neck in debt, it has no other real plan.

385 In 2021 the Government massively increased Social Insurance, which hurt businesses trying to
recover from the effects of loss of business after COVID. The Social Insurance price hikes were
penal. They hit business and eroded wages, so that there were employees worse off, even after
receiving a wage rise. Let me repeat that: they were worse off, even after receiving a pay rise.
That is how profound they were in effect. But those increases were against a backdrop of much
390 lower inflation in 2021, and even then there were concerns on jobs, wages and business viability.
It is worth recalling that the Social Insurance increases in 2021 were from 20% to 107% and that
voluntary contributions were increased by 142%. When the Chamber condemned the Social
Insurance increases in 2021, which were done without consultation, they noted 'the precarious
state of the Government's finances in the wake of not only the COVID pandemic but also', to quote
395 from their press release, 'years of rampant recurrent and capital expenditure.' The Government
also increased electricity charges in 2021 – 20% for commercial electricity and 16% for home
consumers. In 2022 there were further increases of 8% in electricity and water charges, so over
the last two years, a 24% increase in electricity. Conveniently, the Chief Minister only talked about
last year earlier this morning. Additionally last year there was an increase of income tax by 2%.
400 Now we know there will be a reduction, in part, for some.

In the run-up to last year's Budget the Chief Minister had drip fed into the public domain that
it would be his toughest Budget ever. He is developing a habit of wanting to prepare the ground
for his speech. This is now the renaissance financial stability Budget, apparently. Of course, it is
election year – it would not do to run with 'toughest election 2'. This year, election year, it had to
405 be a better story, however fantastical.

Mr Speaker, a family on average income in 2022 after 2% income tax, a 24% increase in
electricity, higher Social Insurance, big rises in interest rates that will have had an effect on
monthly mortgages if they are homeowners, high inflation especially hitting supermarket prices,
and static wages or wages that cannot keep up with inflation, know that they have less money in
410 their pockets. They also know that they must tighten their belts as a household. They know that
to live like before and to spend more than you earn is a recipe for disaster. Everybody knows that –
everybody except, apparently, for this political Government that somehow lives year after year in
the same cycle of spend as you please, not keeping to their budget and expecting people to bail
them out at the end of the year. This is a Government that does not learn from its mistakes and
415 why it is appalling for the Government to overspend in its own Budget. This just pressurises
ordinary families, workers and small business. In financial year 2021-22, the worst financial year
for deficit ever, Mr Picardo's Government could not keep to their Budget, and they did not do so
either last year, financial year 2022-23.

People will be unable to understand how the Government cannot do what ordinary families
420 are doing all the time. They will be dismayed that they have to endure higher taxes or lower wages
because of the Government's inability to keep to its own Budget. People are tired of a decade of
borrowing without restraint, people are tired of a decade of breached promises on debt, they are
tired of a decade of spending without discipline, a decade of not controlling public sector
contracts, a decade of not controlling waste and abuse and a decade where systematically the
425 people's money has been spent without restraint and without transparency. People are tired of
working hard to bail out this Government's mistakes. Why should this carry on any longer? Soon
they will have a chance to tell them enough is enough and show them the door.

For all those reasons, Mr Speaker, and those that will be set out by my colleagues, we cannot
support this unrealistic Appropriation Bill built on continuing opaqueness, a fiction and an
430 approach to public finances that we simply do not share and would want to radically change. Given
the context and the fact that we just do not buy the rosy pre-electoral headline, we continue to
consider that the public finances are in a deeply delicate state and that there is no point
pretending otherwise. It would be an important objective of a GSD Government to overhaul the
management of our public finances, tell our people the full picture and ensure, through our

435 policies, that we are firmly restored on the road to financial recovery. We are some way from that
objective yet. We have no faith in this Government doing so when they often do the opposite of
what they say.

Budget measures constructed in this public finances climate need to not only take account of
the real state of our finances but of the macro-political context and the continued uncertainty
440 that our economy is facing when we still do not know if will be possible to conclude a safe and
beneficial agreement with the EU.

The priorities need to be to help the vulnerable, families in need, the lower paid and the
elderly. Equally we need to ensure that business remains competitive and we are not shackled by
unnecessary bureaucracy and can be the engines of recovery that would provide an all-important
445 boost to productivity. New markets need to be considered, and further diversification into existing
markets. Narrow and short-term thinking that led to last year's so-called COVID business tax on
companies needs to be discarded. The plan has to be for real financial stability, for tax reductions
and better debt management in the knowledge of all taxpayers' moneys that the Government and
entities are handling, and that the recurrent expenditure is being managed in a sustainable and
450 disciplined way without the risk of borrowing to cover recurrent expenditure. We do not have that
financial stability yet.

Mr Speaker, I turn to the Budget measures announced. We welcome adjustments and
increases to assist those on low incomes, on benefit, and pensioners. That includes increases in
disability benefit or the Minimum Wage or the state pension and occupational pensions. We
455 welcome, also, assistance to students through higher maintenance grants, as well as increases in
the sponsored patient allowances. Not increasing electricity charges again this year will be good
for households, although, of course, it comes after increases of 24% in the last two years. The
increase to the entry-level salary in the public sector is supported, as it helps those on low incomes
specifically, and the opening of AA recruitment is long overdue as there are many vacancies in
460 many departments given the various statistics provided to us in Parliament.

We, the GSD, are the party of tax cuts and we will take no lessons on that from the GSLP. After
all, when we were elected in 1996, income tax was at 49% and we slowly brought it down to an
effective rate of tax of 25%. We returned thousands of pounds to working families because it is
their hard-earned money and, philosophically, people should retain as much of their earnings
465 from hard work as possible and the state should manage taxpayers' moneys better. Equally, and
despite GSLP promises in previous manifestos to lower tax, in their 12 years they have not done
so and in fact all they have done is raise it by 2% last year. While we have always favoured a policy
of returning money to people via tax cuts, the issue is whether the 1% cut announced today is
affordable given the inability of the current Government to properly manage public moneys for
470 the reasons we have given and that my colleagues will set out, and fundamentally whether the
cut is affordable on the numbers of the Government's own estimates, some of which are
demonstrably unrealistic.

The reductions in penalty charges on filling vacancies and costs in registering employees are
welcome, but beyond that and any restored business nurturing scheme, the business sector will
475 feel there is absolutely nothing to help businesses in this pre-election Budget.

The Budget measures will be equally disappointing to the unions' aspirations for public sector
wage increases after no increases for the last four years, and to public sector workers. Instead,
what there has been is nothing more than a naked attempt to sweeten the pill with an attempt to
buy votes weeks ahead of an election, at a cost of £6.5 million to the taxpayer. These are, in effect,
480 pre-election handouts happening maybe weeks before or in the middle of a campaign. We agree
that those on lower incomes in the public sector should be helped, but this does not provide them
with pensionable increases to salaries at the lower end for those on low income. What they are
getting is a one-off payment. The nakedness of the raw politics of it comes in the fact that all public
sector workers up to an income of £100,000 are getting this in a staggered way. That is more about
485 votes in the public sector than helping people on low income, because if they really had the spare
cash – which we doubt – such help should have been more targeted to those on average incomes

and thresholds below £50,000 by giving more assistance to those people on lower incomes. Handouts to persons on higher incomes, which is what this measure partly represents, will be inexplicable to the thousands of workers in the private sector with incomes below £50,000, who will balk at the prospect of their taxpayer moneys going to pay election handouts to people with income more than double theirs.

So let's be clear what the effect of this measure is. Let's be clear that a family with income of £30,000 or £40,000 in the private sector is contributing their hard-earned moneys to the gimmick of an election handout to a person earning £95,000 in the public sector, or to a household where there may be two senior civil servants earning a joint income in excess of £180,000. Neither the private sector nor the low-paid public sector worker will welcome such a measure. It is the same old GSLP with the same old politics of handouts seeking votes, like they used to do, before 1996, to pensioners.

The effect of all this is also that Mr Picardo has, in effect, eliminated the already unrealistic cash surplus. So ignore everything that I have said so far to seek to persuade people that actually it is built on a fiction. I do not even need to go there – ignore all of that – because he has already eliminated the cash surplus on his own figures. If the cash surplus of £2.5 million was built on a hopeless fiction before, he just burned the house down. It also, of course, in effect breaches the golden rule he was waxing lyrical about, because funding the election-time lump sum payments, the election handouts and the tax reduction will likely force him to borrow money, what he said he would not do earlier in his speech, to make sure you do not borrow to pay wages or fund recurrent expenditure. I say that using his own numbers. No spin. I am not inventing the numbers. He projects a Budget surplus of £2.5 million on numbers that we say are unreal, but let's be clear: even if he was right – which we say he is not, clearly – his leeway, if it is to be believed, can only be what he says it is, so his leeway is £2.5 million. The election handouts are going to cost the taxpayer £6.5 million. Bang goes the surplus, because he says it is going to be produced from what? From the cash surplus. Well, the cash surplus has gone.

Last year they said in Parliament that the 2% increase in income tax was going to generate £17 million. I do not know if that is still an accurate projection, but I am going to take their figure – not mine, their figure. So let's say that if you reduce it by half it is at least going to cost a few million, when instead of ... If 2% generates £17 million, 1% will generate half – maybe less than half; whatever the projection is. Well, that, together with the reduction, together with the election handouts, has wiped away the cash surplus and puts you into deficit. And that is not even taking into account that you have provided £1,000 for the temporary cover of teachers and you have underprojected in the Health Service massively. The real figure actually is that you will overspend on this Budget again and the cash surplus is no more than a total fiction.

This combination of measures, together with the analysis I have made about the underestimates in health, care and education, show what a shameless political exercise this is, and how irresponsible it is from someone desperate to hang on to power – so desperate he does not know what else to do, so he resorts to the politics of handouts in a fragile state of public finances, the opposite of what he says he is because he pretends to say he is responsible and then flushes the surplus away with one budget measure. It was fictitious anyway, so I suppose it does not matter. 'Re-elect me just one more time,' he said ... just one more time. A Chief Minister running out of ideas, immersed in so much spin that he is like a spinning top, taken in by the emotion of the desperation to survive politically, so much that it is driving him to exasperation, so much that when I watched his performance this morning – because that is what it was, a performance, part bombastic, part bravado, part fake outrage and part emotion – what a performance! – it brought to mind that quote from TS Eliot:

This is the way the world ends
This is the way the world ends
This is the way the world ends
Not with a bang but a whimper.

535 He is right that they were described as being unfit to govern, but I thought that was the
Panorama newspaper. Or have we forgotten the headline? ‘God help Gibraltar if this GSLP lot are
ever elected to government’ screamed the *Panorama* newspaper at the top of its voice. A case of
friendly fire, I suppose, perhaps, but maybe this socialist Chief Minister – because he also
mentioned several times that he is a socialist this morning; people will make their own judgement
as to whether or not this is a Government that leads in that way, but maybe this socialist
540 Government that knows such lingo as *el mundo yupi* stopped reading *Panorama* a long time ago.
El mundo yupi de Picardo. He really has been going to Madrid far too often. (*Interjection*) The
problem with that phrase (*Interjection*) is that it can also be applied to him, because in his *mundo
yupi* we had the biggest crisis ever, last June, and the toughest Budget ever, only for him to have
545 miraculously restored financial stability in his *mundo yupi* a few months later so he can splash the
cash, glad-hand lots of people in pre-electoral stunts and be supported one more time – one more
margarita. I have nothing equivalently snappy to respond to his *mundo yupi* with, except *déjame
de rollo*.

This is not a renaissance Budget or a Budget for young people. What specifically is there for
young people, other than the student grants? He says this is not the Government of the privileged
550 few – people will make their judgement – as if that was enough for anyone in Gibraltar who
actually believes that this is what precisely they are, the Government of the privileged few. He
says his Government has saved Gibraltar. Wow, that really stuck in my throat, that the GSLP has
saved Gibraltar, that he remembers the Gibraltar of 2011 and reminisces with romantic nostalgia
for the GSLP of the past, as he looked at his predecessor with teary eyes.

555 Well, Mr Speaker, I remember the past, too. I remember the Gibraltar of 1996, of the culture
of fear, (*Interjections and banging on desks*) of the fast launches, (*Interjections and banging on
desks*) of the jobs and contracts for the boys, (*Interjections and banging on desks*) of the secretive
companies, of the riots, of the absence of opportunity for young people, of the dead-end jobs, of
the Gibraltar of the GSLP where you were with them or against them, of the sheer desperation
560 that people had, with no future. Sounds familiar (*Interjection*) because those themes have come
back, except the web of companies is now a jungle and the debt makes the Joe Bossano of 1996
look like a saint, and, like *Back to the Future*, we have seen a return of the politics of ‘you’re either
with me or against me’.

Mr Picardo has the gall to talk about the GSLP saving Gibraltar. Well, maybe people will say
565 soon, ‘If that’s the way you’re saving us, no thanks, we prefer not to be saved by you.’ It is clear
from his repeated attempts to misdescribe it that way that Mr Picardo started his re-election
campaign today, trying to present the GSD as one of austerity and cuts. We are not the party of
austerity and cuts, we are the party of realism and responsibility, calling it what it is. Of course, as
he would not recognise responsibility if it walked in through the door, it is easy to understand that
570 he would regard that foregoing presence as something else. What we do insist on is responsibility
and discipline and to tell it how it is. We will see what people, tired of his broken promises, spin,
the crisis of truth and governance, will make of his approach soon enough.

So what of the future? The inability to deal properly with public finances only reveals part of
the picture which shows how people are being left behind and how the Government is unwilling
575 or unable to face the rampant need for reform. We have a creaking housing infrastructure in which
not enough houses are allocated on a monthly basis to cope with the demand of people put on
the various housing lists. Endemic housing problems will never be dealt with radically that way. In
parallel, the delivery of the affordable housing schemes has been pitiful. Years behind schedule,
the Government is not going to finish delivering houses it promised in 2015 till 2027, 12 years
580 later. By then, young families who in 2015 had been excited at the prospect of a new home to
bring up their children will find that they are getting their home when they have outgrown it or
when their children are about to go to university, in some cases. For those waiting for the delivery
of the houses or who languish for years on the housing lists, the experience of interface with a
Government that does not listen is frustrating and the people who live in disgraceful slum-like

585 conditions or with medical problems classified as urgent by the Government itself wait patiently
without their medical or social conditions being adequately prioritised.

Despite the vast sums spent on health, the complaints are legion and the morale of the staff is
at a low point. There are failures in special needs and social services. The lack of delivery of
opportunities for young people who do not wish to or cannot take an academic route to a career
590 is striking. There have been promises from this Government for too long on the issue of vocational
trades and technical skills for them to retain any credibility.

There is no real commitment to transparency. The reverse is true. They prefer the opaqueness
of the jungle and revel in it. The commitment to parliamentary reform or to changing the way we
are governed is window dressing with a set of parliamentary committees that have not met in
595 years. The Anti-Corruption Authority Act commitment is electorally driven box ticking of no real
change, with a law that is toothless and has not even been commenced, and only passed on the
eve of the election because it would have been far too embarrassing to seek re-election when this
had been promised in 2011 and not done. In practice, any new Government committed to making
real changes will need to overhaul that law.

600 Overall, this is a tired Government. It has been 12 years and that reforming zeal of 2011 has
gone. Many of those promises were breached and the personalities are looking jaded after more
than a decade in power. Gibraltar will not see the reforms that it wants or needs until there is an
end to this administration which now stands in the way of solutions and reforms. They have
become part of the problem and they must go. (*Banging on desks*)

605

Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I obviously do not intend to answer
the outrageous remarks made by the Leader of the Opposition and I will leave that to the mover
610 of the Bill, who will be summing up at the end, as is customary.

This is my silver jubilee Budget. I have been a Member of this House now for 25 consecutive
Budget occasions. Some, unfortunately, were marred by the pandemic.

My hon. Friend the Chief Minister this morning set out the Budget numbers, not only in relation
to the surplus but also in relation to other areas of the economy. The figures show that the
615 economy is working and that the public finances of Gibraltar have been turned around. That
Gibraltar will move from a deficit to a surplus is only part of the picture the Chief Minister went
through this morning. It would be unfair and churlish to cloud or diminish the importance of such
a development, in particular when other countries in the world continue to post huge deficits.
Gibraltar must be confident and it must be proud of where we are today.

620 This will obviously be the last Budget before a General Election. The last time Gibraltar went
to the polls was in October 2019. We had no crystal ball; nobody could possibly have foreseen at
the time what lay in store for everyone. It has been a complicated and difficult term of office for
that reason. A range of critical issues, largely unprecedented, have had to be dealt with, and that
has not been easy. True, being in government is never easy, but true also that no Government has
625 been faced with the multiple challenges that we have had to confront: a global pandemic, a
lockdown within five months of the election, economies closed around Europe and the world, and
millions of people dead, everywhere.

Sadly, Gibraltar, as the House knows, did not escape unscathed, and over 100 people lost their
lives here, too. It was a particularly hard and difficult time for the elderly, who were judged to be
630 most at risk; for our young people, who saw their studies and examinations disrupted; and for the
population in general. But they were dark days, too, for those in government dealing with the
unknown, trying to keep a killer virus at bay, taking hard decisions in order to save lives, waking
up in fear of what the new day might bring. It was a physically and mentally draining experience,
but as so often happens, we all rose to the challenge and we faced the threat and stared it down.
635 Gibraltar came very close, as my hon. Friend the Chief Minister said this morning, to the formation

of a government of national unity. The Leader of the Opposition attended some Cabinet meetings; both sides of the House worked together to address aspects of the crisis.

640 So as the pandemic unfolded in front of us, we dealt with it. We sourced medical supplies and equipment, including PPE and ventilators, at a time when other countries were struggling with the supply chain. We topped the global league when it came to testing and we vaccinated the entire population in world record time, the first territory on the planet to do so. We found workarounds and solutions to the problems that cropped up, but those solutions cost money. Medical equipment, medical staff, private sector salaries and business support all had to be paid for, so the pandemic created a pressure on public finances which was without parallel. Economies worldwide
645 turned to borrowing. Record levels of debt have now become the norm everywhere. The priority was to protect citizens and businesses. Economies came second. This was a once in a lifetime event and it happened in ours.

That cost, coupled with the loss in revenue, continues to be broken down in detail in the COVID Response Fund, and we have heard this morning how that is now being addressed going forward.
650 The figure stood at over £400 million and this pushed the public finances of Gibraltar into a deficit for the first time in a decade. The House knows that the deficit for the last financial year was projected at over £50 million. As hon. Members have heard, that has come in at the considerably reduced figure of £15 million. And the good news, too, is that the projection for 2023-24, the current financial year, puts Gibraltar back in surplus territory. Despite everything that has been
655 said, prudent stewardship of the economy has now taken Gibraltar out of the red and there can be no denying that it is an important step in the right direction.

Mr Speaker, as the House knows, Spain will go to the polls on 23rd July. This has obviously impacted on the negotiations for a treaty to govern the future relationship of Gibraltar with the European Union. It is one of a series of unconnected and connected events to have impacted on
660 the timing of such treaty. Indeed, the new elements introduced by Spain in the final stretch of the negotiations have proved to be an obstacle to an earlier agreement. My hon. Friend the Chief Minister could not have been clearer. He said that the ingredients of sovereignty were creeping into the picture. The proposal on the table, therefore, was not safe, secure or beneficial for Gibraltar and it will fall on whoever is elected in Madrid to continue those discussions, or indeed
665 to discontinue them. The final approach will probably depend on the political complexion of the new Spanish administration.

We were first elected into government in 2011. This was only a few weeks after the Partido Popular had also won elections in Spain. We therefore bring plenty of collective experience to the table in dealing with difficult politics from Madrid; more than that, considerable experience in
670 handling their most difficult Foreign Minister since the days of General Franco. I refer, of course, to José Manuel García-Margallo. So if the Partido Popular were to win, with or without Vox, people should know that their Government is prepared. In the event that the PSOE-Sumar coalition were to renew their mandate, we are also best prepared to take the treaty negotiations to a safe conclusion. So the message is that we stand ready to protect Gibraltar, whatever the future may
675 hold.

Looking back now, it is obvious that the negotiations have taken up a disproportionate amount of government time. The breadth of topics under review has made this a genuinely cross-ministerial exercise. Evidently, the Chief Minister and I have been more involved. We have been present at high-level political meetings, without officials. There have been formal negotiating
680 rounds with the European Union. The process has also seen countless pre-meetings with the United Kingdom, with Spain or with both of them. Those meetings, contacts and engagements have been ongoing at different levels and in different locations, practically on a daily basis. In addition to that, the process has seen a huge volume of important technical and legal work. This has been very ably led by the Attorney General, Michael Llamas, with the support of the Director of Gibraltar House in Brussels, Daniel D'Amato.
685

It is easy to forget that the negotiations only commenced in October 2021, which is when the European Union declared itself ready to talk. The structure has been characterised by what we

690 have termed ‘variable geometry’ between the four relevant parties. These are the governments of Gibraltar, the United Kingdom and Spain, together with the Commission of the European Union. The House already knows that we are close to an agreement. Given the elements introduced by Spain now, it is conceivable that the talks could collapse, so those sovereignty and jurisdictional concerns may catapult Gibraltar into a no-treaty scenario. Hon. Members will be clear that there are certain fundamental lines that this Government will not cross.

695 There are those who argue that the conclusion of a treaty has taken too long. Clearly, had we signed up to everything that Madrid and Brussels wanted in October 2021, then we would have had a treaty 19 months ago. However, the reason for the timescale is precisely because the UK and Gibraltar have held the line. That is what a negotiation is all about: opening positions, wider high-level principles, detailed technical discussions, proposals and counter-proposals, and then convergence around the common ground. The intensity of that detailed work has taken its toll. 700 However, we remain determined to continue to do battle in order to secure a treaty which is safe and beneficial for Gibraltar. The Government remains firm in the belief that this is the best option for Gibraltar’s future, for our families and our children, for our businesses and our citizens, and for our country as a whole.

705 The conclusion of such a treaty raises the practical question of implementation. This, too, will involve a considerable amount of legal, political and technical work in order to ensure the smooth operation of the process as any new treaty comes into force, so implementation itself will be a mammoth task. The Government remains in the best position to see this workstream through until the end. The Chief Minister and I have been present at every high-level political meeting. Issues have been discussed and commitments have been given in our presence. Policies have been 710 formulated in front of us and decisions have been taken, so we can personally hold Spain and the EU to account for what they have said to us in private. We have been immersed in the detail of this world for some seven years now. It has, to a considerable degree, taken over our lives, and we know the issues, the personalities and the discourse inside out. We promised, in 2016, to leave no stone unturned. That is exactly what we have done ever since.

715 The alternative to treaty implementation is a no negotiated outcome (NNO). The United Kingdom and Gibraltar governments have been working very closely to mitigate the negative impact of no treaty. Those effects are set out in the public communications that the Government has issued ever since the vote to leave the European Union took place. This has included two booklets which were published and sent to thousands of households all over Gibraltar. The first 720 was entitled ‘Preparing for a no deal Brexit – Get Ready’, and the second was entitled ‘Guidance to Citizens – No UK-EU treaty on the future relationship of Gibraltar’. Some 60 subject-specific technical notices to the general public have also been published. These included a specific ‘Guidance to businesses and certain public services’, which was issued at the end of October 2022. All this remains available online. Separate briefings have also been given to stakeholders, some at 725 their own request, others at the request of the Government when there has been something new to report. This NNO work has been guided by the need to balance the dissemination of information in a sensitive way which does not create a general panic. The Government is very grateful to all the entities that have taken part over the years, including the Members opposite, for respecting this delicate balance.

730 Mr Speaker, the Brexit structures we have put in place have continued to operate. The Brexit Strategic Board, which I chair, generally meets once a fortnight. There are also meetings between subgroups, which cover a wide variety of different subjects. The general areas are commerce, critical services, waste management, health and social care, law and order, legal and EU matters, public services, special projects and the supply chain. In addition to this, there have been deep 735 dives into a number of specific subjects.

The NNO Board between the Gibraltar and United Kingdom governments has met 26 times. I chair this at a ministerial level together with the UK Minister for Europe, and at an official level with senior UK officials. The close co-operation and working relationship between the two governments could not be better. I want to thank all the different UK Ministers who have been

740 involved in this work, including the current Minister for Europe, Leo Docherty MP, who has shown
a keen personal interest in Gibraltar. The Government is grateful, too, to the many officials in
London, Brussels and Gibraltar who have made invaluable contributions to our NNO work over
the years. UK officials have defended and promoted the interests of Gibraltar in the same way and
to the same degree as those of the United Kingdom itself. The challenge that Gibraltar would face
745 in the absence of a treaty is already well documented.

A total of 132 Brexit-related queries have been received at the brexit@gibraltar.gov.gi email
address from May 2022 to date. These have all been replied to or the sender has been provided
with the details of the department in a better position to assist. Those queries have related to
eligibility for S1 certificates and health cover, passports, residency, customs requirements, road
750 haulage, driving licences, pets and the registration of medical devices and products. I want to take
this opportunity to thank Civil Contingencies Co-ordinator Ivor Lopez and my Principal Secretary,
Ernest Francis, who have played a vital co-ordinating role in taking this work forward. I must also
thank the countless officials of the Government of Gibraltar, its agencies and authorities, who
have all contributed positively to this process.

755 The Government is grateful for the bridging measures that Spain continues to unilaterally apply
at the border for Gibraltar residents with a red identity card. It is well known that the default
position would now be passport stamping for everyone. We very much regret that Spain has not
reintroduced this facility for Gibraltar residents with a blue or magenta civilian registration card.
The House will know that this concession was terminated following changes to the immigration
760 controls exercised on EU and Spanish nationals on entry into the United Kingdom itself. In other
areas, like reciprocal healthcare, road haulage and cross-border ambulance services, bridging
measures have now come to an end. The helpful consequence of this staggered approach has
been to soften the landing zone as we left the European Union.

The Government sincerely hopes that in the coming months we may be able to conclude a
765 treaty on the future relationship of Gibraltar with the European Union. However, in the event that
we do not, Gibraltar will need to adapt to the new world that no treaty will thrust upon us. There
are many areas where no mitigation is possible. The new scenario will simply reflect what it is to
be outside the European Union. But even then we are a tough and resilient people. Over the
centuries we have shown that we are adaptable, we find new opportunities, and we have
770 demonstrated that we can thrive on change. Gibraltarians can and will take advantage of any new
situation.

Mr Speaker, I now turn to report on our office in Brussels. It has been eight years since the
Government made the move to expand Gibraltar's presence in Brussels, and what a timely
decision that turned out to be. The office has continued to provide critical support since our
775 withdrawal from the European Union. It has also provided a firm base from which to defend
Gibraltar's interests. The relationships which our staff there have forged and the expertise they
have developed over time are invaluable. This has allowed them to provide the Government with
decisive advice as we have moved ahead in these challenging times.

During my last Budget address I underlined the important nature of the treaty work that
780 Gibraltar House is involved in. This has not changed. Indeed, it could be said that the treaty
negotiations, or work linked to those negotiations, take up almost the entirety of their day-to-day
activities. The Director, Daniel D'Amato, has in particular provided the Attorney General with solid
support as they both attended, in person, formal rounds of negotiations with the European
Commission. Preparations for these rounds have been intense, methodical and required a lot of
785 work over the many areas intended to be covered in the treaty. Since the last Budget session there
have been six more formal rounds of negotiations with EU Commission officials. That is 14 formal
rounds in total. In addition, there have been numerous technical sessions with subject-matter
experts, and many more at diplomatic and political level. These have taken place in London,
Madrid and, of course, in Brussels, but there have also been meetings in Gibraltar.

790 Beyond the technical support in the negotiating room, Gibraltar House in Brussels is expected
to play a key role if an agreement is actually concluded. In such an event, as I said earlier, we

would still need to implement the treaty. It would be important to ensure that it functions and is governed as was agreed. This will create a new workstream which will endure while the treaty lasts. That work will include political stakeholders as well as officials in Brussels. The EU will need to be appraised of developments on the ground as they happen, every step of the way. The team at Gibraltar House, through their network of contacts and relationships, are well positioned to take this forward as and when necessary.

Despite the intensity of the treaty negotiations, the office in Brussels continues to support the Government in lobbying and engaging with the European institutions. In March, I had the opportunity to visit Brussels on official business. The main purpose of my visit was to participate in a meeting of the European Committee of the Regions United Kingdom Contact Group. The UK Contact Group brings together EU and UK regional politicians to foster dialogue in the post-Brexit era. The meeting was the eighth such occasion of this configuration and the second time I have attended in person. As part of the UK Contact Group, I was invited to a ceremony in the European Parliament commemorating 25 years of the Good Friday Agreement. The ceremony coincided with the announcement of the Windsor Framework. It was a fitting tribute to the importance of the resolution of issues relating to Northern Ireland. The meeting of the Contact Group itself highlighted the many opportunities that UK-EU relations can bring for the future. In my contribution, I highlighted the importance of reaching a UK-EU agreement about Gibraltar as part of that future framework. I also took the opportunity to meet a number of senior MEPs in the European Parliament. All shared their close interest in Gibraltar and their views on issues arising from the negotiations. However, they all agreed that Gibraltar was the last missing piece in the construction of a post-Brexit edifice of solid relations between the UK and the EU.

During my stay in Brussels, I chaired a round-table meeting of the heads of office of the devolved administrations, the Crown Dependencies and the British Overseas Territories. The opportunity to compare notes with them and exchange views on how we are each navigating the UK's withdrawal from the EU is always enlightening and instructive. We share many common goals as a UK family of nations in Brussels.

One of the key takeaways from my visit to Brussels was precisely the marked improvement in the UK's relationship with the EU. Indeed, all interlocutors, MEPs and fellow representatives of British interests in Brussels agreed that the conclusion of the Windsor Framework had brought about a new era in relations. These are now underlined not by ideological differences but by pragmatic solutions to real problems that affect real people. That same approach will, in our case, help us to find a way to a beneficial treaty.

Our office in Brussels regularly attends events organised by the UK Mission to the European Union. They also engage with those of the devolved administrations, the Crown Dependencies and the other Overseas Territories. One example of this was a St David's Day event organised by the government of Wales. The fact that they held an event in Brussels, hosted by their First Minister on Wales's national day goes to show how much stock our UK friends have put into their Brussels engagement. Gibraltar, too, is redefining that relationship and our presence in Brussels. One of the benefits of having a base there is not only that you can speak to EU interlocutors but also to everyone else who has a representation there. Countries and states referred to in EU speak as 'Western European Partners' are very relevant to our own engagement. In fact, the unit of the European Commission that is responsible for the Gibraltar negotiations is called the Western European Partners Unit. Brussels is the best place to understand the many differences between the needs of those with a similar geographical configuration to Gibraltar and their respective relationships with the EU. These partners include small states such as Andorra, San Marino and Monaco, with whom we have longstanding working relationships.

Third country EFTA and EEA countries also have a relationship with the EU. These include Liechtenstein, Norway and Switzerland. Some of these states are in active negotiations with the Commission, while others have already concluded agreements which may prove not too dissimilar to our own. It is important to better understand those third countries as well. Whilst recognising that we are we all different, we do have lessons to learn from each other. These third countries

all have the same experience in dealing with the EU on the other side of the negotiating table.
845 However, they all seek very different solutions, tailor-made to each of their individual
circumstances. The relationships that we have built with some of these states in Brussels have
proven to be very useful indeed. Gibraltar House has therefore been and continues to be at the
centre of Gibraltar business in Brussels. Their engagement there will remain necessary whatever
our new relationship with the EU might turn out to be. The Brussels office can be found at Head
850 11, Subhead 2(7).

Mr Speaker, I move on now to Gibraltar House in London. I am pleased to report that after the
disruption of the pandemic, the last financial year was largely a return to normal for Gibraltar
House. However, even to the present day the work-from-home pattern continues in Whitehall
and in many institutions and large companies, so some meetings have become a mixture of in-
855 person and virtual encounters. Sir Bob Neill, chair of the APPG, made his first visit to the Rock
since the pandemic, in January 2022. The Government and commercial entities once again have
started making use of the facilities at Gibraltar House for in-person meetings. The first in-person
APPG was held in February 2022 as the parliamentary estate began to open up to visitors. In
addition to supporting ministerial visits to London, the office continued its work liaising with
860 diplomatic and political contacts. The Swiss Ambassador visited Gibraltar for a full briefing tour in
March 2022, the Austrian Ambassador in April and the Australian High Commissioner in July.

Gibraltar was also represented at several major events in London. This included the last
Commonwealth service in the presence of Her Majesty Queen Elizabeth II. Gibraltar's
Representative, Dominique Searle, was also at the Commonwealth flag event hosted at the
865 Westminster Parliament by the Speaker, Sir Lindsay Hoyle. He also attended the Commonwealth
Jewish Council event and other such functions. Gibraltar has continued to form a strong
relationship with the Office of the Westminster Speaker. This connection was the driving force
behind a Speakers' conference which was held in London. It was also the spur to greater access to
Parliament and it has facilitated Gibraltar's attendance at diplomatic and Commonwealth events
870 hosted there. There are plans to allocate a room in the UK Parliament to the Overseas Territories,
where representatives and their guests can have pre-booked access for meetings.

Gibraltar was represented at the State Opening of Parliament in May 2022; later that same
month also at the National Service of Thanksgiving at St Paul's Cathedral, which commemorated
the Queen's Platinum Jubilee.

875 In July, Gibraltar House assisted the House of Commons EU Scrutiny Committee during their
formal visit to Gibraltar. This provided an important opportunity to make our case to an influential
group of MPs so that they better understood the impact of Brexit on Gibraltar.

In September, as MPs and peers gathered in Gibraltar for National Day briefings, the tragic
news broke that Her Majesty Queen Elizabeth II had passed away. This impacted greatly on
880 everyone, and as the people of Gibraltar mourned their Sovereign, visiting parliamentarians were
able to participate in the tributes made locally to mark such a great loss.

The autumn of 2022 also saw the Government's participation at different UK party political
conferences. The Chief Minister opened the Gibraltar reception at the Conservative Party
conference in Birmingham before leaving for the United Nations in New York. I stayed there for a
series of prearranged meetings and engagements. I was also happy to represent the Government
885 at the Labour Party conference in Liverpool. The Government hosted a reception there for
Members of Parliament and delegates. Shadow Europe Minister Stephen Doughty pledged the
Labour Party's support for Gibraltar at the event. Plans for the Liberal Democrat conference fell
through when the event was cancelled after it coincided with the late Queen's funeral. Gibraltar
890 was also represented at the SNP and DUP conferences.

A number of well-known external factors obviously impacted on our lobbying work, not least
the fact that just over a fortnight after the Conservative Party conference Liz Truss was forced to
step down as Prime Minister. She had only taken over from Boris Johnson 44 days earlier. The
political upheaval that ensued forced the postponement of the Overseas Territories Joint
895 Ministerial Council. Nevertheless, Gibraltar Day in London, which involved finance centre

meetings and a diplomatic event, went ahead with a high attendance. The reception at the Shard saw UK Ministers, High Commissioners, Ambassadors and diplomats present.

900 More recently, the House of Commons Public Administration and Constitutional Affairs Committee also paid a useful visit to Gibraltar. Again, as with the EU Scrutiny Committee, the visit was a decision taken by them and financed by them. Gibraltar House assisted in making arrangements and providing logistical support. In a separate visit, 18 Members of Parliament from the Armed Forces Parliamentary Scheme also came to Gibraltar at the beginning of last month. They were hosted by the MoD. These visits help significantly in getting influential parliamentarians to understand the nuances of the complex situation that has arisen for Gibraltar as a consequence
905 of leaving the European Union. They are also very useful in laying the basis to lobby them afterwards for support.

Mr Speaker, the Government continues to develop and promote links between Gibraltar and the Commonwealth. In London, Gibraltar House liaises regularly with the Commonwealth Foundation, the Commonwealth Enterprise and Investment Council and the Commonwealth
910 Parliamentary Association. In May, I was pleased to renew our contact with the Secretary General of the Commonwealth, Baroness Scotland. I also used the opportunity to meet with a number of High Commissioners in London. This visit provided the opportunity to raise some passport and e-visa issues which affect the Hindu community in Gibraltar. I also met with the Commonwealth Foundation. Gibraltar has been a member for decades and we wanted to obtain a better
915 understanding of how to make the best use of this longstanding membership.

Hon. Members will know that Gibraltar participates in some Commonwealth bodies in its own right, and in others by virtue of the membership of the United Kingdom. The Government is determined to build upon our relationship across the board. Sixty per cent of the citizens of the Commonwealth are under the age of 30. It is vital to engage young people going forward. I want
920 to congratulate the four winners of the different categories of our annual Commonwealth Essay Competition. These were Luca Trinidad in lower primary, Gianella Pitto in upper primary, Haylee Pincho in secondary school and Gabriella Chipol in the university student category. That policy of encouraging youth engagement continued during 2022. In June, two representatives of the local Commonwealth Youth Association participated in the Commonwealth Youth Forum which was
925 held around the Heads of Government meetings in Kigali, Rwanda. And in November, two youth delegates represented Gibraltar at the Commonwealth Youth Parliament in Trinidad and Tobago.

In April this year, Gibraltar hosted the main global Executive Committee of the Commonwealth Parliamentary Association. This provided a very useful opportunity for Members to exchange views with MPs, Speakers and Ministers from all over the Commonwealth family. And the
930 Gibraltar flag flew proudly once again during the Commonwealth Games in Birmingham last summer.

Finally, one practical change for Gibraltar House in London has been the pedestrianisation of the area immediately in front of it, which now stretches all the way to Australia House. This greatly improved streetscape has cut down on the level of noise and other pollution from traffic.

935 I want to take the opportunity to thank Gibraltar Representative in London Dominique Searle and everyone at Gibraltar House for their work over the past year. Gibraltar House can be found at head 11, subhead 2(6).

Mr Speaker, the Government has continued to develop commercial and political links with the United States of America. I was delighted with the success of the local AMCHAM branch recent
940 visit to Raleigh, in North Carolina. The twinning of Gibraltar under the Sister Cities programme has worked very well. The delegates were joined by David Liston, our representative in the United States. They were received by the Secretary of State and the Governor at an event held there to commemorate the Coronation of King Charles III.

The House knows that the Government has maintained, and will continue to maintain, the
945 ongoing work at the United Nations. In October, the Chief Minister addressed the Fourth Committee in New York. In May, Sir Joe Bossano represented Gibraltar at the annual seminar organised by the Committee of 24, this time in Bali, Indonesia. The Chief Minister and I went to

950 New York last month for the annual session of the Committee of 24. I stayed behind an additional day for a number of separate meetings; there is considerable work to be done there, discreetly and away from the glare of the cameras.

955 In May we resumed our work in Washington. I was delighted to meet with Members of Congress from both the Republican and Democratic parties in order to put across the wider Gibraltar point of view. The hectic schedule saw 26 meetings in two and a half days, right until we made our way directly to the airport from the last meeting. One of those meetings was with the head of the American Battle Monuments Commission. They are responsible for the upkeep of the US War Memorial in Line Wall Road. The monument was completed in 1933. The inscription on it says that it was 'erected by the United States of America to commemorate the achievements and comradeship of the American and British Navies in this vicinity during the World War'. This was obviously World War I. We exchanged ideas with the Commission as to how we can work together to upgrade and improve the area. The Government expects those contacts to continue during this financial year.

960 I move on now to report to the House on the work of the Gibraltar National Archives. I want to start by paying tribute to the former Archivist, Anthony Pitaluga, who retired earlier this year. Mr Pitaluga has taken the archives into the digital age. He was instrumental in setting up a number of virtual exhibitions which kept our people entertained during the lockdowns, and he also curated important physical exhibitions which marked milestones in our journey as a people. He was assisted in this by a highly skilled and enthusiastic team. On behalf of the Government, I wish Mr Pitaluga all the very best for the future. I am told that the process of recruiting a new Archivist has already commenced.

970 The website www.nationalarchives.gi continues to be very popular. There were 21,998 hits from 144 countries registered on the GNA website. On average, an online session lasted about 12 minutes. 81.9% of those hits came from new users. The remaining 18.1% came from returning visitors. There were a further 79 enquiries from 30 countries received by email or post. These came from Europe, Africa, North and South America, and Australia, and all were dealt with.

975 The staff of the Archives took part in a series of training events and conferences over the last financial year. Hon. Members will be aware that three exhibitions were organised during 2022. In April-May there was an outreach on the 40th anniversary of the liberation of the Falkland Islands. This was followed in June and July with another one to mark the Platinum Jubilee of Her Majesty Queen Elizabeth II. A third one took place in November to commemorate the 80th anniversary of Operation Torch. Attendance at those events by schoolchildren has picked up. I am told that the latter two saw numerous schools visit.

980 I want to draw attention to two collections which we are now in the possession of the National Archives. The first is the historical book collection of the late Mr Lionel Culatto. This consists of a vast corpus of historical publications which are a most worthy addition to the archives. In addition to this, the Archives are also now in control of the historical reference library of 18th- and 19th-century records from the Gibraltar Courts Service. The collection consists of an extensive number of legal documents and correspondence. This will prove to be an essential resource which offers the opportunity for advanced study of legal documentation and administration of that time period. I want to thank the Acting Archivist, Mr Gerard Wood, and the staff of the National Archives for their enthusiastic support throughout the year.

990 I now move on to civil aviation. The Director of Civil Aviation has continued to actively encourage and promote flight safety activity in all areas involving civil aviation in Gibraltar. This includes the oversight of agencies, operational activities or the maintenance of international standards and practices by operators in Gibraltar. The International Civil Aviation Organisation (ICAO) audited the UK aviation safety oversight system in November 2022. The Crown Dependencies and Overseas Territories were not individually audited during this visit. However, the Director of Civil Aviation was required to complete the compliance checklists and the protocol questions for all 19 of the annexes to the Chicago Convention. This task took up a considerable amount of time over the past year. A large number of the published directions, procedures and

1000 policies were updated, too. The ICAO has stated that it wishes to audit one of the Crown
Dependencies or Gibraltar over the next two years. The continued update of the compliance
checklists and protocol questions will remain a high priority moving forward. The Director of Civil
Aviation (DCA) continues with an ongoing separate audit programme of activities at the Airport.
1005 This is necessary in order to demonstrate continued compliance with stringent international civil
aviation requirements.

Work on aviation legislation continues. This is both part of the ICAO audit process described
above and also in order to comply with other international obligations relating to aviation. In
November 2022, legislation was gazetted to enact the requirements of the Carbon Offsetting and
Reduction Scheme for International Aviation. In October 2022, amendments to the Civil Aviation
1010 Act were gazetted. These provided the power for the relevant authorities to be able to act during
the period when Winston Churchill Avenue transforms from a public highway into a runway. The
changes to the Act were followed by the Civil Aviation (Winston Churchill Avenue) Regulations
2023, which were gazetted in February.

Drone activity has reduced slightly over the last year. Nonetheless, there remain a significant
1015 number of local commercial and recreational operators registered with the DCA. In addition, there
is a steady stream of film companies coming to Gibraltar wishing to incorporate drones into their
filming activity. The support of stakeholders such as the Department of the Environment, the
Ministry of Defence and the Port in making those flights possible is greatly appreciated. The last
year also saw a significant increase in contact with Spanish drone operators. This allows the DCA
1020 and Air Traffic Control to ensure that those drones, too, operate in a safe manner. It is very
welcome to see the positive impact that drone imagery has had on the co-ordination of rescue
operations in the wake of the OS-35 incident and during the subsequent ongoing recovery
operation.

The DCA and the Airport authorities are consultees to the Development and Planning
1025 Commission and advise on the impact of buildings on aircraft operations. It is clear that developers
are much more keenly aware of the limitations imposed upon them when constructing
developments close to the runway. Moreover, the inclusion of wind and aeronautical studies to
prove the compliance of such developments has now become an accepted practice.

The DCA continues to represent Gibraltar on the United Kingdom State Safety Board in order
1030 to ensure that Gibraltar's safety interests are safeguarded. There are also quarterly meeting with
the United Kingdom Department of Transport to discuss safety and security related issues. In
addition, the Director meets on a six-monthly basis with his counterparts from the Crown
Dependencies and the Department for Transport to discuss areas of regulatory concern and
emerging new technologies. I would like to thank the Director of Civil Aviation, Chris Purkiss, for
1035 all this work.

I will now move on to update the House on progress at the Northern Defences. This can be
found in the Improvement and Development Fund head 102, Projects, at subhead 4(zzt). This
network of military defences has been an integral part of Gibraltar's history. It has played a crucial
role in protecting our country from foreign invasion. Over the years, those defences, formidable
1040 as they are, became neglected, overgrown with vegetation and in need of attention. The
Government acted slowly on a policy decision taken in 2016 to slowly and gradually rescue this
asset. This is a sensitive project which cannot be rushed. Its full restoration will take many more
years to complete, but the results are now visible. The potential of the area is undeniable from a
heritage, environmental and socio-economic point of view.

Last year, while clearing operations continued, work focused on laying a new water main to
1045 feed Hassan Centenary Terraces and future developments at the Eastside reclamation. This was a
significant project. It was similar to the upgrading of infrastructure carried out during the 1990s,
which supplied the then Westside reclamation. Those works have seen the laying of approximately
1,650m of pipes, all the way from reservoirs at Willis's Road near the Tower of Homage, down
1050 through tunnels, ramps and steps to Laguna Estate. This has been achieved while respecting the

heritage value of the site and minimising the inconvenience to the public. It was a commendable exercise for which we owe AquaGib a great debt of gratitude.

1055 Whilst those works were carried out, the rest of the site continued to be used by families and visitors. School groups, charities, visiting students, lecturers, videographers, bloggers and academic institutions now visit the area on a weekly basis. Whether it is for team building or a family picnic, the defences have already become a popular area to experience locally. Amongst those who visited this year were *The Financial Times*, Subterranea Britannica and the UK charity Alabare. Members of our local Mindspace Project charity have also embraced the area and will be visiting shortly as part of their youth programme. International exposure was provided by the
1060 tactical table-top game SN team, who very recently held their 12th international ‘No Retreat’ event there.

A special mention has to go to the Royal Engineers, who are present on the site tomorrow, and the Gibraltar College, who ran a successful ‘1789’ charity event. This was organised by the College Business and Travel students and is testimony to their dedication, leadership and community
1065 engagement. The event drew attention to the site’s date of construction – the year 1789 – and £1,789 was donated to GBC’s annual open day. The Government is very grateful for this. It is rewarding to see interest in the site continue to grow. Students seek inspiration from it in developing their academic profiles. The programme’s emphasis on project-based learning highlights the significance of such practical education. The Government very much looks forward
1070 to seeing this initiative grow further still.

Hon. Members will have seen that the Government intends to allocate further funds towards the restoration of the Northern Defences during this coming financial year. The focus will be threefold. First, infrastructure works will continue with the provision of water and electricity to key locations. This will see the commencement of some uplighting to display the northern walls
1075 of our Castle Keep. The second focus will be on clearing-out works. The removal of vegetation along walls and fortifications will continue after the nesting season. In addition to this, previously closed off sections of tunnels such as the Queen’s Lookout will be cleared and added to the visitor experience. The third area will lie in education, leisure and tourism. The completion of the mains water supply project has allowed for a new tourist product. This is a military trail which connects
1080 the Tower of Homage to Grand Casemates Square via the Northern Defences. Works to make this a reality will commence after summer. A thousand years of military history will be experienced in the descent through those steps and ramps.

This year will also see the installation of new technology, such as cameras and sensors. The objective is to enhance our ability to detect any potential threats and respond accordingly. We
1085 will also ensure that, working with the project director, a team are equipped with the necessary skills to operate those new systems effectively. Such an investment of funds, time and effort should serve as testament to our values and commitment towards our heritage. I want to thank the project director, Carl Viagas, who has been instrumental in taking all this forward.

The very building where we meet is also finally receiving some much-needed attention. This
1090 historic building is the heart of our democracy and the centre of our parliamentary system. However, over the years, it has become clear that the building requires significant renovation work to ensure that it continues to serve its purpose. Therefore, we will be investing in a comprehensive renovation of Parliament House, along the lines of the presentation given to hon. Members opposite. We have incorporated their ideas into the design. This will include repairs to
1095 its historic fabric and the installation of a new lift. The latter will address the problem of access for persons of reduced mobility. The objective is to ensure that the building remains fit for purpose, and also to preserve its cultural heritage for future generations.

The current ongoing works are focusing on two main elements. The first is the external fabric. Here, the contractor is carrying out investigations into the condition of the roof, the walls and the
1100 columns. The stripping-out works have been completed and this has allowed for surveys to determine the condition of the building. As part of those investigations, the condition of the render was assessed. I am told that it has come as a surprise to discover that a simple paint finish

concealed solid sandstone columns and features. It is our intention to have these consolidated, restored and exposed, as they once were. The second element is the lift, offices and new infrastructure which will be provided inside. The Government would like to thank the Parasol Foundation for their generosity in respect of this project.

The Parasol Foundation has, in addition, pledged £1 million for the Mount. The Government, too, will continue to allocate funds towards this property and its grounds. This remarkable piece of real estate shares a common ancestry with the Northern Defences. Designed by Col. William Green and home to numerous Admirals, the Mount is similar in size to the Alameda Gardens. Unfortunately, this, too, was an area which had been unkempt for decades. Due to its size, historical significance and rich ecosystem, it was decided to deal with this project in a similar way to the Northern Defences. The key is a gradual and phased approach. In this way, we have embarked on several smaller projects within a master plan, in order to make such a refurbishment more manageable. This will take time. However, the improvements are palpable already. The clearing out of vegetation is almost complete. This has exposed paths and trails within the vast grounds. Some of the paths connect to the Upper Rock Nature Reserve and potentially it can provide a new access route for those living in the south district. This exercise so far has revealed the true scale of the project ahead. It has allowed us to carry out the necessary investigations on the state of its retaining walls and existing infrastructure. Those studies will better inform us of the necessary steps which need to be taken in preparing for the next phase. Running concurrently with this exercise are works to two other locations. These are the Porter's Lodge and the old tennis courts. Work has started on the Porter's Lodge, located at the northern entrance of the estate, and this will continue through this financial year. The building will serve as a registry office for weddings and, together with the hall, will be the first step towards the future use of these facilities for ceremonies and other events. Preparations for creating two new paddle tennis courts are also under way near the southern entrance to the grounds. These are planned to be completed during this financial year and will provide facilities for our community, which are in high demand.

In conclusion, the investment that the Government continues to make in the Northern Defences, Parliament House and the Mount demonstrates our commitment to preserving our history. The Government welcomes that these restoration projects have, by and large, counted on cross-party support in this House, and is grateful for that. Some of these investments will have a significant positive impact on our community and will enhance the facilities available for visitors at the same time. I again want to thank project director Carl Viagas, whose track record in the restoration and refurbishment of heritage sites of this kind is second to none.

Mr Speaker, connected to the King's and Queen's Lines within the Northern Defences is another area on which the Government has focused as part of its urban renewal initiative. This has been a real cross-departmental effort together with the Minister for Urban Renewal, my colleague Prof. John Cortes, and the Minister for Housing, my colleague Steven Linares. The Road to the Lines is a charming part of our old town which is of special significance. Hon. Members will know that this area consists of a series of houses, steps and narrow passages within the walls of our castle. As you walk along those passages, you can see the massive walls and fortifications. These structures are a testament to the ingenuity and resourcefulness of the people who built them. They serve as a reminder of the sacrifices that were made to defend this important outpost of empire, but the road to those defensive lines has unfortunately been neglected for decades. The area has suffered a similar fate to that endured by the core of many other old towns. Simply put, populations move out towards more accessible properties which offer modern comforts like car parking and other amenities. It was precisely the work on the Northern Defences that has helped to unlock the plans for the renewal of Road to the Lines. Indeed, I am told that the intervention in what was once known as 'the jungle' has also seen some reduction in anti-social behaviour. However, there is still plenty more to be done. Nonetheless, the work so far has enabled us to be in a position where we can focus now on a meaningful urban renewal initiative in this part of the upper town. The proposal currently under discussion involves the introduction of modern infrastructure, improved accessibility, quality of design and the potential to attract a

1155 diverse market across social strata. The plans include charming residential properties, cafés and
alfresco dining within the confines of a medieval castle. The new Road to the Lines will reward
residents and visitors with an experience which celebrates the beauty and majesty of this historic
zone. This House was advised last month that the final negotiations for an MoU between the
1160 preferred developer and the Government are now very close to a conclusion. That remains the
position today.

Moving on now to other developments, the Government has signed an agreement for the
development of the Rooke site. Some detail on this was already provided to hon. Members in
May. The proposal is based on a low-rise development on 80% of the site. The gain to the taxpayer
is a cash premium of £30 million. The gain to the public is a huge podium park and leisure area, a
1165 car park and a retail area which presently provides for a supermarket. The incorporation of the
historic No. 4 dock into the scheme has also been agreed with the prospective developers.

A memorandum of understanding has been concluded in respect of the site of the Queen's
Hotel and the Queen's Cinema. This follows two separate expressions of interest for the site,
which were published in 2017 and again in 2020. The proposal provides for a mixed-use
1170 development. The gain to the taxpayer is a premium of £11.2 million. The gain to the public lies in
the separate senior citizen accommodation proposed, a dance hall for the Ministry for Culture and
a retail and restaurant complex on the ground floor. However, this proposal remains subject to
planning approval.

Negotiations continue with different preferred bidders for the old air terminal site and the
1175 former GBC site, following public expressions of interest for both locations. Separately, a panel
was convened to consider three of the proposals received in respect of a plot of land at Europort.
The outcome is that negotiations with a preferred bidder for the site are expected to commence
shortly.

No preferred bidder has been formally selected, as yet, in respect of the AHQ and Rosia Bay.
1180 The next step in that process will be to invite three of the entities who submitted proposals to
deliver a presentation to a panel. This will assist the Government when making its determination
as landlord, and obviously the planning considerations will be separate. The Government is very
grateful here to Mr Kevin de los Santos and the management and staff of Land Property Services
Ltd, whose professional advice and guidance in such matters has always proved invaluable. We
1185 are grateful also to the Lands Office in No. 6 Convent Place.

And so, Mr Speaker, as I set out my concluding remarks, I want to take the House back to where
I started. Every Government will face a challenge in a given four-year period, but even our most
ardent opponents should accept that in many ways the challenges we have faced have been pretty
much unique. This is a matter of fact. A global pandemic within weeks of the last General Election,
1190 two lockdowns with serious economic consequences and two further periods of curfew. If all that
were not enough, we have witnessed unheard of political instability in the United Kingdom: four
Prime Ministers since 2019. And all this obviously impacted on the negotiations to secure a treaty
for our future relationship with the European Union. The truth is that nobody else could have
done more, because we have, indeed, left no stone unturned, and we have yet to hear what
1195 anybody else would have done any differently in our position faced with the same circumstances.
(Two Members: Hear, hear.)

My hon. Friend the Chief Minister is correct. Given the nature of the threat to our country and
given the uncertainty that remains, this will, indeed, be a Brexit General Election. The people will
have a choice. They will have to decide. One of those choices will be that the Government in office
1200 should finish what we started, because we are best placed to continue the negotiations following
the General Election in Spain. We are also in a prime position in the event of a no negotiated
outcome. So, one way or another, we are confident that we can and will deliver for the people of
Gibraltar, but as my hon. Friend has also said, we will never surrender one iota of our sovereignty
or our jurisdiction in that process. *(Banging on desks)* The people can rest assured that their future
1205 will be protected, with a treaty or without one, but we need to be here to be able to do it.

And so, Mr Speaker, in closing, I want to thank my personal staff: my Personal Secretary, Coral Schembri; my Personal Assistant, Stephen Britto; and my Principal Secretary, Ernest Francis. They continue to support me in everything I do.

1210 I am very grateful also to the Clerk and the staff of the Parliament, and indeed to you, Mr Speaker. Thank you. (*Banging on desks*)

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, with grateful thanks to the Deputy Chief Minister for that intervention, can I propose that the House should now adjourn to tomorrow morning at 10.30?

1215 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Wednesday, 12th July at 10.30 a.m.

I now put the question, which is that this House do now adjourn to Wednesday, 12th July at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 12th July at 10.30 a.m.

The House adjourned at 5.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.33 a.m. – 1.12 p.m.

Gibraltar, Wednesday, 12th July 2023

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The Gibraltar Parliament

The Parliament met at 10.33 a.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Procedural – Removal of jackets

Clerk: Meeting of Parliament, Wednesday, 12th July 2023.

Mr Speaker.

5 **Mr Speaker:** During the time of the speakership of Speaker Alcantara, he made a ruling
regarding the removal of jackets during particularly hot days in the Chamber. Of course, we now
have air conditioning so it might not arise, but I would just like to quote and then offer that
opportunity, if anybody desires to remove their jacket. I do not really need to go into the Standing
Order – it is here, there is a ruling, and if everybody is content, we will take it as accepted. Thank
10 you.

Appropriation Bill 2023 – Second Reading – Debate continued

Clerk: We continue with the Second Reading of the Appropriation Bill 2023.

Mr Speaker: The Hon. Prof. John Cortes.

15 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Good morning, Mr Speaker. This will be a long speech given the tremendous work done
and planned. To do all this justice, but to spare the time of this House, the version of my speech
that will be circulated to the media and that I will publish in my social media will contain additional
information.

20 This is my 12th and possibly my last Budget. As the Chief Minister said in his thoroughly inspired
presentation yesterday, it is potentially the last speech here for all of us, something that, rightly
so, is in the hands of the people of our beloved Gibraltar, whom I have had the honour to serve in
this role for 12 years.

25 This job can be most unrewarding. Our adversarial system puts the party in government at a
disadvantage, as the system is such that the expectation is to undermine even the good in order
to try to usurp our position. The system has, of course, an inherent flaw, for it flies in the face of
what society strives to be – considerate, understanding, encouraging, tolerant and accepting –
and yet our system expects the very opposite. This, and the unforgiving social media that seem to
30 like to play the very same game, will concentrate on the negatives, the things not done, giving
very little credit to the positive. So here, today, I will concentrate on the positive.

Gibraltar has moved in huge strides from where we were when I started this journey nearly 12 years ago, including the last four years. But wait, has it really, effectively, been four? The human mind likes to play tricks on us, often in an autoprotective mode, and isn't it true that it tries to make us forget the two years plus of COVID, tries to package all that we went through in one little corner, rarely accessed, and pretend it never happened? But it did happen. We were confined, 35 unable to move freely, unable to work. Ministers and public servants had to freeze their usual activities, put aside their plans and projects, and concentrate on pulling our community through. It took up our time, our mental space, our money, drained us emotionally and socially and left some of us with long-lasting physical effects, and yet, incredibly, we sometimes forget it 40 happened. Oh, the tricks of the mind. We have to be so focused to not be fooled by them. But that is something that the Opposition has clearly not mastered, for they have been fooled and speak and act as if they had somehow been living elsewhere, like Peter Pan in some magical COVID-free Never-Never Land, while we were all here, day in and day out, dealing with the horrors of the pandemic ticking like the clock in the entrails of the crocodile.

45 With that I think important preamble, Mr Speaker, I launch into my introduction, which, as in the last few years, is a stark warning on the future of our world. Last week saw the three hottest days ever recorded on Earth. It is thought that it was the hottest week since records began. The effects of climate change continue to hit community after community, country after country. Parts of our planet are becoming uninhabitable. Drought, heat and hunger are forcing peoples to 50 migrate and wars to break out. Figures just released estimate that 62,000 people died in Europe from heat related causes in the summer of 2022. The future of our species is at risk, and yet we are seeing increasing support for extreme right-wing politicians – happily not in Gibraltar, but close – who are not just questioning this reality but actively working against the measures that we desperately need, against the progress that we have achieved. Even moderate governments are 55 failing to see that climate is the overriding priority that must govern policy, and are reversing decisions that future generations will not forget and will not forgive. Even in Gibraltar some sectors of our community are lagging behind. Happily, these are fewer and fewer, and I have seen tremendous progress, particularly in the private sector, some of which I will refer to later.

The Opposition however, do not seem to agree, as Mr Azopardi yesterday kept on saying he 60 wanted to clear the jungle, when the world desperately needs to keep its rainforests. I wish we did have a jungle here. The only jungle I know in Gibraltar is in the Northern Defences, and the Deputy Chief Minister is doing an excellent job in clearing that particular one up. (*Banging on desks*) I sincerely thank the Deputy Chief Minister, my friend the Hon. Dr Joseph Garcia, for his work in heritage-related projects and most especially in his leading from the front in promoting 65 the climate agenda, and not just as Chair of the Net Zero Delivery Body.

Mr Speaker, the Government will this month be publishing its 25-year plan for the environment. This high-level but critical document encompasses all areas of environmental responsibility and sets important standards as we embark on our goal of delivering a clean, green, 70 pleasant, safe and resilient Gibraltar. I trust that the Opposition will be able to embrace it and not criticise and undermine it, as they did with our Vision for Heritage, because these are visions for the whole of Gibraltar, and that includes them. Indeed, one of my greatest successes as Minister for the Environment has been to influence the policies of the GSD and turn them towards the environment. Of course, they do not do anywhere near as well as we do, but they no longer dare to publicly push for grimy, slimy diesel (**A Member:** Hear, hear.) or refuse to use the words 75 'sustainability' and 'energy efficiency' as they did just a dozen years ago. I am still waiting for them to thank me for having so significantly influenced their party's policies. (**A Member:** Hear, hear.) Indeed, because of the then policy of the GSD, terms like 'climate change', 'renewable energy' and 'energy efficiency' were non-existent within the public service, and the Department of the Environment would struggle to be taken seriously. Now, 12 years later, not only have we provided 80 an ambitious Climate Change Act and strategy, but I am happy to report on progress in gearing up to delivering net zero, and once again must point out the work and leadership of the DCM.

85 The 2020 Greenhouse Gas Inventory saw a significant drop in emissions in line with what would be required to meet our net zero targets. While we do expect to see a bounce-back in emissions following COVID, it appears that the trend continues and we will not be going back to pre-COVID levels.

90 The very successful Aspire conference on sustainability in the built environment served to drive home the message about the scale of the problem and the challenging steps we need to take. Both the Deputy Chief Minister in his opening address and environmental celebrity Tony Juniper of Friends of the Earth as keynote speaker spoke of the need for revolution in the way we think and the way we act. That the message resonated equally from Government and the private sector as well as from environmentalists was a sign that the revolution may have begun. We will now be working with the recently established Gibraltar Sustainable Buildings Group to expand on ideas and to develop the necessary policy and legislative frameworks needed to deliver these essential changes.

95 The Net Zero Delivery Body has met four times in the last year. Members are currently working on their sectoral plans across energy, transport, finance, education and more, and we look forward to sharing this information in due course.

100 Accountability is of the essence and this is also brought by the independent Climate Change Committee, which recently fulfilled one of its statutory obligations in reporting on the state of play. I welcome their assessment, which recognises the significant amount of work that went into the Climate Change Strategy and also commends the level of ambition set by the Government. It correctly highlights that much work remains to be done in setting out detailed sectoral pathways to net zero and understanding the likely economic impacts of climate change to Gibraltar's economy.

105 The private sector continues to work on the environment and climate change agenda. Of particular note are two bunkering firms. GibOil have been providing carbon credits to marine customers in Gibraltar to offset their carbon emissions. Peninsula Petroleum, too, is making great strides internationally in reducing its carbon footprint by moving to new fuels and investing in new technology. These initiatives are significant in their scale and reach and I commend all companies taking similar steps. We will continue to work on developing green finance initiatives.

110 Mr Speaker, at long last, this year the World Health Organization declared the global public health emergency from COVID to be over. Therefore, Public Health Gibraltar has been able to start a programme to address the wider determinants of health. How we live our lives will affect our health more in the medium to long term in terms of the risk factors for developing cancer, diabetes and heart disease. It can be done, as I think I have been able to show, when after a diabetes scare last autumn I have lost 18 kg in weight and returned my blood count to within the normal range. *(Banging on desks and interjection)* And for the benefit of the Leader of the Opposition, I am pleased to say that I am feeling better than ever and neither tired nor, much less, jaded. *(Interjection)* He said that yesterday. **(A Member: Ah, right.)**

120 Later this year we will be publishing the first part of our Joint Strategic Needs Assessment, which will help us understand what affects how healthy we are and how long we live. *(Interjection)* We have undertaken a large-scale vaping survey in schools, the results of which we published last week. The study has provided information that will allow us better to address ways of preventing young people taking up the habit. Discussions have now commenced on carrying out a similar study on the use of mobile devices by young people.

125 Gibraltar now has an established research resource in the University that is being used to inform evidence-based policy development and decision making, yet another step in the growth in sophistication of our community brought about at this Government's initiative.

130 The Department of Environment continues to expand its marine surveillance and monitoring capabilities. From monitoring key habitats to the presence of invasive species, sampling water quality and rescuing wildlife, this work forms the backbone of marine biodiversity policy development. Crucially, enforcement at sea is something in which we take great interest and in which, despite ill-informed criticism, there has been great improvement. Our presence at sea

135 matters. The new assets that are being provided to the Department's Environmental Protection
and Research Unit (EPRU) will ensure that our officers are suitably equipped to meet the
challenging conditions they face in protecting the marine environment. I would like to take this
opportunity to thank all the officers in EPRU and others in the Department of the Environment
who assisted the Port and other services in responding to the OS35 collision, and all the volunteers
who give up their time to protect our coastline.

140 Once again, the exceptional marine awareness and educational work of the Nautilus Project
has to be recognised, along with the yearly awareness and clean-up work co-ordinated by the
Environmental Safety Group and monitoring of seabird migration by GONHS. I thank the NGOs for
their tremendous collaborative contribution in this and all other aspects of our common work on
the Environment.

145 Mr Speaker, administrative delays continue to exist in relation to waste transfer licences post
Brexit. I am grateful for the effort and work of staff at Environment, Technical Services and the
Environmental Agency for always finding a workaround. To ensure greater efficiency and self-
sufficiency in our waste management, we have published a tender for a waste sorting plant at
Europa Advance Road. This will allow us to separate solid waste into recyclable streams and
150 reduce the portion which might need to go to landfill. It will also allow us to ship waste to other
European destinations if issues were to become overly complicated in future.

In relation to litter and cleanliness, we have recently increased litter fines to £250, and £1,000
for dangerous litter, and have introduced offences for placing normal litter in recycling bins and
littering from cars. Collection times have been modified with a new collection in the middle of the
155 day, and we have increased cleaning frequency and enforcement effort. Improvements are
already evident. We are increasing the capacity of bin stores, which are always a problem as no
one wants them to be located near them. We all know that we need to clean because others litter.
It is a matter of civic pride and changing habits. We can clean and clean, and fine and fine, but if
we do not work together as a community we will not succeed. It is a collective responsibility.

160 I can confirm that a new and much-awaited tender process for a sewage plant closed on
Monday. We expect a preferred bidder to be appointed before the end of summer and works to
commence on the ground shortly after. I am determined to make this happen despite the many
challenges that have had to be surmounted thus far. This project is one of the most critical in our
environmental agenda and we will continue to ensure that it receives the priority and urgency
165 that it deserves.

The Gibraltar air quality website was updated and modernised and continues to provide up-
to-date measurements of pollutants. The new website now also provides climate change data to
support the work of the Net Zero Delivery Body. The most recent fully ratified data, in 2021, from
170 the air quality network shows stable levels or continued decline in key pollutants. All were below
the limit values, something that was simply unachievable before 2012. We will now continue to
focus on emissions from traffic and shipping. At this juncture I want to make special reference to
the work of my hon. colleague and friend Paul Balban and his relentless energy and commitment
to cleaning up the transport sector by promoting alternative forms of transport.

175 The new air quality instruments were installed last year to replace the existing. With these
improvements Gibraltar now reports reference standard automatic measurements for PM10 and
2.5 at both Rosia Road and Bleak House. Gibraltar now has five AQ mesh pods, with two new pods
installed last year. The pods' mobility allows for them to be moved to locations near identified
sources. One pod was installed on North Mole Road to try to better understand the impact of
180 maritime activity and the second was installed at Governor's Lane to continue monitoring known
major traffic routes. The website hosts up-to-date hourly measurements of pollutants from the
five AQ mesh pods.

We will also be seeing more progress on solar power as both private initiatives and government
projects progress. To date, Solar PVs have exported around seven million kilowatts to the grid.
This has resulted in government subsidy savings of about £400,000. We currently have an installed
185 capacity of nearly 4,000 kW over 14 sites, with the cruise liner terminal, St Joseph's School and

St Mary's School coming up soon. This constitutes just over 10% of Gibraltar's daily average peak power demand. Further projects will also be announced soon, so getting ever closer to our target, which suffered a setback during the years of industry inactivity due to COVID.

190 The electrification of the vehicle fleet is part of the move to better air quality. We are already seeing an increase in the number of EVs and hybrids being 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.

Mr Speaker, the Environmental Agency continues to advise and enforce in many areas. It has participated in the review of legislation in areas of public health, littering, waste and food hygiene, and is working to introduce important allergen legislation.

195 The Agency received 1,853 complaints from the public in 2022, and 787, so far, in 2023, and continues to operate a 24-hour on-call service, which has seen environmental health officers and the pest control team engaged in 320 call-outs in 2022 and 86, so far, this year. Eighty four abatement notices have been served in 2022, with 20, so far, in 2023. Action resulted in fines issued to a total of £17,050 in 2022 and £10,060, so far, in 2023.

200 The Agency also continues to make a significant contribution to the Government's anti-dog-fouling campaign. In 2022 the Agency collected 173 DNA samples with 16 fixed penalty notices issued, and so far in 2023, 98 samples have been collected with nine notices issued to offenders. Officers also carry out patrols during which they check that dogs being walked on the public highway are licensed and registered. Last year, 55 patrols were carried out, with 150 dogs checked, which resulted in 15 notices being issued for no registration or licence. Thus far this year, there have been 61 patrols with 85 dogs checked and five notices being issued. Most dog owners are totally responsible and resent those who are not, who unfairly give them and dogs a bad name. They will be pleased to know that we are now working on detailed plans for setting up a dedicated dog park.

210 The Agency recently hosted HSE inspectors, who carried out a successful emergency planning and climate adaptability inspection as part of the bi-annual inspection regime of the LNG plant. This is the plant that the GSD said would blow up half of Gibraltar.

Like air quality, bathing water quality has been improving steadily over the past 12 years. (Interjection) Yes, indeed. That brings back memories, Mr Speaker. Five of our bathing waters continue to be classified as excellent, with Western Beach improving and now being classified as good.

Ongoing construction projects at Eastern Beach delayed preparation works leading up to the official bathing season. Our beaches were, however, with some work left to do at Eastern, well ready for the summer, thanks to the great efforts of sections of Environment, Technical Services and contractors. There were a number of key improvements at Camp Bay, for example, following representations from my friend and regular Camp Bay user, Adolfo Mor. This year we have carried out a far more extensive rock clearing and sand sifting operation than usual at both Eastern and Catalan Bay, including mechanical removal of rocks and debris beneath the water, from up to five metres in from the shore. At Little Bay, a new and improved access to the shore has been constructed which will facilitate access for beach users, especially the elderly and those with mobility restrictions. Little Bay has also seen an improvement to the internal shower facilities. At Camp Bay, the old wooden beach umbrella store and beach accessibility equipment store have been replaced. The problem of ponding, which used to occur in areas of flooring around the large pool at Camp Bay, potentially becoming a bacterial focal point, has been resolved. General yearly preparatory works at our beaches have also included much other work and are listed in the published version of the speech – just as well, as there are many pages there.

235 There have been improvements in the lifeguard service, thanks to enhanced training. We also now have round-the-clock supervision of the beach service to ensure that it is running up to expected standards for the safety of all beach users.

Major changes have been taking place in the cemetery in terms of administrative procedures, including recording and plotting of graves, staffing and the management of graves and vaults.

Works are ongoing to repair the niches, entrances, public toilets and staff offices. This will be followed by construction of a dedicated columbarium for the internment of ashes.

240 Nature-based approaches to tackling climate change are now recognised as essential. Indeed, it is also established that green areas in cities improve both physical and mental health. Relevant to this, I can report that there have been 240 trees planted since autumn 2022. Any trees removed in any project need to be either transplanted or replaced, and legal action will be taken against transgressors. New green areas have been created, such as the new roundabouts at both access
245 points to Kingsway. There has also been additional removal of non-native invasive species, and habitat for native plants has increased. We will continue to provide better green spaces that improve our urban environment and increase the quality of life of our residents, also diversifying the wildlife in these spaces.

The Gibraltar Botanic Gardens continue with their core objectives of maintaining and
250 beautifying the grounds, educating the public and researching the ecology, and conservation of plants and animals. Improvements to the Gardens' aesthetics continue and the very hard and enthusiastic work of the grounds staff is clear to see. The popular children's education programme continues to go from strength to strength, performing excellent outreach work as well. The new, bespoke education area is now ready and will be inaugurated this autumn, thanks entirely to the
255 contributions of a number of very generous private donors. In the meantime, we continue to plant the very rare Gibraltar endemic, the Gibraltar Campion, back into the Gibraltar Nature Reserve. This relies on seed from the Gibraltar Botanic Gardens, raised by the Gardens, where the species has been propagated successfully every year after it was rediscovered and rescued from certain extinction, and work also done by Greenarc.

260 We have recently seen the establishment of the Gibraltar National Park by Act of Parliament, sadly not supported by the Opposition. The first meetings of the newly established Park Co-ordinating Board have been held and plans are moving ahead to use this new entity to better co-ordinate the work of the constituent parts and to better promote Gibraltar abroad.

265 Visitor numbers to the Upper Rock have continued to increase. A recent small increase in the entrance fee for non-residents, which is still well below what you can expect to pay for similar experiences in many tourist destinations, has increased revenue. This has been helped by the new Nature Reserve website, which now allows visitors to buy tickets online and customise their visitor experience. Improvements continue. Sites are now controlled via speed gates, making it possible to have complete visibility of every ticket sold and to track individuals and groups throughout the
270 Nature Reserve – important in case of an emergency. We have already been able to increase revenue by about £2 million per annum and we forecast that we will be able to increase this by a further £1 million in this financial year.

275 New, improved signage is being rolled out along with interpretation panels. This is being extended to areas of ecological and heritage interest throughout Gibraltar. We are investing in the improvement of our main attractions such as the World War II tunnels, soon to reopen after refurbishment; St Michael's Cave; Mediterranean Steps; and O'Hara's Battery, recently reopened. New picnic sites have being created and more are planned. This year has also seen a drastic improvement to the parking facilities available to visitors, who can now make use of Lathbury car park.

280 Building on the successful rewilding programme, which started with the reintroduction of Barbary partridges and wild rabbits, new species that once inhabited the Reserve are being brought back. I highlight the majestic Bonelli's eagle, which once nested in the Rock and which, I can reveal today, has nested here this year in captivity, raising two young, which are in the process of being released from a secret location. This is thanks to the undoubted world-class expertise of
285 the team at GONHS, as well as the Upper Rock management team. The recently created Tovey Cottage interpretation centre is helping to raise awareness on this and all the habitat management and conservation work being carried out in the Reserve, and I take the opportunity to thank all those involved, many of them volunteers, in making this happen.

290 I highlighted last year that the long-term trend of yellow-legged gulls in Gibraltar is one of decline. The results of this year's breeding gull survey confirm this trend of continued decline. This is testament to the excellent work done by the Avian Control Unit, which ensures that the gulls will never again be as abundant as they were during the 1990s and early 2000s. The Avian Control Unit provides an excellent service which I believe is unique in the world.

295 The GONHS Bird of Prey Unit, already referred to, 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 of prey and their preservation.

300 The Nature Reserve is this year again receiving large numbers of tourists, which, as always, puts pressure on the macaques and their natural behaviour. There is now a full-time wildlife warden to help educate the public and reduce interactions between macaques and people. Macaque numbers have remained stable now for several years after a concerted effort to sterilise females through laparoscopy, so that numbers of births annually have fallen to a level that will sustain a stable population. This, and rapid deployment of staff when needed, has meant that incursions into urbanised areas are now the exception and not the rule, as they once were. 305 Macaque blood samples were tested last year for diseases and were found not to carry diseases that can be transmitted to humans. However, monkeys are always vulnerable to catching illnesses from humans and then spreading them back, so this further cements the point that contact between the macaques and people should be prevented.

310 Our work on the Environment is recognised beyond our shores, as I know from my work as Chair of the Environment Ministers' Council of the Overseas Territories and Crown Dependencies. We are seen by many as a model in ambition, commitment and achievement. Indeed, I know from my meetings with ministers from the Territories and with UK government ministers and senior officials, some of whom have visited Gibraltar recently, that there is tremendous respect for our environmental stewardship.

315 I now turn to heritage. The Ministry for Heritage, together with other heritage stakeholders such as the National Museum, the Garrison Library and the Heritage Trust, have continued to work together in seamless collaboration, as never before. The Heritage and Antiquities Advisory Council continues to advise me on all matters relating to our heritage and is proving an invaluable asset. A sub-committee of the Council produced a heritage vision for Gibraltar. Feedback from the 320 consultation draft has been analysed and required no significant changes, and so the vision is now formally adopted. This will guide us in developing and implementing management plans in order to protect not only our tangible heritage but also less tangible aspects of our cultural heritage, such as our languages.

325 A Bill before this House will amend the Heritage and Antiquities Act to incorporate greater protections and supervision in the importation and exportation of antiquities and on the use of metal detectors.

330 We have also declared our first ever scheduled archaeological area east of Arengo's Palace. We pursue the scheduling of other heritage-sensitive properties with all relevant parties and are working on a register of properties of historical value. The importance of scheduling buildings of historical importance has been well demonstrated given the recent sale of St Andrew's Church, as it will clearly ensure that its heritage value is conserved in whatever use it is put to.

335 As I highlighted last year, after 50 years of neglect, the 9.2-inch gun that was once at Levant Battery was removed from the Eco Park in Flint Road and transported to a holding and restoration area at Brewery Crusher. The plan is to return it to its original home at Levant Battery.

340 Restoration works continue on major sites such as the Convent Façade and the new St Mary's Lower Primary School. The restoration of Southport Gates will also be finalised by the end of the summer and we will finally have our medieval shields that have stood there for nearly 500 years brought back to life. We have undertaken heritage works through the removal of vegetation on the facade of the Tower of Homage and we restored the last whipping post, located outside the Shrine of our Lady of Europe. We are also well underway in the protection of graves of historical

interest, having listed a number of these in the schedule to the Act. These are all examples of the Government's unwavering support for heritage.

Another unseen but fundamental part of the work is archaeological supervision through watching briefs. All developments are regularly supervised by the Government Archaeologist. The close working relationship the Ministry for Heritage has with other heritage stakeholders as well as with other departments such Town Planning, and Technical Services, ensures that heritage-sensitive work is undertaken to the highest standards.

The close relationship with the Heritage Trust continues to go from strength to strength. The Trust's Heritage Awards continue to show that there is a desire and pride in the community for heritage. Indeed, one government-supported project, the restoration of Central Hall by GCS, proudly received a heritage award last year. Work at Witham's Cemetery by Trust volunteers continues and is now focused on the cottage and garage areas, which have been given over to the Trust following their request.

A lot has been said recently from one particular Opposition bench about the budget of the Gibraltar National Museum. A lot has also been said from the same bench about Government underspending on our heritage. Typical Opposition inconsistency, Mr Speaker – you cannot argue both ways.

The fee the Museum receives for its inspiring work in Gibraltar and beyond is just one way that the Government invests in heritage, including our World Heritage Site. There, the excavations at the Gorham's complex continue with students from Liverpool John Moores and Leiden Universities, together with local volunteers. As in previous years, the students are accommodated in the Museum's field centre in Parson's Lodge. The excavations follow a research and conservation strategy for the site which was approved by the International Research and Conservation Committee in March of this year. In addition to providing accommodation for students, Parson's Lodge also houses the sieving laboratory. The continuing use of this field laboratory, which has for some years now housed the popular summer programme of activities for children, allows access to a public that may not be able to go to the caves themselves. I am pleased to report that a wonderful stone monument, in the shape of the Rock with Gorham's Cave within, will soon be inaugurated at Europa Advance Road as part of a plan to attract visitors to the World Heritage Site viewing platform. We plan to develop a cliff-top path between the viewing platform and the monument, allowing for safe pedestrian access.

The World Heritage Site has just completed its first participation in the process of periodic reporting to UNESCO. The team at the World Heritage Office has worked closely with the Department for Digital, Culture, Media and Sport in the United Kingdom, who represent the state party at UNESCO. The new management plan for the site, covering the period 2023-28, is now complete and will shortly be published online together with the research and conservation strategy and the risk preparedness plan. Worldwide media interest in the complex continues. During this field season alone, three major international crews have covered work at Gorham's Cave. There is interest from at least two other teams and a major production, filmed last year, is expected to be out by the end of the summer.

The development of the extension of the National Museum as a natural history museum in Parson's Lodge is a major step forward for our museum services. The transformation of the Museum into an international centre of excellence has been truly impressive and I am hugely excited about this next stage.

Conservation and restoration of the Moorish Castle is progressing inside the castle walls. This has included test archaeological soundings and studies of the fabric. The result of this work is in the process of being put together into a monograph on the Moorish Castle, which will be part of a series covering our important monuments, based on original research.

Events organised by the Gibraltar National Museum continue. This year's Calpe Conference will commemorate three anniversaries: the end of the Great Siege 240 years ago, the discovery of the Gibraltar 1 skull 175 years ago, and the start of the construction of the Gibraltar Dockyard 130 years ago.

395 One wonderful event was the recent lecture by Mensun Bound on the discovery of Ernest Shackleton's *HMS Endurance* under the Antarctic ice in 2022. Those of us who attended the lecture – and I did notice that some of our new-born heritage gurus were missing – will know why he came. He described his past work with the Gibraltar Museum team as among the best of his entire career, and his friendship and association meant that when the call came there was only ever going to be one answer. This is a little cameo of what years and years of professional endeavour achieve in the promotion of Gibraltar and its unique heritage.

400 This is a greatly significant year for the Gibraltar Garrison Library, too, as it approaches its 230th anniversary, on 27th August. There is much to celebrate here as we have now come to believe that it was the first of the garrison libraries to have been established, with those that followed adopting the Gibraltar model. Also significant is that this year brings a real game changer, with the Library entering the digital age through the establishment of a digitisation lab, the first output of
405 which will be the digitisation of the Gibraltar newsprint archive collection. These data will be fully searchable and available online, offering global access to Gibraltar's history. Digital access will offer greater protection to hard copies, which will be physically handled less often. This is being achieved with a generous donation from the Kusuma Trust. Over the last few years the Garrison Library has increased its projection on social media, with an Instagram page now also forming a
410 part of its outreach, their first Instagram post, in March, being viewed over 5,000 times. My purpose continues to be to open the Garrison Library, with all its history and heritage, to the whole of the community and beyond.

Mr Speaker, the structural and systemic improvements introduced by the Government have allowed heritage to become central to government policy. We are the only ones with a vision, the
415 only ones who have and are capable of protecting all aspects of our heritage, both tangible and intangible, allowing Gibraltar to develop into the future with the evidence of its past fully protected and enhanced. In the last 12 months my teams have worked on around 30 pieces of legislation, ranging from the creation of a National Park to environmental governance, a review of education, management of contaminated land and the regulation of fireworks. Later this week
420 I will be publishing a Bill for an Act for the protection and enhancement of Gibraltar's culture.

Now to education. The education of our children and young people is one of the most important aspects of good government. This Government has done more for education than any other in our history to build on the critical changes in the scholarship system introduced by Sir Joe Bossano's GSLP Government. This is not just by providing new school buildings and facilities. The
425 realignment of key stages has proved most successful, co-education now is firmly established and seen, even by those who had doubts, to have been the right step to take. We have revised the remuneration of the much-valued and hardworking teaching profession and increased the numbers of both teachers and special needs learning support assistants to reflect growing needs and diversification of the educational offer, now greater than ever, project based and,
430 importantly, with equal opportunities in education for all. This was never the case before.

And still the Government continues to invest in making meaningful, real changes to the educational estate which will improve the quality of the learning environment for generations of children. The educational estate legacy of the already lived-in seven new school buildings – and I will list them: St Bernard's Lower and Upper Primary, Notre Dame, St Anne's, Bayside, Westside
435 and St Martin's – together with the significantly upgraded St Paul's will be extended with the upcoming opening of three further magnificent schools, St Mary's, Governor's Meadow and Bishop Fitzgerald. These new buildings will provide bespoke high-quality learning environments for children, as well as transforming the working environment for staff. They include better and more extensive physical resources which will be enjoyed by pupils as from September, and we
440 cannot wait to open these doors to the public so that all can see what amazing spaces we have created for the pupils.

This private-public partnership has worked extremely well. I want to thank everyone involved in the projects – the contractors and project managers, ITLD and especially the Department of Education team and the heads and deputy heads of all three schools for their hard, nay, exhausting

445 work in bringing these to completion. They have gone well beyond the call of duty, as have all the staff, especially in getting the schools ready for the new academic year just a couple of months away.

We have also commenced the upgrading of the two St Joseph's school buildings to a similar standard to our new schools. We are also well advanced in our plans to build a new Gibraltar College, which will ensure we create a bespoke series of learning spaces that both nurture the current subject offerings in specially designed areas and enable us to extend the subject offering with the provision of additional learning spaces. Plans for the construction of a new Hebrew Primary School at the old St Mary's School site are also progressing.

The number of children with special educational needs and disabilities – or SEND, as I will be referring to them in this speech – continues to increase year on year. I have commissioned a study into possible causes of this, being co-ordinated jointly by the Department of Education and Public Health Gibraltar, and calling in UK experts in the field. In order to cater for their needs, we have increased our learning support facility (LSF) provision across both lower primary settings – St Paul's, St Mary's and St Joseph's – and in the secondary sector in the Gibraltar College. For the first time ever, LSF provision was extended to the nursery year group, with such provision being offered in Notre Dame and Governor's Meadow. This provision is extended to five lower primary schools as from this coming September.

We are continuing to adapt our existing educational facilities to cater for the growing needs of children with additional needs and early intervention opportunities. For example, the new St Martin's school building has a number of resources to which children previously did not have access. This enables children to benefit from accessing therapeutic interventions within their school day, which will very much support their holistic development. Work continues in looking at options to increase the footprint of St Martin's to cater for the extending pupil cohort. The creation of the new Wessex campus with St Martin's, Governor's Meadow and Bishop Fitzgerald being interconnected, increases the flexibility and adaptability of provision, as it was meant to do. For example, this year the Early Birds Nursery provision will be housed in the Governor's Meadow footprint. It would be remiss of me not to mention the excellent work being done in relation to SEND by NGOs and I want particularly to congratulate PossAbilities for their new premises and forward-looking programmes.

Work is progressing on establishing full pre-emptive maintenance arrangements for all schools. In addition to the new schools, a great deal of improvement work has been carried out over the past year in existing schools. Some examples are re-roofing of the clock tower at St Joseph's, installation of air conditioning at St Bernard's and the completion of the woodland area at St Paul's, where a concreted patio is now an educational natural space and refuge for wildlife in the heart of an urban zone. Works planned for the coming months include our inhabited schools' refurbishment programme at St Joseph's and St Paul's, which will include air conditioning and a phased toilet refurbishment, and the provision of shading to the roof terraces at Notre Dame, St Anne's and St Martin's to increase use of these areas in the hotter months.

After a long period of research, discussion, consideration and drafting, necessary revisions to the Education Act before this House have been made, ensuring that the education section of the outdated legislation is brought up to date to reflect current practice. Some key changes have been made in regard to SEND. We have ensured the revised draft includes more appropriate language and terminology and a clearer outline regarding SEND processes, including the appeals process. I thank Opposition spokesman for education Edwin Reyes for his positive engagement and useful suggestions, many of which, as he knows, have been incorporated in the Bill.

We are working with Human Resources in reviewing selection procedures for Education staff and we have supported our staff who have had issues relating to their well-being, working very closely with the well-being team to offer a higher level of professional support whenever the need has arisen. I recognise that as rewarding as working with children and young people can be, it can also be tremendously challenging and draining. The Department of Education has worked very closely with school leadership teams to adopt a proactive approach to well-being. We are looking

at a revised structure within St Martin's School, given the much larger pupil and staff numbers, and we are also working on addressing structural inconsistencies in responsibility posts and reviewing the TLRs that have been held in an acting capacity pending the outcome of the paused TLR review.

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In other initiatives, we are continuing focus on training staff to develop skills in supporting children with social, emotional and mental health needs and reviewing our service-wide provision for vulnerable children. Given our concerns with attendance, and in the knowledge of the very much evidenced negative impact that poor attendance has on educational outcomes and positive life prospects, we are keen to give this an even more concerted effort next year. However, we also recognise the already high workloads of senior teams and pastoral leads, so are keen to develop an additional structure of support through pastoral support teams within the schools.

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We have invested in more CPD opportunities for teachers than ever before and have co-ordinated whole-service and whole-school training. We have introduced a formalised induction for new SNLSAs, who make a hugely important contribution to educating our children, which includes a core programme of essential training to better prepare them for their role in the classroom. I am well aware of the importance of the work done by all non-classroom-based staff, too, including technicians, industrial staff, caretakers and attendants, as well as the school secretaries, who so often work in the background, and we are looking at ways in which to improve their situation.

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There are many other developments in our provision for learners with special educational needs and disabilities, such as introducing the pupil profile for teachers to start using next academic year, to have a common framework to track pupil progress through the Early Years Curriculum; continued close liaison with the GHA to support pupils in the services that they provide; we have started our annual dyslexia screening for all year 4 pupils and have delivered dyslexia training in schools; ongoing educational psychology parent drop-in sessions so parents can reach out to discuss any concerns they have; continued support for pupils with SEND at key times of transition between sectors; enhancing, importantly, our offer of post-16 provision for young people with SEND and inclusion of some of the St Bernadette's users identified as individuals who will benefit from attending courses at the Gibraltar College. There continues to be close collaboration between Education staff and our colleagues in the GHA and the Care Agency to facilitate access and support to the children and young people with additional needs. This multi-agency work ensures that the children and young people's needs are clearly outlined, planned for and reviewed, in order to support their holistic development. The pandemic halted much of our projected work, as we had to focus on providing education for our children in a different way. Happily, we are now able to re-embark on our plans and I can confirm that we will be keeping our manifesto commitment of employing more school counsellors and educational psychologists and to review the allowances of both EPs and SENCOs, whose increasing workload deserves recognition.

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Contrary to repeated allegations from the Opposition, we are most definitely keeping to our commitment to provide wider vocational opportunities. For example, the Gibraltar College has worked closely with senior leaders in the Care Agency to develop a Social Services, Health and Social Care course for individuals employed by the Care Agency who wish to develop themselves professionally and acquire a qualification. The College is also exploring the possibility of offering the Cambridge National Certificate in Sports Studies. Other new vocational courses that will be starting this September in Bayside and Westside are a Level 2 Certificate in Design and Craft and Level 3 Food Science and Nutrition, and in the College a Level 2 E-Sports and a Level 3 Drama and Performing Arts BTEC in association with GAMPAs, adding to the existing subjects, which include Music Performance BTEC also with GAMPAs, and the hairdressing BTEC with Mayfair on Main. Never before have our young people had so many vocational courses available.

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There are also a number of workstreams that the Department of Education have been part of which develop the important ongoing work of the ClimACT working party and the Core Committee with the Net Zero Delivery Body work. A Learner Ambassador forum has been created in order to

550 seek the direct input of young people into this critical work. Our review of the Education Act has ensured that along with the other key changes mentioned earlier, it features a commitment to making learning about the climate emergency and climate justice a fundamental principle of education policy.

555 And so, Mr Speaker, to the University of Gibraltar, now so firmly established despite its young age. The University enrolled almost 560 students during the academic year ending 31st July 2023. Its portfolio of academic programmes continues to grow. Last year saw the University offering undergraduate degrees in computing and entrepreneurship, nursing, business and maritime science complemented by a range of access courses and postgraduate degrees in research, education, business and marine science. Students enrolled on these core academic programmes continue to increase, with 30 in the academic year 2018-19, 134 in 2020-21, 188 in 2022-22 and 560 203 as at the end of June 2023. The latter are of 41 different nationalities. Graduates of the University are also increasing, with 21 graduating in December 2020, 38 in 2021, 79 in 2022 and an anticipated 98, including three local PhDs, graduating this coming December.

565 Following extensive consultation with industry and successful completion of a rigorous UK validation process during this year, the University will offer a further three new degrees from September 2023: an MSc in Environmental Science and Climate Change, an MSc in Contemporary Healthcare and an MBA in Gaming. This year, the University will be working with industry to launch an MSc in Advanced Health Practice and a BSc Adult Nursing International Top-up and, in line with many UK universities, a range of micro-credentials to support lifelong learning will be launched in January. Also planned is the development of an MSc in Psychology (Addiction) and an MSc in 570 Sustainable Maritime Operations.

The University Centre of Excellence in Responsible Gaming has continued to grow its reputation both locally and globally. The University was recently awarded funding by the UK Darwin Plus scheme to undertake a biodiversity and conservation project in Gibraltar.

575 In addition to its academic programmes, the University has provided a range of professional, continuing education and short courses, all aimed at addressing local needs, in addition to acting as an exam centre for professional awards and providing a diverse range of English and Spanish courses to local and regional individuals and businesses via its Language Centre. During this academic year, the Professional Development department also completed its inaugural Professional Diploma of Competence in Financial Services. This very relevant qualification has 580 been endorsed by the Gibraltar Financial Services Commission and it saw 14 local students from six licensed industry sectors graduating this year. The course will be offered again this September.

585 The year also saw the official launch, in November last, of the University Maritime Academy. Building on its maritime shipping for local industry courses, and working with its collaborative partner Viking Maritime Group, this year has seen the Academy develop and launch a beyond compliance fire-fighting course targeting local and international shipping. The success of this course has drawn repeat business from operators that include Windstar and Virgin Cruises. Just recently, a significant agreement was signed with FRS for provision of ratings training for seafarers, Maritime English for a thousand crew, provision of cadet sea-time placements, sponsorships and graduate jobs. The Academy is also in talks for provision of customised maritime training for a 590 number of other large local and international operators such as Carnival, including P&O and Cunard. The Academy's strong ties with local bunkering companies has also ensured that despite a continued global shortage of sea placements, all the University's growing number of maritime cadets have been placed on board quality vessels.

595 In spite of extremely challenging targets, an increasingly competitive international market and the constraints posed by processing delays with visas for international students, recruitment of students continues to be successful with tuition fee income increasing from around £1.3 million in the university year ended July 2021 to £1.7 million in the year ended July 2022. Moreover, tuition income is estimated to reach £2.1 million by the end of this July. As a result, the University continues to work towards a much greater degree of self-financing with the proportion of income, 600 excluding donations, provided by the Government subvention steadily decreasing from 86% in the

year ending July 2017 to a forecast 30% in the year ending July this year. Drawing upon research by the London Economics Report on Costs and Benefits of International Higher Education Students to the UK Economy, it was estimated that international students studying at the University for the academic year 2022-23 will contribute approximately £5.7 million net to the Gibraltar economy. This figure will increase to £7.6 million net if international student targets are met for the upcoming academic year.

Finally in relation to the University, I can report that it was recently awarded membership of the prestigious and influential Universities UK.

Mr Speaker, moving on now to my responsibilities for culture, following from my 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 daily cultural activities and the increased services that are provided by my team at the Ministry and our executive arm, Gibraltar Cultural Services. Our cultural service is thriving and moving from strength to strength in events, development, cultural facilities and premises, cultural education, promoting our art galleries, our public library and more, together with all the stakeholders. Art exhibitions, book launches, music, dance and drama productions are all prolific, and long may that be so. Gibraltar is seeing a veritable cultural renaissance in every genre. The policy of concentrating on promoting our culture and exporting it is reaping benefits. People are sitting up and taking notice of our uniqueness. The importance of our culture cannot be overstated. It is the essence of our identity and is increasingly recognised as being unique and inimitable. The way we express ourselves through the arts, our established and growing Gibraltarian literature, our unique language, is what will see our identify through any challenges that may come our way. It is our culture that makes Gibraltar Gibraltar and Gibraltarians Gibraltarian. That reality will frustrate those who wish us to cease being who we are, and will defeat them every single time.

It is therefore imperative that we continue to produce these programmes, as we need to make sure we invest in the cultural leaders of the future, in those who will promote Gibraltar outside our shores. We must develop and promote our own. Events with international artists are very welcome, but it is more significant and much less expensive to promote the development of the arts within our community. To this end, there has this past year been a myriad of events organised, including, as part of the Platinum Jubilee celebrations, the Jubilata gastronomic extravaganza. Last year saw the return of the Gibraltar Fair, the Cavalcade, the Christmas Festival of Lights and the Christmas attractions.

A cultural day was held in London in September, which saw a cultural soirée featuring Gibraltarian creatives performing and a networking breakfast, where ideas were exchanged and new working relationships forged, also paying tribute to the many Gibraltarians working in the arts and the cultural scene in the UK. We also held an art exhibition at the heart of the capital, at the Bermondsey Project Space. As examples of how we are taking our culture beyond our shores, the space of a month will have seen four plays written or performed by Gibraltarians being presented in the UK, including one in London's Soho and three in drama festivals, one of which, by Westside and Bayside, swept the major awards just a few days ago, and another by GAMPAs which will be staged in a fortnight, and I will not be surprised if they, too, succeed given their high standards.

The National Gallery celebrated the 150th anniversary of the birth of Gustavo Bacarissas. An extension was launched with new exhibition rooms created and the exhibition of new works curated to provide a more organic experience at the Gallery. A set of stamps was launched in collaboration with the Gibraltar Philatelic Bureau to commemorate the birth of Gustavo Bacarissas. The fourth Cultural Awards aired on GBCTV and cultural social media platforms. Gibraltar Literature Week was held at the John Mackintosh Hall, providing a platform and giving exposure to local authors.

The return leg of the cultural exchange with Morocco took place in Tangier in February. Events have included an art exhibition featuring nine Gibraltar artists and performances by the Gibraltar Sea Scouts Band; a visit to Donabo Botanic Gardens hosted by Lala Malika of the Moroccan Royal

655 Family and the donation of a sculpture to the Gardens by artist Mark Montovio as a symbol of the cultural links between both communities; and a presentation of books, creating a Gibraltar library at the Gibraltar Morocco Business Exchange offices, which I opened earlier in the year.

Once again in the spring we held the Gibraltar International Dance Festival, the Festival for Young Musicians, the Young Art Competitive Exhibition, the International Drama Festival and the ever popular World Book Day celebrations.

660 In May, with the University of Gibraltar we hosted a bilingual language study research project with the University of Vigo and the University of the Balearic Islands.

The GEMA Gallery continues to be a successful cultural heritage space, with several exhibitions and other events taking place 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 and opportunities.

665 We have supported a retreat organised by Accord Literary and the Rock Retreat in Accra, Ghana. Two local artists, Gabriella Chipol and Beatrice Garcia, were selected to take part.

670 On to literature: there has been an increased interest in and awareness of Gibraltarian literature and our languages over the last year, with significant international recognition. In my last Budget speech I promised new ways of encouraging and consolidating recognition of our languages. This is being delivered in style. Very significantly, the Gibraltar National Book Council (GNBC) has been established to encourage writing and reading aimed at supporting writers, illustrators and publishers, and working to promote Gibraltarian literature internationally, be it in English, Spanish or Llanito. GNBC is already becoming a focal point in Gibraltar for all book and literature related activity. I want to thank Mark Sanchez, a heavyweight of Gibraltarian literature, for engendering the idea and agreeing, with other outstanding writers, to become part of the Council. The Bill that I will be publishing later this week will consolidate the GNBC within our statutes. Members of GNBC recently visited the London Book Fair to explore opportunities for Gibraltar and its authors, already making valuable contacts and establishing possible opportunities to promote the Rock and its literary culture. GNBC is currently working on a website, where it will have links and information for authors and illustrators, an author directory and present related events and opportunities.

680 A bookshop has been opened at the Ince's Hall, which will pay for itself, with all profits invested directly back into cultural development.

685 I want to emphasise the work that is being done in studying, promoting and protecting Gibraltarian language. We have for several years now been supporting research by the Universities of Vigo and the Balearic Islands. Now the University of Cambridge, led by Professor of English Laura Wright, is planning a full-scale research project into our language, which will include a symposium at Cambridge in September followed by several years of research, which could lead to Llanito becoming recognised as a language in itself. This makes its protection and use all the more important, and my teams at both Culture and Education, as well as Heritage, are working hard to ensure that this is so. To this end, I am pleased also to be working closely with a new NGO, Gibraltarians for a Multilingual Society. The use of Llanito, including Spanish Llanito, is not something that we should shy away from. *Todo lo contrario, es parte de nuestro heritage, de quienes somos, algo que nos distingue* from all other communities, not just in our way of combining English, Spanish and Genoese words, *pero también en el deje de nuestra pronunciación*, which is raising a great deal of academic interest as to its origins. *Lo dejo ahí por ahora*.

695 We have been working with stakeholders on a new Entertainments Act. Work on this continues as we work together towards encouraging musicians and businesses to entertain while at the same time showing consideration for those nearby.

700 During the course of the year, 49 new artworks have been acquired for the Government's art collection.

The John Mackintosh Hall Library social media platform continues to generate and oversee content promoting related initiatives, storytelling, school visits and literature. Further investments have been made in the purchase of new books and on Borrowbox, a popular platform for the

705 loaning of e-books and audiobooks. The online service this year has added e-magazines to its provision and has already attracted over 150 new members. The library prides itself on having an extensive collection of books written by Gibraltarian authors and books written on themes and subjects related to Gibraltar. This complete collection has been reviewed and catalogued to allow for ease of use.

710 We recognise the vital role that refurbishing and maintaining our existing cultural facilities plays in supporting a wide range of cultural entities, groups and individuals. By enhancing these spaces, we are better equipped to elevate the standard of artistic practice and foster the potential of all those involved in the arts. We have a challenge in such an active community to find suitable premises for all, and I apologise to those groups and associations still waiting patiently. We are,
715 however, making full community use of our many top-class sports and education facilities and encouraging all developers to include cultural spaces in their projects. We are also developing our own plans to make new space available to organisations. We continue with the refurbishment and maintenance programme for all our facilities to ensure we extend public participation in the arts. Works over the past year have included significant improvements to the Central Hall, Ince's Hall
720 and the art galleries.

The GCS Premises department continues to make significant progress in managing other premises, having undertaken various works in several locations such as Retrenchment Block, Recreational Rooms, Jumpers Bastion, Wellington Front, Prince Edwards Road and Town Range. An extended list of works will be included in the published version of my speech, and just as well
725 because it goes to several pages. 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 more articles or stories in the media related to the vast amount of work, and much more goes unreported. Activities already planned for this coming year, in addition to annual calendar of events include a street mural in Landport commemorating the 25th anniversary of the first album
730 by Melon Diesel, an art residency in Tangier with artists from both cities taking part, and the creation of artists' studios at the Moorish Castle.

The New National Theatre and Cultural Hub at the John Mackintosh Hall remains a priority. The Ministry, GCS and the Gibraltar National Theatre Foundation, whose patron is His Excellency the Governor, remain committed to this, and the Foundation is working tirelessly to raise the
735 necessary funds to complete this community project. The Foundation received donations from the Parasol Foundation, the Kishin Alwani Foundation, a significant donor who at this moment wishes to remain anonymous, and other smaller contributions from the Musicians Association of Gibraltar and private donors. It also launched the Buy a Seat scheme, which allows for individuals or entities to sponsor a theatre seat. The Theatre and Exhibition Hub will make a tremendous
740 difference to the world of Gibraltarian Arts, mirroring the world-class facilities that sports are graced with in our community. The Foundation hopes to make a significant announcement on progress soon.

Before I conclude, I have to pay tribute to two friends and colleagues in my work in natural history, former colleagues from my time in GONHS who have passed away over the past year:
745 Arthur Harper, an excellent photographer and botanist who, together with Leslie Linares and myself, re-discovered our very own Gibraltar Champion and saved it from extinction; and Eric Shaw, so well known for his lifetime work in particular on marine life and the Barbary macaque. They will long be remembered.

Finally, Mr Speaker, I wish to express my thanks to all the staff, including my personal staff for
750 looking after me, and of course to my heads of department and CEOs, Liesl, Keri, Seamus, Catherine and Helen and their staff for their hard work every day and for their constant support. The administrative staff in my Departments, some of whom look after sections that are huge in terms of personnel and responsibility, are essential to the running of the Departments and keeping Gibraltar going. We have increased so much in outcomes and delivery that sometimes it
755 appears that those in the offices doing the accounts, managing the leave and preparing the

salaries and wages are not appreciated. They most certainly are, and I am totally committed to recognising and responding to their needs.

My thanks, too, to all the schools, who make me feel so welcome on all my visits; to all the staff in the agencies and contractors that work to my Departments; to NASUWT, UNITE and GGCA for their constructive work; to the Chamber of Commerce and the Federation of Small Businesses; to all the NGOs, associations, schools and academies, environmental, cultural, educational – too many to list, who are so committed to what they 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; to the outgoing Mayor, Christian Santos, for all his work and friendship over the past few years; and to those in other Departments with whom I have regular contact, such as the staff at Gibraltar House in London, the team at Human Resources, and at No. 6, including the offices of the Chief Minister and the Deputy Chief Minister, the Chief Secretary and his staff, the Financial Secretary and his staff, the Chief Technical Officer and his staff, the Civil Contingencies Co-ordinator and his staff, and the Attorney General and all at the Gibraltar Law Offices for always being there when I need them – I do give the GLO a lot of work, and I hope not too many headaches.

Thanks to you, Mr Speaker, and your staff, and to the Chief Minister, Deputy Chief Minister and all my colleagues, and of course to His Excellency the Governor, Sir David Steel, for the genuine interest that he shows in the work of the different parts of my Ministry, and for his constant encouragement.

Finally, I want to direct a few words to the children and young people of Gibraltar, for whose education I have been responsible for six of the last 12 years, and through them to their parents, grandparents and families. For most of your lives you have lived in a progressive Gibraltar under a caring, forward-looking Government dedicated to bettering your life and your homeland socially and environmentally – and economically, too, but to you that will be less relevant. In the only Gibraltar that you have known, you have grown up in excellent schools with new and exciting ways to learn, with new schools appearing almost every other year; with cleaner air and green areas that my generation never even dared to dream about; with better access to doctors when you need them, in your own health centre; with opportunities for your future wider and more accessible than ever before, allowing you to be yourself, no matter who you are, to dream bigger and achieve greater than certainly my generation ever could. Treasure this. Despite all the problems and the struggles, which you will remember, as you, more than most, suffered through COVID ... despite all of this, you are living in a golden age for Gibraltar. Long may it continue.

With this, Mr Speaker, I too commend this Bill to the House. (*Banging on desks*)

790

Mr Speaker: The Hon. Steven Linares.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, this is my 23rd Budget speech and my 11th 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 begin with my portfolio as the Minister for Industrial Relations. Ever since I was appointed to this role, I have been working well with Unite the Union and the GGCA to resolve matters of concern within the public sector. We have been able to settle many issues which had been outstanding for some time and address new ones that had arisen in the past year. We have engaged positively with both unions and have established a good working relationship. I look forward to continuing this relationship in the same constructive spirit in the future.

The current financial climate still requires a degree of financial prudence and responsibility. This means the Government needs to ensure that taxpayers' money is spent with care on what is necessary. In that context, my Ministry has established routine meetings with the Human

Resources Department, where we systematically go through many issues appertaining to personal claims.

805 I turn to housing. It is now over a year since the Housing Department moved to its new premises at the ICC. The Housing Department adapted very quickly to COVID-19 restrictions during the pandemic at the old offices at New Harbours. They have also been able to adapt to new working practices after COVID-19 counter closures. The move to the ICC has proved to be a success. This has meant that our clients can now access the Department easier and the counters are open to the general public via an appointment system. This works very well, as clients can be
810 seen to in an effective and efficient manner. A number of daily walk-ins are also seen, although the appointments system has provided the public with a much better service.

The Government fully understands the importance of the Housing Department to our community. It provides a service to applicants, to our tenants and to the community at large. The Housing Department continues to work closely with other government departments, agencies and
815 authorities. The strong working relationship has improved considerably, after all the necessary data sharing agreements and memoranda of understanding were signed in order to safeguard GDPR concerns. Multi-agency meetings are conducted to ensure appropriate support is given to persons with vulnerabilities, mental health issues, disabilities etc., together with their families. Multi-agency meetings are also used in a safeguarding and management capacity, such as MAPPA
820 and MARAC. This has provided efficient and improved working practices. All entities have a designated contact person, and this minimises the time taken to undertake tasks. Multi-agency forums are attended by the senior management of the Housing Department, which shows the high level of commitment that the Department has towards working together with others. The senior management team, led by the Principal Housing Officer, forms part of a number of fora. I
825 will not go through them, just to mention that they include the Gibraltar National Mental Health Strategy, the National Dementia Strategy and the Domestic Abuse Strategic Partnership, amongst others.

One of the important areas of the Housing Department is the Accounts section. They deal with the e-billing system, which sends out an electronic payment link. This link facilitates payment by
830 taking the user automatically to step 2 of the payment platform, with all details prefilled. There are also many other payment methods accepted now from standing order, credit or debit card by telephone and payment in person at the counter with card, cash or cheque, which now is not used a lot. There are many more which I will not lay out, but they are all there. The introduction of direct debit mandates is in the final stages. The Housing Department has been working well with
835 both the banks and the Treasury Department in order to set up this process. Unlike with standing orders, tenants will only be required to set up a direct debit once and will not have to amend their instruction to the bank every time there is a change. This new process will also reduce the foot traffic at our counter.

The Housing Department has signed a data sharing agreement with the Department of Social
840 Security, as well as with other departments, agencies and authorities, to ensure proper cross-communication with the said entities. Information relevant to certain benefits applicable to tenants, like the processing and eligibility of rent relief, will be received by the Department of Housing directly from the DSS. Housing will then be able to assess the tenant in a timelier manner and, in turn, allow for more rapid reduction of housing rent arrears.

845 The Enforcement and Compliance section is tasked with the Department's litigation processes, anti-social behaviour, in-house complaints procedures, ombudsman's queries and recovery of arrears, amongst other enforceable action required in accordance with the Housing Act. Systems are in place and notifications are received to alert the Department of any tenant who may start to default on their rent. This process enables them to contact the tenant far sooner than ever
850 before, to 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 to meet both their needs. Since 1st April to date, 130 agreements have been secured to the value of £490,268.90. These meetings are very useful, as they help the Department

855 to identify those tenants who genuine are in hardship and are unable to pay their rent. All tenants are looked at on a case by case basis and careful consideration is given to those who may have a social and/or medical dimension. This helps the Department distinguish those who genuinely cannot pay from those who do not want to pay.

860 Despite all of the initiatives the Department has rolled out, and as much as they continue to strive to engage with all those in arrears, there is, regrettably, a minority of tenants who can pay but do not want to pay. These tenants have no social or economic hardship that would qualify them for rent relief, and yet they continue to default. For these people, the Department has therefore been left with no other option but to commence legal action to recover the unpaid debt. The Department, through the Central Arrears Unit, has engaged lawyers in order to proceed with taking those who do not want to pay to court. The Enforcement and Compliance section has
865 already filed a good number of cases before court and is currently preparing the next batch of cases for processing. These actions are bearing fruit. There are many cases where the Department does not need to proceed to court since the tenants have subsequently agreed to pay the arrears or enter into a repayment plan. Should they default or not engage on their payments, the case will go directly to court. The Housing Department will not leave any stone unturned in the recovery
870 of arrears. It is totally unacceptable that people who are earning good money do not pay their rent. This is despite the fact that rents in government properties continue to be extremely low.

Anti-social behaviour is another issue that the Housing Department has dealt with. On 1st April, 90 complaints had been logged. The Housing Department follows a set procedure. This is in our policy document, which will be published and therefore I will not go reading through the whole
875 policy now. At present, the Department, together with the Care Agency and the RGP, are in the process of decanting tenants due to their anti-social behaviour. This Government will not tolerate a minority making life a misery for other law-abiding citizens. Government have engaged the services of OSG, who have been providing security services to this effect. The RGP has confirmed that the level of complaints previously received by them is now dropping tremendously.

880 The Housing Department works closely with the Department of the Environment and the Environmental Agency with regard to the issues of dog fouling, litter control, bird feeding and noise pollution etc. Other areas which are closely monitored are the street and stairwell cleaning carried out by Britannia in all government estates and horticultural contractors to ensure all green areas are well maintained. The parks and playgrounds in different estates are the responsibility of
885 the GSLA. I will come back to this later when I cover sport. It is important to note that although Britannia carries out all the cleaning in the estates, it is also incumbent on the tenants to exercise civic pride, try to keep them clean and call out those who do not.

The Allocation section of the Housing Department has been working closely with the Digitalisation team in order to have a number of services provided online. In April we announced
890 the launch of a number of Housing e-services which can be accessed via the eGov.gi portal. The services provided are those most used by citizens, and these are now integrated to the Housing Department's back office system. This, too, will alleviate foot traffic at the counters. The Housing Department will continue to work on the development of future services via the eGov.gi portal.

895 Mr Speaker, the review of all tenancies held continues to be undertaken and all records are being updated in our system in order to provide a more efficient service. As announced by Government, all citizens are required by the Register of Occupation Act 2021 to register their occupation of a 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. This section has worked very closely with the Registrar in order to validate the submissions of
900 government tenants. Many files have had to be checked and updated as some of our tenants had not updated records with the Department, so their submissions in the register were out of date.

It is very important for the Housing Department to ensure that its tenants fulfil the terms and conditions of their tenancy agreements as well as comply with the requirements under the Housing Act. This year the Housing Department has again initiated 24 legal proceedings against
905 tenants in relation to the issuance of legal notices or pre-action letters. I will not go through all of

910 them, but I do have a breakdown of this. Six cases have appealed to the Housing Tribunal and five further claims for damages and personal injury have also been dealt with. In addition, the Housing Department has also been dealing with a judicial review filed by a constituent being represented by the Leader of the Opposition. This questions a long-standing housing policy which has been in place since the previous GSD Government was in power, which aims to safeguard Gibraltar as a whole.

915 Tenants wishing to make alterations to their tenancy are required to request permission in writing via the Housing Department Land Works Panel. This must include the appropriate paperwork such as plans, drawings, photos and specifications of the proposed works. If works are approved by the Land Works Panel, tenants are required to obtain permission from the DPC prior to undertaking them. The Housing Department works closely with Town Planning and Building Applications via the e-planning project programme, which links the Housing Department and all relevant departments with the Town Planning and Building Control section.

920 It is important for the Housing Department and the Housing Works Agency to engage closely with tenants. This they do by having regular meetings with the different tenants' associations. In these meetings they discuss issues relevant to individual estates. This has allowed them to handle matters in a faster and more efficient manner, thus ensuring the upkeep of our housing estates. Not all estates have a tenants' association. The Government is therefore encouraging tenants residing in housing estates to establish a committee. The aim will be to benefit and enhance the living environment of their particular estate in collaboration with Housing Departments officials. 925 The feedback received from the tenants' associations is generally positive, and by working together we have been able to enhance the service provided by the Housing Department. The Housing Department and Housing Works Agency staff will continue to support the tenants' associations on a day by day basis.

930 Mr Speaker, despite having well-known differences in policy with Action for Housing, I meet with them regularly. The Principal Housing Officer also meets regularly with members of Action for Housing in order to assist them with all their enquiries. I have recently gone with members of the committee and officials of the Housing Department to visit flats in the Town area in the private sector to ascertain living conditions. Private sector landlords must also take responsibility for maintaining their property in good living condition. 935

The Department has been working to update and review the Housing Act, the Housing Allocation Scheme, the tenancy agreement and all its policies. I am happy to announce that the Housing Act is now ready to be published as a Bill. The Housing Allocation Scheme has been completed and will, therefore, be made public after the Act passes through Parliament. Finally, 940 the revised tenancy agreement is also complete and this will come into place after the Act. I would, at this stage, like to thank all those who were involved in this work. It has been an intense and detailed piece of work, since we have gone through those documents section by section and word by word. This shows that there is considerable work and activity going on in the Housing Department behind the scenes. The Ministry for Housing, its departments and agency do much more than simply allocate flats to tenants. I am forever grateful to management and staff from top to bottom. 945

I just want to add that in relation to housing I am also responsible for affordable homes. I am happy to say that 380 flats at Hassan Centenary Terraces are now going through the snagging process. The reactions of most of the buyers are very positive and they have been very happy with the quality of the finish of the flats. We are working hard to have both Chatham Views and Bob Peliza Mews completed by the dates given. It is incredible to hear the Leader of the Opposition mention the delays, as if we are to blame for the COVID-19 pandemic. I am very happy to see, even belated due to the pandemic, these projects now being built. 950

Our Youth Service has moved in leaps and bounds from what it was before we came into government. They have evolved from a service that hardly opened its doors to cater for young children after school, to one that is now offering our youngsters many opportunities. The Youth Service opens four evenings a week, including Fridays until 9 p.m., and 10 p.m. during summer. 955

960 The club works mainly with young people aged 16 and over and hosts a variety of established projects that members are currently interested in. Further, the Youth Service has extended its service to younger ages and now engages 11-to-15-year-olds on Thursday evenings. Due to this, the Youth Service has experienced an increase in membership across the clubs. The projects offered include Going Green, the Youth Production Group, and the Mingle, which is in its fourth year and supports young adults from 18 to 30 with mild learning needs, with the aim of increasing their support networks and life skills. The Youth Café is an open environment for young people of 965 16 and over to relax and enjoy a safe place where they can share ideas, thoughts and opinions. The Youth Service not only works throughout the week but also holds weekend sessions throughout the year. This is rotated amongst the youth and community workers. Activities at these sessions range from in-house workshops to offsite activities both locally and abroad. These include Army outdoor team building, World War II Tunnels and a barbeque.

970 It is important for our youth and community workers to keep abreast of modern practices. They are, therefore, constantly participating in many training opportunities such as updating courses on health and safety, first-aid refresher courses and data protection awareness with the GRA, amongst others.

975 Due to the fact that in today's world we are very conscious of looking after our children, the Youth Service forms part of and contributes to the Child Protection Committee and the Sub-Training Committee. Their role is important in that there are many young people who show, when they attend sessions in the youth clubs, social, psychological and emotional issues which are then highlighted at the multi-agency forums. These can then be referred to the professionals, who will from thereon pick up the problem and be in a position to give the proper assistance required. This is an example of joined-up work.

980 The Voice of Young People is a very useful group. I often meet them in order discuss, report and explore issues that affect young people's lives. Recent areas of interest have included disability access, employment, mental health and LGTBQ+ topics. The group is currently gathering young people's thoughts via a survey which will then better inform them and the projects director when they reconvene in September.

985 Some young people have been deprived of things that we have often taken for granted when growing up. One example is travelling and going on trips abroad, so this year the Youth Service has been able to organise trips to Spain, as they used to do before the pandemic. A trip to the UK also took place in August of last year. A group of older members of the Dolphin Youth Club had a life-changing opportunity to venture abroad on a visit to London. This trip was made possible by Mr Paul Williams, who donated the funds for this remarkable journey. As part of their visit abroad, these young people focused their 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 for families and for Gibraltar as a whole. They worked tirelessly to fundraise and organise a heart-warming family and community barbeque event to support these local charities. Their hard work and community-focused events not only raised vital funds but also raised awareness about the community's efforts to bring about positive change.

995 The Youth Service has become a beacon of new and exciting initiatives as they reinvent themselves. They have recently started two new projects which will go a long way to aiding our young people. The first is the Prison project. This is a specialised project to provide support to young people under 25 who are currently in prison and at risk of reoffending on their release. The second is that of partnering with the CIPD Gibraltar branch. Together, they have designed a website full of career information to promote Gibraltar's emerging industries. This website will also have a toolkit section focusing on supporting young people whilst they are selecting a career and job hunting. The site was launched on 27th June. I ask hon. Members to visit the site, which will be constantly updated with new information. I am very pleased that the Youth Service came 1000 second in the Project Achievement Award, which is an initiative that was established by the Chief Secretary to recognise innovation within the Civil Service.

1010 The Annual Youth Day is going from strength to strength. This day is an opportunity to invite
all communities to take part in a fun day of workshops and activity. In addition, it provides an
information fair, together with many organisations which offer young people opportunities and
skills.

1015 Mr Speaker, I now continue with another of my areas of responsibility as Minister for Sport
and Leisure. Locally, league programmes and development initiatives were completed as
brilliantly as always by the army of volunteers who organise and run them. These volunteers have
supported and embraced the fact that they have to go through tier 1 and tier 2 in child protection
or the bespoke training of their specific association on child protection. It must be recalled that
when we came into government in 2011 there was not a single course, governmental committee
or sporting association that considered child protection as a priority.

1020 Year on year participation levels seem to be increasing, with sporting facilities being a hub of
positive activity. The Lathbury Sports Complex, which has been operational since 1st October
2022, has been added to these facilities in its entirety. This will now mean that not only can we
attract more events, we can also promote Gibraltar as a centre for training camps and warm
weather training. The revenues that will hopefully be generating will not only offset running costs
but will help to add to the already established economic activity.

1025 The Gibraltar Amateur Athletics Association (GAAA) now have the home they deserve and all
their operations have been transferred to Lathbury. I would once again like to place on record my
thanks and the thanks of the Government to the GAAA. They have endured uncomfortable times
but have worked very closely with us and approached the situation in a very positive manner.
1030 Their conduct throughout has been admirable, and for this they deserved heightened praise. I will
now work with the GAAA to push athletics locally to the next level and will support them in helping
to attract top European events to Gibraltar.

1035 The sports complex has been described by many from abroad who have visited here as world
class. It is important to recall that we have used the multi-purpose hall for many different sports
and events. They have ranged from a World Boxing bout, the ordination of an Archbishop, a
hospital during the pandemic, Rhythmic Gymnastics Competitions, the Darts Junior World
Championship, badminton when we hosted the Island Games, and many other sports. The main
pitch was used for the Music Festival in 2019, rugby sevens, hosting the Royal Marines at rugby,
an international cricket tournament and football training at all levels. Squash have already hosted
1040 many tournaments in their new premises. This is why we receive interest from many sporting
entities around the world to make use of them.

1045 Events-led tourism has been an important cornerstone to attract visitors to Gibraltar over the
last 12 years. This policy is one that we continue to push at many levels, not least in the sports
and leisure sectors. As a result of our vision, a whole host of international-standard events are
now being held locally. European and world governing bodies entrust Gibraltar with the staging
of events that are on their international calendars. This was the case with the Island Games. In
2025 Gibraltar will host the Junior World Netball Tournament. The exact dates will be announced
soon. Apart from the obvious benefits to our local sportspeople, this policy puts visitors into our
hotels, promotes visitors eating and drinking in our bars and restaurants, shopping in Main Street
1050 and visiting tourist sites. It creates economic activity and, more importantly, they are organised
so efficiently that we get repeat business. Gibraltar will continue to be the standard bearer for
such initiatives, and the hard work of our volunteers, as I mentioned above in this regard, cannot
be underestimated. My thanks to them.

1055 There have also been a number of related businesses that have been set up by local
entrepreneurs. These are linked to the sports industry and they thrive in providing services to
them. An example of such are production companies which provide technical support, sound,
lights and stage, and those that provide editing and cameras for streaming online, the selling of
tickets and the hospitality aspect of events. The following list is not exhaustive but depicts the
main events held locally. I have a whole list, but I will just mention a few: Rock Master's Bowling,
1060 the Gibraltar Backgammon Tournament, the Darts Corporation Junior World Darts Championship,

the Squash International Open, the European Cricket Network T10 Tournament, the Europe Netball Under-18 Open Challenge. There are others which have been organised privately without direct government funding. They have all served to benefit our economy and we will continue to encourage them. Some events that we have traditionally supported have now come to their contractual end. They have, nonetheless, helped us put Gibraltar on the map.

1065 The unprecedented investment in sporting infrastructure has provided a plethora of top-class venues. What is being created is an industry in and for sport which could become yet another pillar of our economy. Participation in international events is crucial and we advocate the fact that all those who are full or affiliate members of their international governing bodies need to be active within their international frameworks. The Government will continue to support associations on many levels, not least financially. To this end the financial support received this year as sports grants was to the tune of £300,000. This figure depicts the expected increase in participation at international events given that the COVID-19 pandemic is thankfully now over. This support was afforded to our sportspeople in spite of the current economic climate. Competing in such 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 the 23 international governing bodies of sport. This is a considerable achievement.

1070 Aside from the already established local sporting bodies, I am glad to report that two applications were received and considered by the Gibraltar Sports Advisory Council. The popularity of padel tennis at a competitive and recreational level has meant that they have opted to go it alone, and they have now registered independently from tennis. The second is the Gibraltar E-Sports Association. E-sports, contrary to popular belief, is not standard gaming but has extremely strenuous elements which require physical fitness and mental strength. Such is the emergence of e-sports worldwide that it will be a full medal event at the next Commonwealth Games, in Victoria in 2026. I was fortunate enough to be invited to the e-event run parallel to the Commonwealth Games in Birmingham last summer. It was a real eye opener that apart from all the other positive aspects of Team Gibraltar, they reached the semi-finals. I am glad to also hear my colleague mention that e-sports is one of the subjects that will be starting in the College. I urge Members to look at e-sports in a different way. They had an extremely creditable performance. It always fills me with great pride to represent Gibraltar as a Minister at events such as the Commonwealth and the Island Games. Birmingham 2022 had something special about it. Team Gibraltar was exceptional throughout, with very strong performances across the board. It was confirmation, if it was needed, that we belong in the Commonwealth Games family.

1085 I cannot leave this section without mentioning our Special Olympics athletes who participated in the World Games in Berlin. They also make us very proud, not only because they participate but they also come back with well-deserved medals. Unfortunately, due to a private family commitment, I was not able to attend, but I will put my name down for the next one should I be the next Minister for Sport. The Government has invested in these, our proud athletes. Now they boast a magnificent Special Olympics Sports Complex which they can call their home.

1090 Finally, in respect of local sporting bodies, I feel it is only correct that I confirm the fact that after an enforced hiatus, the Gibraltar Boxing Association (GBA) has once again been registered with the GSLA via the GSAC process. They have finally worked through long-standing differences and issues and resolved these positively. The GBA have worked very closely with the GSLA and the association has now modernised its constitution and adjoining procedures that will now allow the sport to develop and expand. This has been a long-standing issue which many have not been wanting to tackle. I hope that we are able to attend boxing bouts locally very soon. My thanks go to the GBA for their engagement and particularly to my staff at the GSLA, who have been persistent in exploring solutions and common ground.

1100 Mr Speaker, parks and playgrounds continue to fall under the remit of the GSLA. In the last financial year, the maintenance programme has continued and the effects of the works undertaken by the GJBS crew in conjunction with the GSLA team are becoming very noticeable. Maintenance will now become more proactive than reactive, and when things do break, which is

1115 inevitable, reaction times for repair have decreased significantly. The rolling maintenance programme is seasonal and based on usage trends. However, all areas are checked as per the maintenance schedule to ensure they are all safe. In addition to the maintenance programme, the Mid Harbours playground has been relocated given the historical issues with water ingress on the podium. From a sustainable point of view, several items from Mid Harbours have been replaced, repainted and relocated to other facilities. This is done in the interest of efficiency.

1120 The GSLA is also responsible for the maintenance and upgrades of both the Europa pool and the bathing pavilion. It was a policy decision of our Government that the pool should be open to the public at certain times, in order for them to enjoy the summer period. As to the bathing pavilion, it must be recalled that it was also the GSLP Government that took the decision to build this amenity for the people of Gibraltar. These decisions have proved to be very popular. It is easy to forget with the passage of time that these have been progressive decisions taken by a
1125 progressive Government.

Whilst on the subject of summer, the GSLA's flagship schemes were once again a resounding success last year, and this year the numbers are on the rise. Both the Summer Sports and Stay and Play programmes registered increases in numbers of participants last year. The Summer Sports programme recorded registration figures of 571 children, an increase of 134 from the previous
1130 year, which was 437, and this year already we have 733 children registered. Whilst the Stay and Play programme increased by one to 36, this year already 35 have registered but the summer is not over. It is important at this stage to say how grateful we are to the GSLA staff for having started the early programme this year.

I would like to mention at this stage that, as my colleague mentioned about the new schools, these will have a positive impact on sports since the new schools have magnificent sports halls that will be used within our community for sporting associations.
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For the first time, participants were able to register online. This saw a massive reduction in cumbersome administration procedures, allowing summer staff more time to concentrate on delivering the sessions instead. Further, the programme this year has had the timing extended from Monday to Friday from 9 to 12.30.
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Sports Train saw a repeat of the now highly successful competition week that attracted the highest daily attendance of the entire summer. The highly popular fun evening has also returned and, as usual, attendance was excellent and many families availed themselves of the activities and equipment on offer.
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The Stay and Play programme also saw technological advances with the implementation of an app similar to the one already used by St Martin's School. This was done to optimise communication between the staff and parents, aiming to improve the service provided. Through the app, parents were provided with a daily report of their child's day and the parents would, in turn, provide feedback and any relevant information that could be considered and implemented the following day. A new venue was also introduced into the Stay and Play activities rotation, namely the GSLA bathing pavilion. This was very well received by the staff and service users alike.
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The summer programme does not only benefit the children but also enhances the programme of training to all the sports leaders and young volunteers themselves. The programme covered a whole range of items like the delivery of generic and sport-specific sessions, leadership training and first aid, amongst others.
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As mentioned already in the Youth section, child protection is at the top of the list when it comes to employing or having volunteers working with children. Therefore, all prospective employees are RGP vetted initially during the recruitment stage and provided with safeguarding training. This is in keeping with the requirements introduced by our Government. It is now an obligation on any coach who is responsible for delivering sessions to any children or young adults in any facilities managed directly or in the control of the GSLA. The GSLA's Sports Development Unit delivers safeguarding workshops, with 111 new attendees. This now takes the total number of qualified coaches to 814. The process is a rolling one and, as explained above, those requiring
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1165 refresher courses will now be able to undertake these online. This will streamline the process, allowing the database of qualified coaches to increase exponentially.

Finally, I can inform this House that the GSLA has been piloting a booking application scheme so that users can book facilities online. The pilot scheme, which is finalising soon, has been undertaken at the swimming pool complex with a high degree of success. Feedback from users who have participated has been very positive. The next step is to roll out all of the GSLA's facilities available for the general public to book online by the end of the year. Whilst bookings will still be taken at the GSLA counters and over the phone, it is intended that the majority of allocations will be administered via the online portal.

1170 Mr Speaker, I now move on to another of my responsibilities, that of the Kings Bastion Leisure Centre (KBLC). It must be recalled that KBLC use to cost the Government a total of £2.6 million per annum and had revenues of a mere £50,000. This Government has worked hard to cut down the enormous deficit. It was done by rescinding lucrative contracts of OPEX plus 30% which had been awarded by the previous GSD administration. This was cut down to £1.4 million with current revenues this year of £648,014. KBLC continues to perform very well, providing a wide range of leisure activities that all families can enjoy. These include bowling, climbing in the boulder park, fitness gym facilities, a collectibles store and a well-equipped amusement arcade. It must be recalled that the ice-skating rink was replaced by the boulder park and this has become a very popular attraction. Last year, KBLC invested in replacing some of the older arcade machines with a selection of newer models, mostly for young children. They also added two of the latest pinball machines and a photo booth, which they expect to be very popular. From past experience, we know that the money spent on purchasing arcade machines is recoverable relatively quickly, whilst at the same time they will provide a consistent return for many years to come. Projects for this year include the installation of a remote-control boating area above the chiller pit in Commonwealth Park. It was proposed last year but has been carried forward to 2023 as more time was required to ensure that all the necessary preparations are in place. A new operator has also taken over the Bastion Restaurant, Boyd's and Just4kidz, and we hope to work closely with them as we jointly continue to develop and improve all the facilities offered.

1180 1185 1190 I move now to the Department of Employment, where I am happy to report that we continue to maintain record low levels of unemployment. As the Chief Minister mentioned, in 2022 the yearly average of Gibraltarians registered unemployed was 29, a staggering 93% reduction in unemployment since 2011. In 2023 we have continued to maintain low unemployment levels, where in the first quarter of 2023 the average number of registered unemployed stood at 30, a 98% reduction in unemployment since the first quarter of 2012. Hon. Members must recall that when the GSD was in government, the then Chief Minister and the Minister for Employment both considered the norm for persons unemployed to be around 300. They would say that was an acceptable number. It was not acceptable to us. This Government's proven employment record has been achieved by maintaining long-term close working relationships with our employers and the business community.

1200 1205 1210 Understanding and empathising with the specific individual continues to be a priority. The staff at the Department of Employment remain available to all members of the public who are registered with them. Registered persons unemployed or persons registered employed looking for alternative work are given guidance. They also have the opportunity to review all available registered vacancies and apply for those they find of interest. Our employment officers work very closely with individuals to provide support as a means of increasing the quality of their CVs, the interview outcome and the possibility of success of any given job application. This service continues to prove to be extremely beneficial, resulting in many successful individuals achieving gainful employment. Our officers at the Department of Employment, with the Youth Service and the CIPD, will soon be working together to see how they can join their expertise in order to enhance the website careers.gi.

1215 The Labour Inspectorate is tasked with the regulation and enforcement of our employment laws. As part of its ongoing commitment to eradicating illegal labour practices, the Inspectorate

continues to implement a comprehensive strategy and programme of inspections across various industries. It is also important that a level playing field is maintained and the Department of Employment's established close relationship with all sectors of the business community remains steadfast toward this aim. The Labour Inspectorate is, as always, available to both employers and employees to provide information and guidance on employment-related matters.

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I am happy to say that the reforms implemented by our Government in relation to the Employment Tribunal are now bearing fruit. The Tribunal is methodically addressing cases. Rules have been drafted to ensure that chairpersons and mediators are fully accountable for any shortcomings that may materialise. This will enhance the quality of the service for those who may seek to access it. Access to justice, particularly in the context of employment and labour-associated matters, is an important cornerstone of this administration's policy. This is fulfilled by ensuring that individuals have a fair and equitable opportunity to seek legal recourse, receive due process and have their rights protected. I look forward to working with the team at the Department of Employment and the Tribunal chairpersons to further enhance the provisions within the Employment Tribunal for the benefit of the working population of Gibraltar.

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I also look forward to completing the revision and modernisation of the Public Sector Code, which is commonly known as the General Orders. This was an outstanding manifesto commitment which will soon be fulfilled. Together with the staff at Human Resources, we have painstakingly gone through, section by section, the General Orders to amend it and bring it up to date. The current document is obsolete in many respects. It underpins the Civil Service and the Gibraltar Development Corporation, as well as other agencies, government-owned companies and authorities in one form or another. This rebranding and reinvigorating of the Public Service Code will be fit for purpose in the 21st-century public sector and will springboard it to future success. In tandem with this, my Ministry has been working closely with the Human Resources Department to review policies such as injury at work provisions for essential services.

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Mr Speaker, I now take the opportunity to draw your attention to the work I have undertaken in my capacity as Chair of the Health and Safety Advisory Council. Last November, we held the first Health and Safety Seminar since the pandemic. This saw the intervention of excellent local speakers, the heads of our public services and charities. It also included Unite the Union's National Officer on Health and Safety and the IOSH UK president. The seminar was a resounding success. It culminated in the completion of the public sector's policies A and B, which have enjoyed the input of all stakeholders within the HSAC, but principally moved by Unite the Union's National Officer Gillian Birkett. It is a testament to the strength of the relationship that this Government has with other organisations, particularly the trade unions, that despite temporary disagreements we can work for our community on issues that matter. This year we will work towards improving the Health and Safety Seminar and setting it on a path that will ensure its success for many years to come. I look forward to updating this House further on the matter when the opportunity arises.

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Mr Speaker, in conclusion, I would like to take this opportunity to thank all the staff who work within the different Ministries and portfolios that I am responsible for. I would also like to thank you and your staff here in Parliament for the help and assistance given to fulfil my parliamentary obligations.

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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 today. They are the ones who guide me daily in all that I do and are also there for me, whatever time of day. I am forever grateful, so a wholehearted thank you goes to them all.

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Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Edwin Reyes.

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Hon. E J Reyes: Mr Speaker, I wish to commence today with sports-related matters by repeating yet again that I remain a firm believer in unity, where possible, for the benefit of Gibraltar's greater interests. Therefore, I am glad to see that Government continues with the long-

1270 existing policy held by successive Governments to assist all local sporting bodies to overcome any
foreign government's politically inspired attempts to block our membership of international
sporting bodies. The antics and shameful actions taken, above all by our neighbours to the north,
are wearing thin and each year that flies past I pray that, slowly but surely, other international
sports governing bodies will judge Gibraltar's applications on their own merit and not shamefully
allow themselves to be coerced by our neighbour's unjustified and often unscrupulous arguments.
1275 Gibraltar's long-standing and cross-party policy of assisting sporting associations will certainly
continue to receive the GSD's wholehearted support and I sincerely wish all our sporting
associations all the very best in their continuing battles to obtain their respective international
memberships, which are rightfully and legitimately theirs.

The Gibraltar Football Association has had a long-standing project towards refurbishment and
upgrading of its own national stadium. We agree Gibraltar needs a new stadium, but have
1280 expressed serious misgivings about the project as envisaged and the use of Savings Bank money
towards it. Despite being supportive in principle of the National Stadium project, as previously
stated by the GSD, we will not give the green light to using taxpayers' or savers' moneys, placed
in deposits guaranteed by the Government of Gibraltar, for this purpose. For years the
Government had promised that the construction of a new stadium would be at no cost to
1285 taxpayers. Government sold the land to the GFA in 2017 without the payment by the GFA of a
premium to develop the land, and also on the basis that UEFA moneys would pay for the
construction of a new stadium. It is clear from answers given in Parliament that the Government
is unsighted on the details of the proposed project. This is worrying given the size of the proposed
commitment. It is also unsatisfactory that there are no clear answers why UEFA money is no longer
1290 available for the upgrade of a national stadium to be owned solely by the Football Association,
and there remain big questions as to why a stadium of this size is necessary. Additionally, there
are concerns that the needs for development of the footballing community and youth football are
not being met in this project. Even so, we are committed to working with the GFA in a positive
way so Gibraltar can see a new stadium. If we are elected to government, we will discuss ways
1295 forward with the GFA so that we can assist them in finding private sector third party interest
following appropriate tendering or expressions of interest processes, so that neither public nor
savers' moneys need to be used to fund the construction costs of this stadium development.

I must add that it is particularly gratifying to see the Victoria Stadium almost full to capacity
whenever our national team plays a home game. The home venue, using Victoria Stadium as our
1300 home ground albeit with necessary upgrades to be undertaken, was the location first promoted
by the GSD. It seems that where there is a will there is a way, and therefore the GSD has proved
it was not wrong from the outset in choosing the existing location of the Victoria Stadium as the
best site for a UEFA and FIFA fully approved facility. It is, indeed, a far more viable and attractive
option for local sport lovers to attend and support our teams within our home territory than
1305 having to travel a few hours away to Faro, as is unfortunately the position we are in now. I am
sure this House is unanimous in wishing our teams participating in international competitions all
the very best, and I hope that once the necessary upgrades are completed the Victoria Stadium
will be full to capacity with enthusiastic supporters. The other major point being discussed by
football fans is, of course, what spectator capacity is the most sensible one for Gibraltar to aim
1310 for. In this respect, affordability must play an important role and I hope this is very much taken
into account.

Despite the ambitious projects undertaken in respect of sporting facilities across all disciplines,
there is still a great need for further training facilities if our future generations are to aspire to
improving their overall standards. It continues to break my heart to see so many Gibraltar-
1315 registered teams, across several different sports, having to go into Spain in order to train and
prepare for local and international competitions. Indeed, more facilities are needed if we are to
continue to aspire to progressing beyond the qualification stages in respect of international
competitions. The GSD continues to believe that alongside the new football facilities which could
be enjoyed by the football fraternity, there is still a great need for extensive training facilities in

1320 Gibraltar to cater for participants in numerous other sports. These facilities should ensure that the introduction and development of our youngsters into the world of sports, very often arising from our schools' curriculum and sporting clubs' commitments, are equally catered for. It is the duty of the Gibraltar Sports and Leisure Authority to make these facilities available for our public at large who wish to participate in sporting activities.

1325 The new facilities, which at long last have been completed despite originally programmed for full use at the 2019 Island Games, should contribute, to a certain extent, to ensure that Gibraltar continues to produce worthy local athletes and develop their wide-ranging sporting talents. Having made very substantial investments in the construction of new sporting facilities, I note that the estimate for the upkeep of GSLA facilities remains at £310,000 despite an estimated
1330 expenditure of £385,000 recorded as forecast outturn for 2022-23. It will be interesting to see how the GSLA is expected to keep within budget now that they have more facilities to maintain and, in theory, greater numbers of users of their facilities being expected.

The Minister for Sports has previously informed this House that Europa Sports Centre will be run by a company type of set-up, primarily managed by three officially registered sporting
1335 associations. The costs associated with manning levels and upkeep of the Europa facilities are something which should be accounted for in the Estimates Book, as the facilities have been built with ... and ultimately belong to the taxpayer. May we please have some guidance as to where exactly we may find the expenses and/or government contributions towards the Europa sports facilities? Is there any income expected to be generated? If so, as the Minister has previously
1340 hinted, where can we find this in the Estimates Book?

Gibraltar often obtains results which make our neighbours and sporting opponents in official competitions envious of our rather good and consistent outcomes. I sincerely hope that the new constructions meet local requirements well beyond the next decade at least.

Many Gibraltarians are currently actively involved and proudly representing Gibraltar at the
1345 2023 Island Games now taking place in Guernsey. I am sure I speak for the whole House as we offer our collective best wishes to all our participants who, through their committed efforts, have yet again made us proud of our sporting fraternity. We have already won some medals, the latest being a gold, but as the games are still not finished we collectively wish the best of Gibraltarian luck to all our national representatives.

1350 Mr Speaker, we should record a special mention in respect of the fantastic achievements attained by several sporting bodies throughout this past year. There is always a danger when you start to mention individual sporting teams or associations that you may accidentally leave somebody out. Therefore, and I think in keeping with the Hon. Minister, who just spoke before me, I will name only one body: Special Olympics Gibraltar. They always excel themselves across a
1355 variety of sports and justifiably enjoy our collective congratulatory messages for their notable achievements. If other associations are able to match the enthusiasm and results obtained by Special Olympics Gibraltar, then all investments in sports are certainly worthwhile. Still in keeping with not singling out any particular team or association, I must also add that our female athletes have done extremely well in this past year and this has obviously led to their well-deserved
1360 promotions within international rankings. At this rate our female sporting representatives will, sooner rather than later, be our national top pride and joy in sporting achievements.

I am glad to say that this year I do not have to repeat the offer I made last year, as well as continuously for a few years before that, during these Budget debate contributions. I am extremely glad to note that the Minister for Sports, more so in his capacity as Chairman of the
1365 Sports and Leisure Authority, took a particular interest and appropriate action to ensure that publicly owned facilities are used in a fair manner for the benefit of all sports lovers. There is both a duty and obligation for the Sports Authority to ensure that, where desired by a club or individual citizen, membership in their relevant local governing body is open to all in an equal and fair manner. The dispute within the local boxing world which had been dragging on for far too long
1370 now seems to have been, at long last, resolved. This outcome proves that solutions can and should be found, and I am glad that the Minister and I will be able to celebrate that final outcome.

1375 Mr Speaker, a recreational type of activity which is relatively popular in Gibraltar is fishing and the use of small pleasure boats by families. A specific facility which has been in need of investment for quite some time now is the Watergardens small boats marina. For the last few years the users of this marina have been told that major refurbishment works are imminent, yet so far nothing has ever happened. I note that once again this year there is no provision for this refurbishment made in the Estimates Book. Head 102 Projects, subhead (4) Boat Moorings caters for no expenditure whatsoever. May this House please now be informed how much is being estimated for expenditure towards the Minister's repeated promises that refurbishment projects at Watergardens marina will take place? And where exactly may this estimate be found in the Book for 2023-24?

1380 I now wish to reaffirm my personal conviction that through the collective celebration of social events, participating Gibraltarians contribute towards 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 participation and, in many cases, gaining top 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.

1390 During their last term in office, Government purchased both the Queen's Cinema and the Queen's Hotel sites for the development of a theatre and related activities. We now know that the National Theatre will not be built at the original earmarked site, as other developments have been announced for this location. With the development project in respect of a National Theatre now falling under the planning remit of a charitable trust or foundation, this House seems to have lost sight of projected costs and I am not even sure if the Government can be asked at Question Time for updates as to the project's progress. If Government is making any financial contributions to this project, I once again ask for guidance as to where this overall and general expenditure may be accounted for in the Estimates Book. This year's Estimates once again show a provision of £1,000 under the Improvement and Development Fund Expenditure set aside under head 102 Projects, subhead 4(l) Theatre, but given the appeal made to the general public and business community to sponsor particular items in the theatre such as seats, how far is this £1,000 expected to reach given the cost of materials nowadays? Locals may often be heard to say surely our home-grown performers, entertainers and audiences are entitled to ask for a theatre which is fit for purpose and available throughout the 365 days a year. Given that we are currently in an election year, will Government commit itself to a definitive date by when theatre lovers may enjoy performances at a new and much needed theatre?

1400 Moving on to educational matters, I wish to start by citing once again a passage I have used before in this Chamber: 'Children must be able to play, study and grow in a peaceful environment. Woe to anyone who stifles their joyful impulse to hope!' With this quote in mind, I cannot stress enough the need to ensure we get it absolutely right when planning and building facilities that will serve our children's educational purposes in preparation for adult life. Much has been said in respect of Government's projects for the re-provision and expansion of our schools. For our pupils' benefit I sincerely hope that decisions taken have been based, above all, upon feedback received from the professionals in the field, namely schoolteachers themselves. I hope, for our children's sake, that the new buildings which will come into use as from September prove to be a product conforming to the highest of standards. However, many parents, teachers and even ordinary citizens have expressed serious concerns about the inevitable high levels of congestion which are to be expected in the area around Europort as from September. I sincerely hope there will be a sensible and workable traffic plan in place before the schools open for the new academic year this September. The Minister for Transport sounds very enthusiastic when he announces new cycle lanes such as those he has planned for the Europort area in the immediate future. However, may I respectfully remind the Hon. Minister that, especially in Gibraltar, families depend greatly upon grandparents for the delivery and collection of children from both lower and upper primary

1425 schools? As a grandparent myself, I am often called upon to fulfil such family duties, and I must
honestly confess that using a bicycle as an alternative form of transport is a total non-starter for
me and my contemporaries at our age. Much as I would love to be able to support the Minister
for Transport in encouraging healthier and more environmentally friendly methods of transport,
his efforts so far only seem to have created bicycle lanes to benefit a great number of members
of the cross-Frontier commuting community and, worse still, it seems to be to the detriment of
1430 users of other traditional forms of transport.

Maintenance of existing school premises needs to be properly and promptly executed. It is
embarrassing to see photographs posted on social media which show toilet facilities closed for
weeks on end in our newly built comprehensive schools, with notices attached to the doors saying
out of order. There can be no justified excuses why necessary repairs are not carried out quickly
1435 and at least within a reasonable period of time, more so as these buildings are new constructions
and should be a source of pride and not embarrassment.

Private schools have for years existed in Gibraltar and this practice is in keeping with many
countries, including the British system upon which we base our schooling systems. However, there
is a lack of detailed information in respect of what the plans are for the existing Hebrew School,
1440 which is currently publicly funded and comes under the Department of Education. The teaching
staff at the present Hebrew School have been told that future plans will see the school coming
under the control and management of a board and therefore not directly under the Director of
Education. Information provided is that those wishing to remain teaching in said school will be
seconded by the Department of Education and now fall under the new management structure. I
1445 feel this House should be fully updated as to Government's plans for the Hebrew School, together
with details of the funding structure to be used. At present, existing private schools are entirely
self-sufficient in respect of funding, but it seems this may not be the case in respect of the Hebrew
School. Whatever plans Government may have for the provision and financial support of possibly
a new private school, it should do so in a manner equal to the support it offers already-existing
1450 private educational establishments. If equal support is not offered to all private schools, then this
could lead to a perceived discrimination based upon religious practices. Gibraltar has always
prided itself in respect of religious tolerances and this is something we wish to see continue for
many years to come. However, unless there is a clear explanation as to how any potential new
privately managed schools will be funded, there is always a risk that divisions will commence to
1455 become a reality in educational matters. If there is nothing to hide, then details should be publicly
announced and as soon as possible.

Last year I highlighted that the estimated expenditure of only £1,000 would be required for
teachers' maternity/paternity leave and that this figure was unrealistic. We now see that the
forecast outturn is £760,000 for 2022-23, so I still cannot comprehend how we are again
1460 estimating an expenditure of only £1,000 for maternity/paternity cover for the coming year
2023-24. We have a relatively high number of young teachers who are still within child-bearing
age, so I wonder what, realistically, the actual expenditure will be once the financial year 2023-24
is over. At present trends, the estimated provision for teachers' cover will once again fall way short
by around £¾ million, at least. Likewise, temporary cover is also estimated at only £1,000 despite
1465 the logical reality that the more teachers you have employed the higher the expenses for
temporary cover could be when these teachers need to stay home due to contracting seasonal
influenza or similar diseases. I also highlighted this last year, and I have been proved correct
because the forecast outturn for 2022-23 stands at £1,930,000 ... Can we have an explanation as
to why we have once again been provided with such a misleading estimated provision for
1470 teachers' cover? The actual expenditure year upon year in respect of this subhead is way higher
than the Estimates show, so is it the case that we are simply cooking the books and trying to show
a fictitious rosy picture for the future as compared to reality when we look at what real
expenditures are? **(A Member: Hear, hear.)**

As both a teacher and a past president of the Gibraltar Teachers' Association, and someone
1475 who still has educational matters extremely close to his heart, I extend a recommendation to the

Minister for Education to listen and continue to work as closely as possible with classroom teachers, albeit alongside his senior management teams. Classroom teachers want to be part of any process that changes our educational system and want to be involved in meaningful consultation before final decisions are taken. Surely the way forward proposed by these professionals can only contribute to the well-being and best possible future of our children. This is something which I hope we can all agree is paramount.

The initiative already taken by one of our locally based private schools which now offers Computer Science at both GCSE and A-level is to be highly commended. It is courses like these which will serve to prepare today's pupils to become the skilled workforce that Gibraltar will need for tomorrow, as the future will be dominated by digital technology. Likewise, the GSD have raised the concept of modern apprenticeships in the past and we still believe we need to offer more in this field than we currently provide. Those pupils who do not wish to pursue an academic future need to be provided with the opportunity of a modern apprenticeship programme which, if properly structured, has the same standing as higher education. We need to create a gold standard for an apprenticeship programme so that employers have confidence in the system. The time for investment is now, not just in formal academic education heading towards entry into higher education establishments like universities, but also in the co-ordination of training and skills through vocational courses that carry international accreditation. 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.

If a new building for the College of Further Education is to become a reality, then we have a golden opportunity to review the academic and vocational programmes offered at this College. It could be an ideal opportunity for us to offer accredited qualifications in respect of established technical and construction trades and thereby offer an opportunity to those students who are inclined to pursue a career that is based far greater upon practical rather than academic skills. Gibraltar should be ready for anything the future may throw at us. This includes us having the necessary craftsmen properly trained and qualified for any possible eventuality. It is extremely sad to note Gibraltar's loss of vocational skills and opportunities. The GSD commits itself to making provision for a College of Skills and Technology. We believe in guiding more students into engineering and digital skills and therefore commit ourselves in delivering vocational trades and technical skills.

There is no better formula for success than to cultivate a sense of ownership amongst all 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 prone to industrial action or making a fuss about anything. They do not crow the loudest. I concur with the views expressed in the past: teachers have for so long silently and diligently got on with their underappreciated and deeply challenging job of providing an education, formal and otherwise, to generation after generation of Gibraltarians. No one has been more critical of Government spending than the GSD have been over the last 12 years. We have advocated prudence and pointed to the dangers of uncontrolled spending. This does not, however, amount to austerity. It is about prioritising Government's spending in areas where it is needed or where, as a society, we are going to get the greatest benefit. Therefore, education and the teaching profession is but one area.

Mr Speaker, before I sit down, I must take this opportunity to thank you and your staff once again for the patient way in which you have always dealt with us. I know that all members of staff are always available to advise us on both sides of the House, but to see this being done in such an efficient and friendly manner makes life so much easier for all elected Members. Please allow me to highlight that Mr Clerk has personally proved himself of being worthy to hold this position in Parliament. I personally thank him for his organisational skills and support to all Gibraltar's delegates when we attend Commonwealth parliamentary conferences. It is by travelling with others that you get an opportunity to better know people, and Mr Clerk has deservedly obtained an A grade, in my opinion, in this respect.

1530 Having now completed 16 years as a Member of this House, I am conscious that this is an election year. We should bear in mind that no one knows for certain what the future will bring. With your leave, sir, I will end by quoting, as I did four years ago on the eve of the last General Election, from a song made famous by Doris Day. *Que será, será*. Whatever will be, will be, and we may or may not meet again in this Chamber.

Thank you, Mr Speaker. (*Banging on desks*)

1535 **Chief Minister (Hon. F R Picardo):** The future is ours, you see, Mr Speaker, and I therefore move that the House should now recess until 2 p.m.

Mr Speaker: The House will now recess to 2 p.m.

The House recessed at 1.12 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.02 p.m. – 4.10 p.m.

Gibraltar, Wednesday, 12th July 2023

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The Gibraltar Parliament

The Parliament met at 2.02 p.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Appropriation Bill 2023 – Second Reading – Debate continued

Mr Speaker: The Hon. Albert Isola.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

5 Thank you, Mr Speaker. This is my 10th Budget address as a Minister. I am a spring chicken in comparison to my colleagues on my right. I understand that the Hon. Leader of the Opposition has taken to asking questions in this Parliament on chickens, but I will come back to that in a little while.

10 I reflect on my 10 years here and why I was here in the first place. I was only here because we lost one of our own. I remember Charles Bruzon at this moment, an absolute gentleman, an excellent servant of this party and this Parliament in Gibraltar, and I think it is appropriate at this time just to reflect and remember him 10 years on from when we lost him. (*Banging on desks*)

15 The line of the Opposition this far, and I am sure it will be repeated ad nauseam by the remainder of the Members opposite in the coming days, is interesting because it was entirely predicted by the Chief Minister in his address.

Hon. D A Feetham: Because it's true! (*Laughter*)

20 **Hon. A J Isola:** Well, I will demonstrate to Mr Feetham why it is not true, (*Interjection*) and why, in fact, they should learn from themselves if it is true, because I am going to go back to 1996.

Hon. D A Feetham: Oh, my God!

25 **Hon. A J Isola:** Well, he says, 'Oh, my God!' but the only fire in the belly that I saw on the Opposition benches was when they talked about the riots in 1996. It is the only time the Leader of the Opposition had any emotion in his address, and that was a very long time ago. So let's look at what you promised in 1996, which I will come to before we start to talk about 'Oh, my God, going back to 1996', because they seem to enjoy doing it.

30 Mr Speaker, the Chief Minister said the Opposition will strike fear into the hearts of our citizens and he said that absolutely rightly – and again, to be honest, it was not difficult to predict because that is what they always do. Hon. Members opposite will remember, as we do, the great election on the LNG plant. We were all going to die: the bomb zone, the blast zone, the safety, the pamphlet they produced, Mr Feetham raising these papers about how dangerous this facility was going to be. Well, not surprisingly, the day after the election they never raised it again. It was not
35 that dangerous, it was not that unsafe, because they dropped it, like they were dropped at that very same election by our very intelligent electorate. So, like they do every year, they talk about the same issue; and not just one issue but a number of issues, but all with the same theme running

through them. They talk about secrecy, they talk about off balance sheet, they talk about the money that is in the companies. They have talked in the past but not yesterday, thankfully, about the Public Accounts Committee and why we should have one. *(Interjection)* Oh, I have no doubt, because they are that predictable that they would do it again. And so, if they need one. I would ask the hon. Member why they did not do one between 1996 and 2016 when it was in their manifesto in 1996. The answer, Mr Speaker, is that they say one thing and do something completely different when they are on this side of the House, **(Hon. Chief Minister: Hear, hear.)** but when they are on that side of the House they want what they call enhanced democracy. You couldn't make it up. I will come to some of those examples in a moment as to why it is so absolutely incredible that anybody should give them an ounce of credibility, because they never, ever do a policy. But when we are on this side of the House, 'Wakey, wakey, they've got to do it, even though we didn't do it.' That is the story of the GSD, as brilliantly exposed yesterday by the Leader of the Opposition yet again. In that respect at least they are consistent, if nothing else, because they have no policies that are consistent. Just in respect of when we come to talk about the Budget once a year, the line is like a scratched record: off we go again, off we go again. They have been playing it now for many years. In fact, from day one when we were taking over their own estimates, by their own definition we had to increase the borrowing limits, but it was our fault. Their credibility is just, unfortunately, not there.

So, like the Chief Minister said – I agree entirely – we deserve better opposition. Do you know the Opposition come at this time of year and tell us that the spending on the Health Authority is terrible? I have been in this Parliament looking after Health for just over 12 months. I have answered 185 questions on health. How many of those were on spending, overspending, waste? **(Hon. Chief Minister: Zero.)** None. Not one. How many of those were about doing more, providing more of this and more of that, why have you got more of these and why is the waiting list so long? Waiting lists can be fixed at the flick of a switch by spending more money. *(Interjection)* They want waiting lists reduced; well, so do I, but it is a question of a balance with what money you spend. A hundred and eighty five questions during the course of the year where they are able to scrutinise, which is their job, but they do not do it. How many questions? Nil. It is absolutely remarkable.

And so this is an Opposition with no plan, with too much opportunism, jumping on every single bandwagon they can see left, right and centre, in the hope that they will get some support from it, even if they subsequently roll back – because we are getting close to an election, that may not be popular; jump ship and jump on to something else. They change ideas like the wind. And they do not live up to their own mantra. Secrecy, off balance, Public Accounts Committee. Well, they only had 16 years. Perhaps you could take the view that that is not enough time. With the competence that they have in this Opposition, I would struggle to say that they did. I suspect they would not have enough time with another 16 years.

Mr Speaker, when you look at their position on the Budget, for the last few years it has become trendy for them to vote against. Addicted to debt, borrowing, lack of transparency, off balance sheet; the same every year. But they come at that at Budget time. I do not see any help from the alternative government – supposedly – in ideas as to what we should do in policies which we should take into consideration. *(Interjection)* Where are they? *(Interjection)* No, it is not about needing their help. That is the one thing we certainly do not need or want. *(Interjection)* Somebody who is putting themselves out to the public months away from a General Election and the public today have no idea what their policies are on anything does not sound, to me, like an alternative government in waiting.

The Leader of the Opposition said that Members on this side looked tired and jaded. He was not very convincing when he said that, I suspect because, like the rest of our community, they do not believe it to be true. I do not believe he believes it to be true for one second. But when I look at the Opposition, I do see a group of people who are tired, who are jaded, who are devoid of ideas, devoid of policies. Where is the innovation coming from on that side of the House? Where is it? We have yet to see it. And yet these are the people who want, tomorrow, to walk into a

90 treaty negotiation without a clue, without experience. What international negotiation have any of them done?

Chief Minister (Hon. F R Picardo): That is why they want to take us with them.

95 **Hon. A J Isola:** Well, it is the only hope we have got, if we do go with them. They have not negotiated a thing politically in their lives.

Hon. Member: Nor have you. (*Interjections*)

100 **Hon. A J Isola:** It is absolutely incredible to compare one with the other, but still we will humour them and we will continue with the lines that they believe are of value to our people.

Mr Speaker, in my first Budget address, 10 years ago, I said that in order to be in politics I felt you had to have a sense of humour, which I think we all do, and an ability to do the right thing for the right reasons, and I still stand very true to that. In that same first address I touched on a number of things at the time, which I have mentioned briefly. I said this:

105

Mr Speaker, I quote from their 1996 manifesto:

‘House of Assembly; there will be regular and frequent meetings and question times... The House of Assembly must be the true expression of democracy at work in our community.’

– wonderful words, but of course they then spent the next 16 years walking a coach and horses straight through their expression of democracy; suddenly it did not matter anymore, it was gone –

They also call for a Public Accounts Committee [...] ‘to have oversight on how our money is being spent’. I quote from their 1996 manifesto:

‘We will appoint a Public Accounts Committee in the House of Assembly to scrutinise Government expenditure of your monies.’

110 That was their promise to the people in 1996, and after 16 years with the ability to do it, Mr Clinton is going to illuminate us all again tomorrow and tell us that we still need a Public Accounts Committee. Well, he should have persuaded the people in his own party, because they did not seem to share his view.

115 They talked at that time, in 2014, about enhanced democracy but had absolutely no intention, when given the chance, of doing anything to deliver it, nothing at all. And today there is no change. Members opposite have no energy, no ideas, no innovation, no hope. The truth is – and they know it – that everyone in this community knows that they are not a government in waiting. Everybody in this community hopes that this Chief Minister wins the next General Election and walks into new treaty discussions, because he and the Deputy Chief Minister are the only people in this community who can deliver it to us. They know that, as do their most ardent supporters, who I speak to and tell me exactly the same thing. (*Interjection*) Well, they will be telling you in the polls, of course they will.

120 Mr Speaker, in concluding that part, my view is that Gibraltar does indeed deserve a better Opposition, because the one we have unfortunately fails to scrutinise, fails to hold anyone in check, and of course fails beyond any sense of reasonableness to deliver any form of government in waiting, any policy, anything new. Nothing. Same old drum 12 years ago still today, no change, exactly the same.

125 The Chief Minister, in predicting the Hon. the Leader of the Opposition’s address, really did not have to do that much homework. On Tuesday, 18th April, the Leader of the Opposition wrote a piece in the *Chronicle* ‘In my opinion’ column, where curiously it says ‘by Keith Azopardi, Leader of the GSD and Lead of the Opposition’. I do not know if there was anything untoward in that funny title. I do not know if any of his colleagues on his left or right were interested in perhaps being the new lead. This is April of 2023. He starts off:

I can't help but think we are in a dark Gibraltar – darker than we have been in for a long time.

I wonder where he was going under the title 'The need for a new way'. He pulls back the 1996 election campaign and goes back to exactly the same place. That is the new way. The new way is going back to 1996. It is absolutely incredible. No wonder they are devoid of ideas, with no innovation, no energy. They are going back. They are not looking forward.

Hon. Chief Minister: That is why he said back to the future.

Hon. A J Isola: Back to the future, yes, very good.
Mr Speaker:

In 1996 we fought an election which we thought was a crossroads [...] we were campaigning against a lack of accountability ...

Yes, they were, but what did they do about it? Did he deliver the Public Accounts Committee that he promised in that manifesto? No. Was he worried about it? Of course not, because he never did it.

So what are these people coming and talking to us about? The setting up of opaque structures, the same opaque structures that they left in place for 16 years and ran with off-balance-sheet accounting, with PFI loans off the balance sheet. (**Hon. R M Clinton:** Once.) No, not once. No, your memory is failing you, Mr Clinton. (*Interjection*) Car parks, a couple of them, hospitals. (*Interjection*) Well, we got more than one car park, so – (*Interjection*) Two car parks. So there are more than just the Hospital.

Hon. Chief Minister: You are saying there is only one company borrowing. Seriously? I have given you a lesson on this for years.

Hon. A J Isola: But they never listen. And then, of course, his great phrase 'the financial jungle'. He actually came up with that in April because he says, 'If we complained in 1996 about a GSLP web of companies it was a thin veil compared to the veritable jungle of opacity of structures created since 2012.' The 'jungle'. So not even the jungle is new. In the great financial debacle that we face, not even the jungle is new; it was there in April. So in April he wrote his Budget speech. And as I said before, when he came to this House yesterday and talked about the 1996 riots, it was the first time we have seen any fire in his belly. The rest of his speech, with the greatest of respect to him, was boring, absolutely boring. Why? Because he could have read it last year. Mr Speaker, there are parts of his speech last year which are almost identical to this year, almost identical. I read it and I had to go back and check. I thought, 'This cannot be already in *Hansard*.' It was only yesterday. Identical. His analysis of the spending is identical to what he said last year, absolutely identical, and this is where the 10 years of financial ruin, the Armageddon, the addicted to debt, the opaqueness, the secretive ... It just falls apart. It falls apart when you put in the Hospital, the car parks, the company debts, the company borrowing, which they themselves did. Or is that fiction, too?

And then the Leader of the Opposition says the surplus could be wiped out at a moment's notice. Whoosh! Gone! Two million can be wiped out at a moment's notice. That is disingenuous. The hon. Member has been in this House for many, many years and he has a lot of experience of sitting in this Parliament, and especially at Budget time, so he knows that some things go up and some things go down, and some of the things that go up are often good things. I am going to give one example: gaming, an area that I am responsible for. In 2020-21, we had pay as you earn Social Insurance and corporate tax of £76 million. You budget prudently for the forthcoming year. In 2021-22, the following year, £97 million – a significant jump, a very good jump. Congratulations. And then in 2022-23 it goes up from £97 million to £125 million. So it is not just whoosh, quite

175 simply – as the hon. Member knows full well it isn't – because these are what we all know:
estimates. These are estimates of revenue and expenditure and we do our best to estimate for
the forthcoming year, but as the hon. Members know, when it comes to health, it is not very easy
to estimate what we are going to be doing, especially in areas such as sponsored patients and
others. But even more so in one area that the hon. Member the Leader of the Opposition referred
180 to yesterday, where he said, again, the figures last year were hopelessly out. He was talking about
the GEA and the GHA in care. The figures on the GEA were hopelessly out last year because at the
time the Book went to print, Russia had just invaded Ukraine and the impact that that had on fuel
costs I hope we all know. But the estimates were right at the time they went to print. So for the
Leader of the Opposition to come and tell us that the figures last year were hopelessly out – well,
185 yes, but not through our design, not through our miscalculation, but because something happened
in between which has thrown the cost of fuel exponentially higher than it was at the time those
estimates were prepared. So, if the Opposition is to have any credibility, then in my view they
have to be at least honest in how they deal with these changes.

Mr Speaker, a number of instances which, to me, demonstrate the lack of credibility that this
190 Opposition have, I would just refer to briefly. When the OS35 incident happened, the GSD issued
a press release very quickly afterwards, questioning everything that was happening:

It has been reported

– this is the GSD –

that while the back-up resources from Oil Spill Response Limited have been called upon the equipment would not
arrive in Gibraltar till Sunday. This makes no sense when the risk of an oil spill was there from the outset. The
mobilisation of equipment should have been arranged so that this was already in Gibraltar and could be deployed
immediately at will.

And:

The vessel itself was located off Catalan Bay even though the collision had not occurred there. Given that decision
it was paramount that oil spill response measures were taken to effectively and entirely ringfence the vessel from
the surrounding area [...]

The pumping out of the fuel has started this afternoon. Again, why this could not have started earlier is
questionable.

195 Almost immediately, Members opposite jumping on the political bandwagon to have a crack. It is
a little bit different from the collegiate approach they talk about when they come to this
Parliament and tell us, 'We want to work together in Gibraltar's interests.' The ship had barely
been lowered and sunk before they started issuing press releases criticising the manner in which
the OS35 was being managed. Then, more recently, Mr Bossino issues a press release or a tweet:

The immediate worry is to our environment and the fact that we are entering the Easter break, when there is
expected to be increased use of our beaches. The GSD will continue to monitor developments.

I have to say that I find that approach, that style, totally uncollegiate and unhelpful at a time
when, if anything, what the hon. Members opposite should have been doing was congratulating
200 the Captain of the Port for the best demonstration ever in our history of how to deal with a wreck
which could have caused huge damage to our environment and huge damage to us, not just
domestically but internationally and politically, too. (*Banging on desks*) So from where I sit, I
congratulate the Captain of the Port and his team and the Minister for the incredible work they
did to have averted a complete disaster in our community, and I think we all owe them a huge
205 debt of gratitude. (**Hon. Chief Minister:** Hear, hear.)

The Hon. Leader of the Opposition yesterday spoke about lost opportunities, concessions and
failures in respect of the treaty. He really has no idea. The treaty would have been easy to do, of

210 course. The Chief Minister and the Deputy Chief Minister could have popped over, signed whatever was put in front of them and come back and said what a great deal it was. That is not the way we work. If anyone is going to stand up to defend Gibraltar's interests, Gibraltar's red lines, it is this Chief Minister and this Deputy Chief Minister, (*Banging on desks*) and yet there is a tweet from my friend Mr Phillips – he must have known this was coming:

The continued uncertainty about Gibraltar's place in a post-Brexit world is damaging to familial and commercial relationships across our borders. People are tired and fed up of spin, lousy press conferences and statements which say nothing. They need more time to polish the deal. The imagery we saw today of the hugs and handshakes between the two foreign ministers who essentially said, 'Let's talk some more,' did little to reassure anyone.

215 Well, that is a cracking way to start a diplomatic process, by slagging off the two foreign ministers you are going to work with to try to reach a deal. That's clever. It is called diplomacy and clearly they do not understand the first thing about it. But then he goes on a little bit further:

If the GSLP Liberal Government cannot negotiate a safe, secure and beneficial deal in the time and space we have all given them, then they need to give way to the people who can.

220 Good God, help us, please! Even the most fanatical GSD supporter knows that is absolutely not true and indeed is something that puts the fear of God up many GSD supporters as we approach an election with the treaty not having been completed as yet. Again, 'collegiate politics, all in this together, all working together' – first opportunity, off he goes, criticising the foreign ministers of Spain and the United Kingdom and then saying, 'Let me talk to them.' Wow!

225 And then the final one is probably the largest land deal in Gibraltar's history, the Eastside deal. If we were in financial ruin, if we were in the place they say we are and we announced that we are receiving £90 million, surely they would be jumping up and down saying, 'Fantastic news! Wow, well done! Congratulations!' That is what I expect from collegiate and friendly people who are only interested in Gibraltar's best interests – of course. They issued press release after press release challenging the purchaser, the source of funds, whether the appropriate checks have been done, who had paid the money. 'Confirmation needed on source of moneys' – a press release from the Members opposite, when they should have been celebrating the incredible agreement that had been negotiated over a long period of time. Again, a long period of time because if it takes time to get to the right place, time it will take.

230 The Hon. Leader of the Opposition, who has now arrived – and I am grateful he has come in to listen to a few of my bits about him –

235 **Hon. K Azopardi:** If the hon. Member gives way, I just want to say I love to listen to the hon. Member, so I do not want him to interpret any discourtesy on my part. I was just on radio and walking here. It is, what, the time that it takes, but I will certainly go back and listen to everything he has said so far.

240 **Hon. Chief Minister:** Listen to this on the radio.

Hon. A J Isola: Mr Speaker, no, that was not my intention, in saying that, at all. I was merely welcoming him to the Chamber. I was not making any other suggestion and I am sure he will enjoy listening back to what has been said thus far.

245 The Hon. Leader of the Opposition made a number of points which I have already dealt with, some of them, but there are a number of others that I want to talk through. He consistently referred to taxing the people more. In fact, the Chief Minister announced yesterday that the extra 2% was being reduced to 1% for all those earning less than £100,000 – so we are not taxing people more; actually, we are reducing the burden of tax in respect of all those below – and he also announced measures to provide more support within the public sector, obviously because the

250 private sector have been having their increases over the past years, which the public sector have not.

He made a statement which was ‘years of playing poker with the people’s money’. Playing poker, Mr Speaker. Let’s talk a bit about that poker, because what this Government has been doing, and it has unashamedly done it, is invest in Gibraltar, in our infrastructure, which when we
 255 came in, in 2011, was in a desperate state, so much so that by the end of this term there will not be a single school that has not been built by us because of the decrepit state they were left in when we arrived in 2011. Rebuilding of schools – is that poker? Is that a gamble? Really? The education of our children, is that a gamble? Is that what he means by ‘playing poker with the people’s money’? Or is it the improved health services, the new things that we are doing for the
 260 GHA that we did not previously do? Is that poker? Or the sports facilities? Or the 50/50 homes? Or the extra domiciliary care, where we have invested significantly more than they left us? Or sponsored patients? Or the parks? Well, no, hang on, not the parks, because the hon. Members will recall that when this Government came into office in 2011, one of the first things that the Chief Minister did was renegotiate the concrete jungle – if I can use that word ‘jungle’ again – that
 265 they had authorised and given permission to, to ensure that we had a park in the heartbeat and the centre of our city. Was that poker? Was that a gamble? Well, it can’t have been, because we did not pay a penny. The taxpayer did not spend a penny. Or the other parks? Commonwealth Park? Possibly. I do not think anybody in our community would agree that that new Commonwealth Park was poker or a gamble. Indeed, that, too, was in large part sponsored by a
 270 philanthropic company.

Mr Speaker, can I just ask, in order to understand where the gamble is and where the poker is, could they, once and for all, tell us where it is that they would not have spent the money? It is easy to say, ‘You have spent all this money,’ but where is it? In health? In education? In care? Where wouldn’t they have spent the money? The hon. Member, yesterday, referred to the GEA.
 275 I have already dealt with the point about the increased cost of fuel. Does he suggest we do not pay the increased cost of the fuel and leave no lights on? This is a cost that is unavoidable. They know that, so how can they come to this House and talk to us about the GEA figures last year being hopelessly out? They were not. They were accurate at that time. So why can’t they say where it is that the gamble was? I can tell them where I think they played poker and lost: with the
 280 loans of £7 million; with the Theatre Royal; with the Airport at four times the budget. That is poker, that is a gamble, and they lost the game. Tell us where we have. We have always invested in our people, our services and our infrastructure, and we shall not shy from continuing to do that.

The hon. Member then talks about the hidden hundreds of millions in the financial jungle – the same term he referenced in his article in the *Chronicle* in April – all saved by higher taxes. And then he also mentioned the increase in cost for electricity, which was last year; it did not increase
 285 this year, we left it where it was. But that was still increased taxation because he has to build the story: the ‘continuing opaqueness and the fiction’, ‘Don’t buy the rosy headlines, no point pretending otherwise,’ ‘Tell our people the full picture.’ Promises, promises. Same old story: opaqueness, secrecy ... And, yes, in 1996 when they had the chance to deal with each of those
 290 same statements, and after being in government for 16 years, they still had no Public Accounts Committee, they still had off balance sheet increased on steroids from when they came into government, still continued to use all of the companies because they saw the sense in using companies. And yet when we do it, it is not okay. ‘We can do it, but you can’t, because we can’t trust you. We trust ourselves.’ Well, Mr Speaker, I do not trust them because in 1996 they made
 295 promise after promise and never delivered.

When you think of all of these issues, which do not sit well with their view, which talk about a mountain of debt and overspending, and then in the same breath he talks about tax reductions ... He is talking about tax reductions, he is talking about welcoming all the new AA vacancies, more
 300 cost, so we are in this incredible position where we get pushed over the four years to do this and do more and do that and do this, and yet they come once a year and tell us we are spending too much money. Well, Mr Speaker, maybe they are magicians, because I cannot understand how on

earth we can do more in health services or we can do more in care or more in our schools, like welcoming all the new AA vacancies the Hon. the Leader of the Opposition did yesterday, and yet be against more spending, because of course there is a cost to more AAs. They do not want us to spend more money but they welcome the AAs. I clearly went to a different maths school to the one he did, because I just cannot make those numbers add up. But of course he still talks about tax breaks: tax reductions are coming. Can things be that bad? Can we be addicted to debt? Can we be overspending ... that he is talking about tax reductions? Or is it just that the Chief Minister announced the 1% reduction for people earning less than £100,000 yesterday and he wants to say that he is going to play that game too? I find it incredible to see the total lack of a consistent approach from the Members opposite, a total lack of innovation of thinking. Nothing new – it is tired, it is bored, it is finished. We are just here, waiting, to hope that we limp in again to opposition. It is just not good enough, really just not good enough.

I have had the privilege of being responsible for the GHA for just over 12 months, and before I start to talk about the GHA I would like to announce that the new CEO of the GHA, Mr Kevin McGee OBE, will be joining us from 1st October and that Patrick Geoghegan will continue until 30th September, to ensure that there is somebody driving the bus throughout the entire period. We are very fortunate to have Mr Kevin McGee, and a press release will be issued today giving some of his background. He looks after a whole series of hospitals in the north of England and he has been with the NHS for over 35 years. He brings a mountain of experience and especially in turning round hospitals in special measures to outstanding performance in the UK – two that he deals with, two of the many hospitals that he looks after. So his ability to improve the quality I think will be most welcome in Gibraltar.

I have to say thank you to Patrick Geoghegan, an extraordinary man who, with stage 4 prostate cancer, continues to work day in, day out, and has, throughout the entire period, continued to work day in, day out. I have continued my regular meetings with him on Teams. I met him in London – some time back when he was there having chemotherapy – for two hours, and I asked him, ‘So when do you start your chemo?’ He said, ‘I’ve already started.’ He was in the middle of his chemo and he spent two hours with me, going through, in excruciating detail, all the aspects of the GHA that we were working on. The man is absolutely extraordinary. I have never seen anything like it in my life. When you talk about vocation, that is what he has got. He has an absolute desire to improve the Hospital in every sense of the word and we have been very fortunate to have him with us in the time that we have, and I look forward to saying goodbye properly close to the time when he will cease to be working with us and Kevin comes in.

Mr Speaker, I also must thank the senior team at the GHA, the board and, indeed, the Care Agency for the incredible work they do day in, day out. I have never appreciated the extent of the work that the GHA and our care services put in, the breadth of service that we provide, the quality of the service they deliver. The extent of the care for a community with 32,000 people is absolutely incredible and I want to thank each and every one of them – and there are a lot of them – for doing the incredible work that they do.

Over the last 12 months we have done external reviews; recommendations in orthopaedics, maternity and dentistry; *[inaudible]* approvals in orthopaedics, endoscopy and ophthalmology; a new clinical governance structure, mental health strategy and dementia strategy, with the appointment of the new dementia co-ordinator; collaboration with charities to promote health awareness across a whole range of different elements; the standardisation of the GHA drug formulary, which you know has already been announced; a multi-agency strategy; the re-establishment of the Tertiary Referral Board; the new estate strategy to tell us how we are using the space. The proposed front of the Hospital, bringing together the PCC and St Bernard’s Hospital, is a result of that estate strategy. The idea came from the expert who helped us to think through how we could make better use of space. To be able to have all of our waiting areas in the Hospital in one space, to be able to have the PCC and St Bernard’s having their waiting areas in the same space with digital check-in and enhanced seating for our senior citizens and pensioners, just accommodating for the people that we have and at the same time creating a new administration

355 area on the mezzanine floor for the entirety of the Hospital I think is going to be fantastic, and
again only made possible through the donations of our people and our businesses to enable that
to happen.

In the past 12 months, the new Minor Injuries Unit, which is doing remarkable work right
beside A&E ... People go in and come out having waited, been seen and leaving within 30 minutes
for minor injuries. It is absolutely incredible how that has been born and how it is operating. The
360 new neonatal stabilisation pathway. The opening of the CHE for routine GP appointments for
children. The new PCC appointments booking system. Remember that? How many times have we
been challenged in this House on the appalling booking systems at the GHA and the PCC? No
longer: fixed. The new pre-anaesthetic assessment department, new pathways for fractured hips,
365 new spinal pathway, the first ever cooling transfer of neonatal to Malaga – the first in Andalusia
as well – the new domestic abuse strategy, the new IVF policy, the new urology one-stop clinic, all
done, new services, improved services available at our very own Hospital. And I am only picking
through some of them because there are too many to mention. We have the new TSSU; the new
ENT unit; the new Philips radiation [*inaudible*] for MES; the new diagnostic equipment for
endoscopy, for theatre stacks, for ENT equipment; the new rapid response vehicle; the new
370 mobile health unit, trundling around our community serving people in their own residential areas;
the new diagnostic ultrasound in A&E; an incredible amount of training going on in the Hospital;
new practitioners in the PCC and the Treatment Unit; a new nurse practitioner in sexual health; a
new nurse practitioner in respiratory medicine; a new junior doctor contract; the new
appointment of a dementia co-ordinator. Cannabis training phase one is being completed. Clinical
375 governance.

What about the plans for the future: the new front entrance project and the new dental waiting
list initiative. There are, in fact, two important strategic documents to come out in respect of
waiting times, which are going to be our waiting times and our clinical waiting times with a new
strategic document to be published shortly. The opening of the new 111 clinic and adviser desk
380 and ambulance dispatch; the new ambulance fleet; the new operating theatre; the new mortuary.
I am delighted to tell hon. Members that within the first couple of weeks we will have two of the
three viewing rooms ready and open in the new mortuary at St Bernard's Hospital, which will be
placed where the chapel used to be placed within the hospital building. I am hugely grateful to
the Catholic Church for agreeing to move their chapel elsewhere within the premises. The Bishop
385 has been totally supportive and we are deeply grateful to him for enabling that to happen and to
have the new viewing rooms in the mortuary as early as August. Services will start on the new
cath lab, CT scanner, two X-ray rooms, fluoroscopy rooms, and of course, as the Chief Minister
mentioned, the movement of the Coaling Island facility to St Bernard's as we turn the page on
separating mental health and physical health and bring them together within St Bernard's
390 Hospital.

Mr Speaker, out of curiosity, which of those would the GSD not have done? Which of those
would the GSD stop? If they are telling us that we spend too much money in the GHA, which of
those that I have just referred to – and that is just a sample – would they not have done? Would
they not have done the domestic abuse or the dementia strategy and appointed the new
395 dementia co-ordinator? Would they not have done the new TSS unit so we can do more
operations and be assured in terms of the sterilisation of all of our equipment in the Hospital,
reducing risk for our patients? Would they not have done that? What is it they would not have
done? Where is the consistency? If you are telling us to stop spending money in the GHA, tell us
where. Otherwise, it is a completely unfair manner of dealing with this Budget debate.

400 In respect of the Care Agency, Carlos and April and Angelo, I have already mentioned the
breadth of work that they all do. It is absolutely staggering. I have been through the various places
that we have, where we service our users, with His Excellency the Governor and more recently
with the Chief Minister. It is staggering, the quality and the professionalism of the work that they
do. And again, I do not do it justice by fleetingly referring to pieces, Mr Speaker, so I will, at the
405 end of my speech, be giving out a report which goes into a little bit more detail in respect of all of

the other areas that I am dealing with. But Disability Services, St Bernadette's, Adult Services, court protection, Bruce's Farm, the Waterport Day Centre, the Family Services, the Children's Services – in each and every area in which our fabulous team at the Care Agency work, there is professionalism and there is quality, and I have to say how proud I am to be looking after them and having responsibility for them over the past 12 months.

Mr Speaker, in respect of ITLD I have to thank Tyrone and Jonathan for their work this past year. They have spent a huge amount of time this year on security, quite rightly. They have also spent a lot of time on software development and replacing our infrastructure, replacement of data centre hardware, replacement of public key infrastructure, replacement of law courts audio visual systems and growth of the government secure intranet through new fibre connections. And importantly, I am delighted to report that despite the issues that we have had in the past 12 months, I am grateful to them because we are working together well. They are responding professionally. The entire team at ITLD is working closely with us and the results will bear fruit. The whole infrastructure of everything that Government does, whether it is in security software or hardware, is managed and run professionally by our team at ITLD, and I am grateful to Tyrone, Jonathan and the rest of the team for the work that they do.

Digital services, too, Mr Speaker. We continue to work through, despite the criticism from the naysayers and the doomsters across the floor, processing over 60,000 invoices per year digitally; upcoming deployment of Infor Global Human Resources; the entire financial package across the whole of Government now digitally prepared; the integration of HR functions, employee records, time and attendance, leave management and more, all will be coming online very shortly. We have 33,000 fully ID-verified users able to access e-services. Sixty eight per cent of tax returns last year were filed online, and this year with the new app I have no doubt that many more will do so. We are processing over 160,000 applications online and taking some £70,000 a month in respect of payments for those services. I am hugely grateful to the team that has helped to deliver this: Julian, Karen, Stuart, Justin and Heath amongst many others who work with us to deliver these services. So my sincere thanks to Digital Services and ITLD, who are working so well together in delivering quicker, better for the rest of our community as we continue our journey into the digital world.

In respect of online gambling, I am delighted to report that we are in rude health. Thirteen new B2B firms have been licensed in the past 12 months. I gave, earlier, the increase in tax, Social Insurance and corporate tax that we have received each year in respect of the gaming industry, and I am confident that those will continue to grow. In 2011, we had 26 operators; we now have 46 operators. In 2011, we had about two and a half thousand people working in the industry, direct employment; today we have over 3,700 people working in the industry. That is despite Brexit, when you know that the entirety of our European business was taken away. We have still held the operators and the jobs, which is absolutely remarkable, so my thanks to the gaming industry for their professionalism and continued work. My thanks, of course, also to Andrew Lyman and his team at the regulator, who do remarkable work. I mentioned the number before of £127 million, I believe it was, in tax receipts from this industry last year. If you add on to that the £14 million-odd in licensing and regulatory fees, and it cost us less than £1 million for the entire gambling office to look after all of our operators, I think they deserve a huge pat on the back for their efficiency and professionalism during the year. We will continue to work on poker AML as we move forward, and of course we will shortly be publishing the new Gambling Bill, which has taken us so long – held up through Brexit, held up through COVID – but now we are finally at the end of that process and I very much hope to be able to produce that Bill. I am grateful to the gambling regulators, to the three Peters and a number of others who have helped us to deliver that work.

On financial services – again, I am just literally touching on some of the areas – we have done remarkably well this past 12 months and I would like just to highlight a couple of areas which I think are relevant. Clearly, the most important piece of work within the Ministry is the ongoing discussion with His Majesty's Treasury in London, the FCA, the PRA and the GFC and my office as

we work towards the delivery of GAR, which should be coming through next year. We are preparing for the sectoral assessments, which will happen in the coming months, and we continue to work studiously in respect of alignment of our legislation and our regulatory outcomes.

In DLT, 36 firms, over 100 people directly employed in the sector – apart, of course, from the work that is done through all of our lawyers, our accountants and our other professionals dealing with servicing the industry. I am very grateful to Paul Astengo for his leadership in this respect, and especially for having got that 10th core principle out last year on market manipulation – again, the first in the world in this space.

On insurance, I am pleased to report that total gross premium income in 2022 reached £7 billion through Gibraltar firms for the first time ever. It is a staggering amount of money that our insurance businesses are writing through Gibraltar, and so it will be no surprise that two of the big four accounting firms estimate that Gibraltar’s motor insurance collective share the UK motor market exceeded 30% for the first time in 2022. It is incredible what a jurisdiction like ours can do when you specialise in an area like we have done. And so what is the objective? To use that knowledge, that expertise, and use it to grow other areas of insurance. That is what we must do to seek to diversify that insurance base. I can tell this House that in the area of pet insurance, 20% of UK pet insurance is intermediated through Gibraltar companies. Nobody has ever heard of that before. *(Interjection)* I will arrange some insurance for him, if the hon. Member wants. I can understand why people do want to insure him, but I am happy to help him get some insurance. *(Laughter)*

Hon. Chief Minister: He will have to have a risk assessment.

Hon. A J Isola: Mr Speaker, 20%. Again, my congratulations to the industry.

And again, another new area, travel intermediation, is close to 30% of the UK market written from Gibraltar. This is an interesting one because I know the Chief Minister will remember when we were in the throes of COVID and we were working through the BEAT system and working out how it would work, we always said financial services and gaming do not need a penny. There was one sector that did, and I think the hon. Member may recall himself the travel insurance intermediaries, who ... Travelling stopped. Not only did they have no money coming in, but they had to repay premiums in respect of those that had been issued. They had a serious problem, and so they appealed to Government and the Chief Minister at the time agreed that we would provide financial support in order to ensure that these businesses did not go down. Well, they did not go down and today they are writing close to 30% of the UK travel insurance intermediation business, which I think shows the extent to which the BEAT measures during COVID were calculated, thought through and incredibly well delivered, because that is a result of that work.

We have had a new insurer recently domiciled from Malta in record time to provide a new line of business in Gibraltar. We will be passing, through this Parliament later on in this session, a Bill dealing with another type of insurance rating scheme of arrangement, which again is an important business that we wish to keep. And then, of course, we are currently working on a new business, which is the life business. I talked about seeking to diversify and the need to continue to diversify in the insurance sector. We have a new life business that is currently going through an application with the regulator, and if that comes through – and I hope it does, but obviously it is in the hands of the regulator – it will be a first important big step in terms of diversifying our insurance base. I am told that we have the longest pipeline of new business at the FCC in insurance in 10 years, so I am very pleased to say that in financial services we continue to go well.

We will be setting up, over the course of the next 12 months, the new Insurance Insolvency Fund. We have to do that. We also have a working group going, on insurance non-UK captive regime, where we are almost there in terms of the regulator and the private sector working together to bring it to fruition. We have a working group on Cat2s. We have a working group on the Companies Act, to see how we can best reform it. We have a working group on QROPS, to see how we can design, with very minor tweaks of our legislation, an attractive new proposition for

510 qualifying non-UK recognised pension schemes. And of course we will carry on working with GAR
and we will carry on working with our DLT community and with our educational institutions to see
how we can improve what is available there. We are also launching a Gibraltar alumni in financial
services, working in London to try to rekindle that link that we started pre COVID with
515 Gibraltarians working in the City. We are also looking at artificial intelligence, and I am pleased to
say that we are developing a strategy in partnership with the Ministry for the Environment and
Sustainability on sustainable finance, and I hope that that we will be able to publish shortly.

We are also going through, as hon. Members will know, a sort of restructure of the Finance
Centre as a result of the departure of James Tipping, Mike Ashton and Timothy Haines. Mr Tipping
has been with us for over 20 years. He has been instrumental in leading Gibraltar through the
520 repositioning of our financial services community, going back to the Tax Information Exchange
Agreements, OECD and IMF reviews, FATF, UK, GAR and Brexit. He has been there and held our
hand through that entire process, and I am deeply grateful to him for the incredible work that he
has done for Gibraltar, and continues to do because he agreed with me, when he told me he was
leaving, to continue to work for us for nothing for 12 months, especially in the areas that relate to
525 Treasury, GAR and the UK relationship. I am extremely grateful to him, as I am to Mike and to Tim
for the excellent work that they have done in their respective areas. I am grateful, too, to John
Paul Fa, who has stepped into that frame and been hugely supportive in the short time that he
has been with us, not just in this but in a whole host of other areas. Paul Astengo I have already
mentioned. Kerry and the SNT team at the FSC have been brilliant, as has, of course, Julian
530 Sacarello in respect of GAR and the ongoing work with the United Kingdom. I am grateful also to
the Finance Centre Council current president, Shaun Cawdery for his work. I look forward to
working with him in the future, in particular in respect of the selection of the new CEO of the
Finance Centre, where I have asked him to come in with us and participate in the process of
selecting the new positions.

535 At the GEA, a huge amount of work is going on this year: 12 km of high-voltage cabling from
Waterport to the new Eastside development, and we are going to start the preparatory
commissioning works of the battery energy storage (BES), which is critical for our future power
supplies. This is what will step in whenever there is a failure. It is just a very big battery, which will
last up to an hour and provide a significant amount of power. You will see some expressions of
540 interest being issued shortly in respect of that BES. We will commence the decommissioning and
removal of the North Mole temporary power plant as and when the BES comes in. We can finally,
to the joy of the Chief Minister, rid ourselves of those caterpillars and move on to have more
reliable, sustainable power.

AquaGib – the Chief Minister has already mentioned the ongoing works there. They were
545 brilliant during the Powers Drive ... To lose the water that we did last summer and to provide the
alternatives that they did within the period that they did was really quite remarkable. I am pleased
to say that we have now more than catered for that loss of supply. We are in better shape than
we ever have been with our water stocks and, more importantly, our ability to produce, and I am
very grateful to Paul and the senior team at AquaGib for their work in doing that. They are also
550 working on the new AquaGib headquarters, where we will have a series of new RO plants at North
Mole adjacent to the GEA facility.

The Gibraltar International Bank – Lawrence Podesta has been with us from day one. A huge
thanks to him for what he has done. He was responsible for the set-up, the development and the
success of the bank and I will always be grateful. I have said this many times before to him. I am
555 delighted to welcome Peter Horton, our new CEO, who is absolutely brilliant and I am really
pleased that the GIB is in very good and safe hands. The work they have done recently in respect
of mortgages is of note and I think requires special mention.

I must thank, of course, my personal office – Karl Triay, Gareth Flower and Natalie Alvarez, who
look after me, with no fuss, incredibly well and keep me smiling even at the worst of times, and I
560 am eternally grateful to them for all of the excellent work that they do.

In closing, Mr Speaker, I will again draw from the inspirational words of our Chief Minister. We keep Gibraltar safe. I do not think there is a Government in the history of this community that has had to face the challenges that we have faced. The thought of a new Member waddling in to a negotiation in Brussels, Madrid or London is just terrifying because what this Chief Minister has done, firstly with Brexit ... Let's break it up into little pieces. Whoever would have thought that the Government of Gibraltar would be able to negotiate and enter into an agreement in a document – that is when the tough times come – on tobacco pricing, when that has been the bane of our lives for I do not know how many years? It is absolutely remarkable. That is skill, that is diplomacy, and the ability to do that in order to get the Withdrawal Agreement ... And let's remember, when you talk about the Withdrawal Agreement, the only reason that today our passports are not being stamped every single day, threatening the fluidity at our border for our workers and our tourists, is because of that Withdrawal Agreement which the Chief Minister negotiated. We take it for granted. We all think that the treaty is the success. We are the only patch in the world that can access Schengen with a Gibraltar ID card. If that is not evidence of diplomatic skill at its highest level, I just do not know what is. But that is not enough. To actually enter into a Withdrawal Agreement and then to enter into a tax treaty with the United Kingdom ... Before Mr Clinton jumps up ... Why has Gibraltar never had a tax treaty with the United Kingdom before? This Chief Minister walks in and out of Downing Street and visits the Prime Minister almost at leisure. How many times did the Chief Minister of that Government across the floor in 16 years visit No. 10? How many times? One, two, five, 10?. Nil. Never. How many times did hon. Members meet with the Foreign Secretary? They probably did not have a phone call. The relationship that Gibraltar today enjoys with the United Kingdom, enjoys with Spain and enjoys with Brussels is down to one thing only, let's be absolutely clear: the diplomatic skills of this Chief Minister. That is the reason why we have what we have. And many of the GSD supporters who I know well always say to me, 'Look, love him or hate him, you've got to give it to him. How the heck is he able to do that?' But he does, not once, not twice, not three times, but every single time. So when he says we keep Gibraltar safe, my God, we do.

A tax treaty with Spain. Ten years ago when I came into this job, if somebody had said we were going to try to negotiate a tax treaty with Spain, I would have thought, 'You're mad. To think about it you must be mad.' To actually attempt it, negotiate it and deliver it is absolutely incredible. It is absolutely incredible. When the people who have said everything they have about what this community is ... when they were in government ... they are the ones with the diplomatic skills – of course they are. We delivered each and every time. The Chief Minister delivered each and every time, with the support, of course, of the Deputy Chief Minister, the Attorney General and the rest of the negotiating team.

Mr Speaker, I can hear all the mumbles. I know they do not like it. And do you know what? I do not care that they do not like it, because this is what the people need to understand: the truth. *(Interjections)*

D J Bossino: We are loving it.

Hon. A J Isola: Oh, you are loving it? Well, I am sure you, like the rest of the community, hopes he carries on negotiating, because that is what I would love, too, like they do. *(Interjections)*

Mr Speaker, to think that financial services firms in Gibraltar can passport – *(Interjection)* I will go back a bit because they are not listening. I will wait. *(Interjections)*

Hon. Chief Minister: Girls, girls.

A Member: Sorry.

610 **Mr Speaker:** I think, with all respect ... I know you are enjoying it, but enough is enough. Let us moderate our – (*Interjection*)

Hon. A J Isola: [*Inaudible*] and I went to see the Chief Minister, as did the GBGA, the Finance Centre Council, the Chamber of Commerce in those early days. We saw them all because we
615 fronted up and we faced up to the challenges that we faced. The number-one wish was, ‘Do you think you can get us access to the UK financial services market?’ and he said, ‘We’ll give it a go.’ We knew that a big chunk of our business was with the UK. We did not know how much, but we knew a big chunk of our business was with the UK. We thought we would be more successful in
620 Europe than the 7% or 8% that we subsequently found out, but over 90% of our business was with the UK. It was fundamental. It was critical. This Chief Minister delivered that Gibraltar firms can access the UK financial services market. The only bit of territory in the world that has passporting rights into the United Kingdom, into the City of London, is Gibraltar. The only one. No one else has that. The Chief Minister delivered that. I thought it was impossible. When he came back and said, ‘I think there is a chance,’ I thought, ‘Oh my God, if you are able to do that, we are able to retain
625 the financial services business that we have,’ and as I have told you before, look at our insurance space today. Despite Brexit, despite COVID, 30% of the market. If we put in the infrastructure for them to work, the professionals will make it work. That is what the Chief Minister gave them, the infrastructure for them to be able to go out, do their business, employ more people, pay more taxes, and that is what they are doing. It is a keystone of our industry, the insurance market. If
630 they could not write into England, they would not be here. Let’s be clear what we are talking about. They would not be here. They would have gone. They are only here because of him. It is the only reason they are here. Can we do the same with gambling? We have the MoU between DCMS, the Gambling Commission and Gibraltar. Absolutely remarkable. I remember talking at the time to the greatest Gibraltarian of all time, who said to me, (*Interjection*) ‘If you can get access
635 to the UK market for our financial services firms and our gaming firms, that would be incredible.’ And it was, and he did, and it is incredible, and that is what is making us continue to thrive in financial services in our community. So let’s not come with this nonsense that the Members opposite have the ability to walk in and negotiate these deals with however many counterparties there are. Indeed, Mr Phillips’ tweet would suggest that they have no idea of how to enter into
640 diplomacy, by taking the mickey out of the two foreign secretaries that you are going to want to go and negotiate with, in his press release and his tweet.

And then, of course, we come to COVID. The leadership of this Government, of this Chief Minister, of Samantha in Civil Contingencies and in Health, each of my colleagues in their own
645 areas working together – and, to be fair, the Members opposite who worked with us in those meetings – with the entire community coming together: that is Gibraltar at its best under the leadership that made it happen. When I look back and I look at the lessons learnt that we are going through now – and we will be shortly announcing the COVID inquiry – we want to learn how we can get better. We do. We genuinely do. But my God, we did a pretty damn good job. We saved lives every day of the week – absolutely remarkable – especially our senior citizens. Talking
650 to the next CEO of the Hospital, who we shared some reflections with on COVID, he talked about how senior citizens there were just decimated. Not here. In that first phase, nothing. That only happened because of the work that was done to ensure that it did not happen.

Even on the deadly boring subject of NNO, which we all hate, the Deputy Chief Minister has worked day in, day out to ensure that if the deal treaty cannot happen, we are as well prepared
655 as we possibly can be for what none of us want to happen. That is leadership, that is work, that is detail. That is watching every single ... dotting every i, crossing every t, making sure that we have every single part of everything covered. Members opposite should honestly ask themselves a simple question: who would you trust to negotiate our future? For me, and I think the vast majority of our community, the answer is very simple: it is this Chief Minister and I have absolutely
660 no hesitation in saying he will keep Gibraltar safe.

Mr Speaker, I am pleased to commend the Bill to the House. (*Banging on desks*)

Mr Speaker: The Hon. Vijay Daryanani.

665 **Hon. A J Isola:** Mr Speaker, if I may, there is a report being circulated that I would like to take as read, which is being distributed now and is detailed on all of the respective departments that I look after, with some more information for the hon. Members opposite – to be helpful and collegiate with them.

670 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, it is an absolute privilege to deliver my third Budget address to this House as Minister for Business, Tourism and the Port. During the course of my contribution I will report on the work we have done over the past financial year and set out my Ministry's objectives for this financial year.

675 Let me start with tourism and saying that my aim for tourism has not changed since I took on this portfolio. It is to promote Gibraltar for what it is, the British jewel of the Mediterranean. Gibraltar is the ideal tourist destination and this is the consistent message that we have delivered at different trade fairs and the wider market.

680 In June last year we attended the European Cruise Summit in Genoa. It gave me the chance to interact with relevant players of the cruise industry to discuss ideas and issues impacting the industry and how to work together to shape the future of cruising in Europe. At the same time, I met with some of the cruise lines that visit Gibraltar. It is important to maintain constant contact with our partners so that we can keep on working together. I had the opportunity of meeting the Minister for Tourism of Greece and the Director General of the Cruise Lines International Association. It is always interesting meeting ministers from other countries as it allows us to exchange ideas and see if we can work together, if at all possible. My purpose at these events is to keep reminding the key decision-makers about Gibraltar and promoting this wonderful nation of ours.

685 In July last year the Gibraltar Tourist Board exhibited at the Meetings Show in London. This show welcomes exhibitors from around the world, including hotel destination management companies, conference venues and technology suppliers, allowing them to come face to face with global buyers of events, meetings and incentive locations. Lord Sebastian Coe delivered the joint keynote with TEAMS Europe, a newly launched platform for sport-event organisers seeking destinations and suppliers that want more sport-related conferencing and event business. I believe Gibraltar has scope for development and growth in this field and I am working closely with the CEO of the Gibraltar Tourist Board to explore and expand this avenue.

690 Seatrade Cruise Med took place in Malaga last September. It is the only back-to-back cruise conference in the Mediterranean. We need to be present and visible at these exhibitions if we want to continue promoting Gibraltar in the right way and increase cruise calls to our port. At the conference, I took part in a panel discussion titled Promoting New Regional Cruise Itineraries. I was joined by representatives of Malaga and Tangier, two of our main competitors in the region. The presence of Gibraltar's Minister for Tourism at events like these is crucial. The discussion was focused on increasing cruise calls in the region of the Western Mediterranean. I therefore took the opportunity to showcase Gibraltar as a popular cruise destination, emphasising our port as one of the best in the Mediterranean and highlighting our plans for the future. Even though Malaga and Tangier are our competitors, it is important to explore if we can work with them to see if we can attract more traffic to the region. This is something we are looking at doing.

700 Windstar Cruises *Wind Surf* cruise liner was the first to experience a tour at our City Hall. Guests were treated to an art tour of the Mario Finalyson National Art Gallery and walked around the City Hall learning all about its varied history and uses from it being a private residence, a hotel, the seat of the City Council and now the office of the Mayor. The tour concluded with a canapé and refreshments reception to sample our local cuisine in the Mayor's Parlour.

705 October was a busy month, once again, working with the cruising industry. Together with MH Bland, I welcomed a group of cruise executives to Gibraltar. This familiarisation trip hosted by MH Bland included cruise liners such as Saga Cruises, Fred Olson, Mystic Cruises, Silversea Cruises,

715 Regent Seven Seas and Azamara. These trips are very important as it allows the decision-makers
to see the destination at first hand. I am grateful to MH Bland for working in conjunction with the
Government for the good of Gibraltar. Gibraltar has all the ingredients to really become the port
of choice in the Mediterranean and we need to work in partnership to make this a success. I was
invited on board by Regent Seven Seas *Splendor* while they were here in Gibraltar. I was
interviewed by a UK film crew who were producing a piece on luxury cruising. This was an excellent
720 opportunity, once again, to showcase Gibraltar as a cruising destination. Regent have a
magnificent product and I am delighted that they are including us in their itineraries and grateful
that they promoted us through this invitation.

As part of our marketing drive, we have hosted various groups of influencers and key opinion
leaders; travel writers such as members of the British Guild of Travel writers, who visited us in
725 October, and journalists such as from the *Mail on Sunday*, City AM and a major airline loyalty
programme team. This has resulted in some excellent coverage by way of targeted travel-related
articles both online and offline.

In November, Mr Kevin Bossino, the Tourism CEO, attended a Travel Bulletin Awards dinner in
London, where Gibraltar was shortlisted in the Star Cultural Tourism Destination nominations.
730 Gibraltar was against tough competition with countries such as Greece, Israel, Italy, Jordan, South
Africa – and Thailand, who ended up winning the award. It was, nevertheless, a great achievement
to be in the same company as the countries in question. This is another example of Gibraltar
punching above its weight once again.

In December the Tourism CEO opened a *Travel Weekly* breakfast event in London, which was
735 a fabulous opportunity to address a good cross-section of the UK travel trade. These events allow
us to showcase Gibraltar as the perfect short break from the UK. They are attended by travel
agents, press and main players in the industry. We are proud of our British links and we will always
market Gibraltar in the UK.

The eighth Gibunco Gibraltar Literary Festival took place in November 2022. This three-day-
740 long event included a school programme, where a number of the international authors attended
schools around Gibraltar to speak to students about their books. This year we had diverse authors
such as Rory Cormac, Raffi Berg, Matthew Dennison, Lloyd Grossman CBE, Jonathan Fenby, Martin
Sixsmith, Prof. Mary Beard, Sir Peter Ricketts, Nicholas Janni, Alan Johnson, Maggie Gee OBE,
Patrick Gale, Charlotte Philby, Jess Phillips MP, Rt Hon. Andrew Mitchell MP, Alastair Santhouse,
745 Prof. Cath Green and lastly, but by no means least, Rachel Williams. I did not want to leave anyone
out. The authors are of exceptional quality and their talks were incredibly interesting. The event
was a success and very well received by members of the public. I would like to publicly thank the
Gibunco Group, especially Mr John A Bassadone, for their continued support to the Gibraltar
Literary Festival and I am delighted that we have already announced this year's festival, which will
750 be held between 17th and 19th November. My team and I are working hard to make sure that it
is even better than last year, so watch this space.

Gibraltar hosted the CAPA World Aviation Summit and Awards for Excellence in December last
year, which was held at the Sunborn. This two-day summit allowed me to interact with various
aviation and travel representatives from around the world with the purpose of sharing ideas
755 behind the future of the aviation industry. It was a fantastic opportunity to showcase Gibraltar
first hand to CEOs and high-level executives of the global aviation industry. Many were visiting for
the first time and were extremely impressed with what they saw, and showed interest in air links
but of course these are on hold, for obvious reasons, at this moment.

I attended the International Hotel Investment Forum in London, where I was introduced to
760 very influential hotel owners, investors and hotel companies with large property portfolios. This
led to follow-up meetings in January with professional hotel investors. It also included Meetings
Incentive Conventions and Exhibition professionals (MICE) with the intention of exploring the
potential of a MICE venue in Gibraltar. As Gibraltar grows, we need to add to our hotel room stock,
albeit this will be done in a considered and calibrated fashion.

765 All this takes time, it does not happen overnight, and I can tell you that I do not stop. We have
to continue engaging with the industry to encourage niche events. One of my goals is to make
Gibraltar a ‘happening’ place. We will continue to actively engage with destination management
companies and professional congress organisers, event planners, wedding planners, the corporate
sector, the education sector, culture and sports, to name a few, to be able to attract niche events
770 across the board. There has been good work done in the past but we can push these areas more
and continue to try to get some traction in new and established events.

Other than marketing Gibraltar in the traditional sense, there is a need to increase our digital
marketing presence and we will be engaging with relevant players in this field. There are many
areas in the digital world which can be targeted, including social media, special interest podcasts,
775 blogs, vlogs, programmatic buying, etc. Times are changing and so must we. We are also
constantly working to supplement our photographic and video stock to ensure we have the right
images and footage to entice people to travel to our wonderful and unique Rock, making sure we
showcase the variety of experiences in the destination, including history, culture, nature, wildlife,
food, wine, outdoor adventure and our special geographical location.

780 There have been a record number of 20 inaugural cruise calls in 2022, beating the previous 19
in 2016. Tourism suffered due to the pandemic and this was no exception in Gibraltar. However,
we have made a quick recovery, especially in the cruising industry, and statistics prove our hard
work. Whatever my detractors may say – and they need to realise that every time they play down
the efforts of the Government they are damaging Gibraltar’s business prospects – I will continue
785 marketing Gibraltar, because that is what our retail and hospitality industries want and expect
from me. It is not easy in this very competitive industry, but I will strain every sinew to deliver on
all fronts. At the same time, I will always continue to put Gibraltar first and leave party politics to
the Opposition.

In February I attended the CONNECT Route Development Forum in Tangier. The aim of this
790 conference is to bring together the aviation industry to discuss current matters and the future of
aviation. This gave me the opportunity to engage with airlines that currently fly to Gibraltar but
most importantly, target the Moroccan airlines. The goal is to have an air link with Morocco for
commercial and social purposes. I keep on pushing hard on this, but it can be so frustrating at
times.

795 The European Cruise Summit was held in Paris this year. Politicians, CEOs and presidents of the
most important cruise lines in the world, such as Carnival Corporation, Royal Caribbean Group,
TUI Cruises and Crystal Cruises, amongst others, joined the conference. I was introduced to one
of the principal speakers at the conference, the Spanish Secretary of State for Tourism, Ms Rosana
Morillo, who I had a brief conversation with. Once again, meeting Ministers from different
800 countries allows us to exchange views and learn.

In my view, Gibraltar should attend all important conferences, not only to keep the business
we currently hold but also to keep on building. It is clear that I am extremely ambitious for
Gibraltar’s cruising industry and believe we have to attract more calls, and this is what I am non-
stop striving to deliver. One does not know how difficult this is unless you are in there on a daily
805 basis, like I am. It is extremely easy to criticise from the Opposition benches. Their tourism
spokesman has a tendency to do so without offering any substantial solutions or new policies.
That is the style of politics that he practises. I have given the hon. Member the opportunity to
work together for the sake of Gibraltar, at least to talk; but no, Mr Speaker, he is not interested. I
wonder why. While a robust Opposition – which they are certainly not – is a fundamental
810 component of a thinking democracy, it is disheartening when criticism is driven solely by political
motives at the expense of our chances of conducting our business matters in private, away from
the prying eyes of our competitive neighbours.

Together with the CEO of Tourism and the Captain of the Port, I attended the Seatrade Global
event in Fort Lauderdale. Seatrade Global is the largest annual cruise gathering in the world. Over
815 13,000 professionals come together to innovate, uncover new trends and secure partnerships. It
gave the Gibraltar team an opportunity, once again, to reconnect with this important sector, put

forward our case for increased cruise calls and set out our ambitions within the industry. We need to do this regularly. Our competitors do it all the time and we need to make sure that we are there too. This is how the cruise industry works. It was an intense few days of marketing and networking.
820 There seems to be new competition every day. I met with 25 cruise companies at this conference, which was very fruitful as the meetings were primarily with the itinerary planners. These are people who have an important influence in the destinations that they visit and it was a good opportunity to hear from them directly. That is why Gibraltar's presence at these events is necessary, and the Government's commitment to the cruising sector is unquestionable.

825 In April we had the pleasure of welcoming *Götheborg of Sweden* to our shores. This is the world's largest ocean-going wooden sailing ship. It is a unique replica of an 18th-century Swedish East India Company merchant ship that sank outside of Gothenburg in 1745. It was a sight to behold and members of the public were able to visit the ship for a tour. I must say it sparked huge interest with visitors and locals alike and I hope to arrange something similar very soon.

830 Over the last few months the CEO has been engaging with Spanish tour operators, with the summer season upon us and an increased number of tourists expected on the Costa del Sol this year. This is an important market and we will continue with the one-to-one engagement.

I attended the Cruise Lines International Association conference in Southampton in May, where I hosted a dinner for senior cruise executives prior to the conference. This was a first and really allowed me the opportunity to engage with senior players where only Gibraltar was the subject of conversation. I look forward to hosting similar events in the near future.
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Mr Speaker, as you know, this Government truly believes in equality and inclusiveness. The Gibraltar Tourist Board has installed hearing loops – audio induction loops – at each tourist information office: John Mackintosh Square, the Frontier and the Cruise Terminal. These loops have been placed to assist people with hearing impairments. The introduction of the hearing loops is part of our commitment to ensuring an accessible and inclusive environment for all Gibraltar's visitors, so that every visitor may be able to discover first-hand the truly wonderful sites and history that Gibraltar has to offer.
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I now move to the Airport terminal. Gibraltar Airport's post-COVID recovery is well under way, and the work done by the Government during this period to consolidate our existing routes is evident as passenger figures have returned to 2019 levels. 2022 finished off with a 70% increase in passenger movements when compared to 2021, with 446,187 passengers being handled, which places the Airport back on the path to the 0.5 million mark. Increased capacity on some of the routes on our scheduled services is being achieved with aircraft configured to a higher seating capacity. The return to normality in the aviation industry has also brought with it a return to more traditional levels of traffic, both for scheduled and non-scheduled services. Movements have increased, with an overall growth of 18.3%, although there has been a slight downturn in our non-scheduled services. This is in part due to the EU/UK Air Transport Services Agreement not allowing European operators to transport passengers directly from the UK to Gibraltar and the return of better point-to-point links being provided by scheduled services post COVID. Hopefully the situation should improve once the current Brexit negotiations are concluded.
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Gibraltar, this summer, will again be served by 39 weekly flights distributed as follows: London Heathrow, 15; London Gatwick, 14; Manchester, seven; and Bristol, three. The first quarter of 2023 has also shown positive growth, with an average 24.5% increase to the same period last year. A welcome innovation this year is British Airways' addition of an extra flight to London Heathrow on Saturdays, increasing their frequency to three daily flights. This increase is being spread out over 22 Saturdays over the summer schedule and is a first for Gibraltar Airport and a welcome increase in capacity and is an excellent example of the Government working in partnership with the airlines to achieve mutual benefits. This is good for overnight tourism, this is good for retail, this is good for restaurants, this is good for our hotels and this is good for Gibraltar PLC on the whole. But what do we get from the tourism spokesman opposite? First of all, nothing positive. No surprises there, Mr Speaker. He says, and I quote, 'This doesn't compare with the high levels of activity at Malaga Airport' and that Malaga has 15 new European routes with easyJet this year.
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870 Doesn't he know that Gibraltar Airport cannot receive flights from Europe? What is he comparing?
Malaga Airport had 19.85 million passenger movements in 2019. What a ridiculous comparison. If
that is the level of his understanding of the airline industry, then God help us.

875 It is also the second year that easyJet has had a daily service to Manchester. This has become
a very popular route with our passengers and provides excellent access to the northern part of
the United Kingdom. Manchester Airport is itself becoming an important hub with 171
destinations, and this service brings with it excellent opportunities to expand connections with
Gibraltar.

Load factors during 2022 and to date in 2023 on all routes continue to be healthy and over the
80% mark, with some in the 90s.

880 Unfortunately, Gibraltar Airport has continued to be affected by flight disruptions due to issues
outside its control. The Government's position on this subject is very clear and categorical. The
Ministry of Defence must ensure that all of the services it provides for the proper functionality of
the airfield are adequately resourced and with robust business continuity plans in place for all
eventualities, so that flight operations to Gibraltar Airport can continue without interruption.

885 In November, the Air Terminal took part in the airfield crash exercise, aimed at testing and
validating the response practices and procedures in place for such an incident, organised in
conjunction with the Government's Civil Contingencies Office and RAF Gibraltar. There was also
an element of aircraft post-crash management, which dealt with the restoration of normality and
the reopening of the airfield as quickly as possible after an incident. The lessons identified after
the exercise have all been incorporated into the Gibraltar Airport Emergency Orders and
890 disseminated to all participating agencies.

Mr Speaker, moving on to the Port, 2022 has also been a challenging year. The global geo-
political situation, particularly the events unfolding in Ukraine, have had an inevitable impact in
the maritime industry internationally and also a very concrete effect in Gibraltar. These events
have come at a time when shipping was attempting to recover from the dramatic impact of the
895 COVID pandemic. We have also faced disruption to port operations due to weather conditions,
and of course we have faced the challenging situation involving the OS35. The removal of the
wreck is now complete and preparations are in place for it to be transported away from Gibraltar.
This has taken a lot of the efforts and resources of the Port to follow up and progress this removal.
But, despite all of this, the Gibraltar Port Authority has managed to perform well financially during
900 the last financial year.

We have seen something of a seesaw effect in different sectors of the Port's activity during
2022, with a drop in overall vessel and bunker calls against increased activity in ship-to-ship and
off port limit operations. This pattern has continued into 2023. However, we did see a welcome
increase in cruise calls during 2022 against the previous two years. We cannot hide from the huge
905 challenges that the cruise industry continues to face following the COVID-19 pandemic, and
Gibraltar will be affected, partly due to repositioning of vessels and changes in itineraries, where
focus has moved from the Western Mediterranean to the Eastern Med. For some people, COVID
did not happen; COVID was an excuse. They live on another planet, but in the real world we know
what the truth is. Ask those who nearly lost their jobs, ask those who nearly lost their businesses
910 and ask those who lost their loved ones: was COVID really an excuse?

But we move on, Mr Speaker. Superyacht visits have also taken a hit, especially as many of the
bigger superyachts were Russian owned or linked. But despite that, we are seeing some resilience
in general yacht calls and we anticipate that Gibraltar will see a steady level of activity during 2023
due to its reputation as a reliable port to call at for crew changes, supplies and other important
915 services. We will continue to monitor this particular activity closely and continue to liaise with our
partners in the superyacht industry as well.

Direct engagement and face-to-face marketing remains the cornerstone of the Port's
marketing strategy, and with the easing of COVID restrictions last year we were able to attend a
number of prestigious face-to-face events and hold some of our own. His Majesty's Government
920 of Gibraltar Maritime Services hosted Gibraltar Maritime Day in London in February of this year.

This was an extremely successful event with an exceptional level of interest and a model on which we plan to base future events in different jurisdictions. I would like to take this opportunity to thank all our sponsors and partners involved in these events. Without their support, both commercially and financially, it would be virtually impossible to carry out this type of marketing.

925 I am pleased to report that the third Maritime Week Gibraltar event was held at the end of June. There was huge external interest in this event. Delegates from all over the world attended, proving that Gibraltar's reputation in maritime circles is at an all-time high. I must give a special mention to our local stakeholders, once again, and partners, who worked extremely hard to make this a success.

930 We are also involved in London International Shipping Week, a bi-annual prestigious and internationally renowned event scheduled for September. HMGoG Maritime Services will be hosting a very prominent reception during this event, to be held on the rooftop of the IMO building in London, and anticipated guests include the UK Secretary of State for Shipping, the IMO Secretary General and a very high-calibre list of guests who are leaders in their industries. We look
935 forward to joining our partners in delivering this exciting event and generating interest and business opportunities for Gibraltar Port as a whole.

Mr Speaker, I now turn to the Authority's finances. As already mentioned at the beginning, the Authority has managed to perform well, considering all the obstacles faced over the last financial year. Revenue for the financial year ending 2023 was £8,255,035 against an estimated figure of
940 £7,819,000. Expenditure came in at £7,273,896 against a budget of £7,028,000. The overspill in expenditure was due to higher than anticipated insurance renewal costs for the Port and the cost of hiring out fenders throughout the year, as well as on some cleaning services. As for capital expenditure, the Authority had allocated £161,022 under Capex at the end of the financial year against a budget of £622,000. Due to tender processes and the ongoing OS35 incident, some
945 projects had not been completed within the financial year.

As reported in my last Budget speech, both the senior management team at the Port Authority and the Ministry for the Port continue to look at ways of further increasing port activity and, in turn, increasing revenue streams. A review of port tariffs is currently under way and a full consultation process will commence with stakeholders to ensure a fair and reasonable approach
950 is taken so as not to have a detrimental impact on business for the Port.

In 2022 I reported that refurbishment and repairs of the Watergardens marina would commence shortly, a project which had previously been put on hold due to the pandemic. I am pleased to confirm that this project is now under way, with detailed planning taking place between the Port Authority and the contractor appointed to deliver the project. I would have liked to have
955 started this project earlier but it simply has not been possible.

I alluded at the beginning of my statement to the negative impact which the OS35 incident had on port operations during the latter part of 2022. This significant incident has proved to be extremely challenging for my team at the Port Authority, and in particular senior management. I must take this opportunity to commend them all for the way in which this incident has been
960 handled, something which has been recognised internationally. A special mention for the Captain of the Port, John Ghio (**A Member:** Hear, hear.) – he has had numerous sleepless nights over the last 10 months, he has given his all and I consider myself extremely lucky to have him as Captain. I must also thank our local partners and stakeholders for the support shown to the Authority. The community of the Port is our biggest strength and asset, and while size does matter for some
965 things, being a small, tight-knit community continues to be a core strength for the maritime sector in Gibraltar, and, as has been shown in this instance, a significant advantage.

Finally, I would like to take this opportunity to thank my whole team at the Port Authority for their continuing efforts to deliver. This makes my role as Minister for the Port a lot easier. These remain challenging times but we will strive to meet and, where possible, excel.

970 Mr Speaker, I will now turn to the Gibraltar Maritime Administration (GMA). The post of Registrar of Ships was filled in March. Whilst this is very good news, the current uncertainties continue to negatively affect the size of the existing registered fleet, as some ships continue to

migrate to EU flags and the rate of new registrations has been slow in picking up. However, on a positive note, following expression of interests, we anticipate further vessels to register within the next few months. The Yacht Registry remains largely unaffected, with figures remaining stable. Also, the Small Ship Register continues to grow as per the trend in recent years. The fleet size on 1st May 2023 was 149 ships, 883 yachts and 317 small ships registered in Gibraltar. The total combined tonnage of the Gibraltar fleet on 1st May 2023 was 945,335 gross tonnes.

The Gibraltar register remained white listed within the Paris Memorandum of Understanding on port state control during 2022. The White List represents quality flags with a consistently low detention record. In addition, the Gibraltar Ship Register remained in the United States Coastguard Qualship-21 programme. The Qualship-21 programme is an initiative to identify high-quality ships and provide incentives to encourage quality operations. The Gibraltar Ship Registry is only one of a select few registers which continue to meet the requirements for full participation in the Qualship-21 programme.

The Gibraltar Ship and Yacht Registries also rated favourably within the annual International Chamber of Shipping's Flag State Performance Table 2023. The Gibraltar register once again achieved positive results. These included the performance of the administration, ratification of international conventions, completion of International Labour Organisation reports, attendance at IMO meetings as part of the UK flag, and participation in the UN IMOs Instruments Implementation Code member audit scheme.

The GMA retained its ISO 9001:2015 quality accreditation following the successful completion of a two-day recertification audit by Société Générale de Surveillance. By maintaining ISO accreditation, the GMA continues to show its stakeholders the Department's commitment to continuous process improvement, enhancing efficiency and maintaining its high standard of service delivery. The Department's continued positive performance during external audits is evidence of the hard work and commitment of the staff at the GMA. The GMA's primary goals remain to reach pre-Brexit levels in terms of fleet size and revenue and the continued operation of the register, which is based on high standards and the quality of its registered fleet.

Throughout last year, the GMA continued to receive very positive feedback in relation to the introduction of its IMO-compliant statutory electronic certificates for ships and seafarers. The transition to electronic certification has resulted in greater speed of dispatch of documents, improved traceability, enhanced security and a reduction of administrative burden on the Department and clients. Also, the introduction of the e-certificates and the cloud-based GMA/client interface portal for survey-related functions has resulted in saving in time and the reduction of the usage of paper for both the Department and clients. The introduction of the simplified fees structure last year has also been well received. Importantly, the revision of fees has also resulted in an increase in revenue.

The GMA also launched its revamped website, in keeping with the Department's commitment and strategy to provide improved and enhanced e-services to its clients. The website contains all of the standard information on the ship and yacht register, registration procedures and access to shipping guidance and information notices. Importantly, the revamped website has improved the interaction with our customers by providing some of the services we provide online 24/7, such as requesting of vessel transcripts, verification of seafarer documentation, the facility to check the availability of vessel names and the submission of documents to the GMA via a designated portal. Clients can also obtain all of the necessary forms required for ship and mortgage registration, as well as application for seafarer certification online. The improvements mentioned above have no doubt increased the register's attractiveness in what is a very competitive global market.

The GMA's Seafarers' Division continues to issue a significant number of provisional and full-term flag state endorsements. From May 2022 to May 2023 the GMA issued a total of 1,142 certificates to seafarers of many nationalities who serve on board our registered fleet.

The GMA has continued with its hard work of promoting its ship and yacht register abroad. This work included engaging in face-to-face meetings with established clients, as well as exploring new avenues to diversify its fleet by targeting potential new clients. Members of the GMA Registry

1025 team visited the Shipbuilding, Machinery and Marine Technologies Industries Exhibition in
Hamburg, Germany in September 2022. SMM Hamburg is held biennially and is regarded as the
leading international trade fair for the maritime industry, bringing together decision-makers and
industry professionals from all sectors. The fair attracts over 30,000 visitors. The visit to SMM
1030 Hamburg was combined with visits to longstanding clients based within the Hamburg area.
Working in partnership with local ship representatives, the GMA also visited ship owners in the
UK, the Netherlands and the Leer area of Germany in October 2022 and February 2023.

On 2nd February 2023, the GMA participated in the inaugural Gibraltar Maritime Day in
London. Members of the GMA gave a presentation on the Gibraltar Ship Registry and participated
in a panel discussion with Gibraltar stakeholders involved in the business of ship and mortgage
1035 registration. The presentation and discussion focused on the partnership approach to registering
ships and yachts in Gibraltar, including the many benefits its registers and Gibraltar as a
jurisdiction have to offer to owners and the wider shipping industry.

As part of its ongoing marketing campaign, the GMA will be attending a series of events and
shipping exhibitions within the upcoming months. One of these events is the biennial London
1040 International Shipping Week 2023, which is due to take place in September.

On the yachting side, the Registrar of Yachts attended the Monaco Yacht Show in September
2022. The Registrar of Yachts met with representatives of important builders and managers. The
GMA will once again attend this year's show in September. Recently, the Registrar of Yachts and
the Maritime Administrator also attended the Palma International Boat Show. They took part in a
1045 Yacht Master's event where they participated in a panel discussion on yacht management. During
their visit, the GMA also met important stakeholders and promoted the many benefits it had to
offer to masters, owners and managers.

Locally, the GMA hosted Gibraltar Maritime Week in the last week of June. This was the third
edition of this biennial event and provided a global showcase for the register. The GMA staff once
1050 again delivered the popular ship/yacht registration course, which is aimed at providing an insight
on the Gibraltar Registries, ship registration legislation and requirements, the registration process
and the unique advantages Gibraltar has to offer.

From 7th to 8th March, the Maritime Administrator and Chief Surveyor joined representatives
from across the Red Ensign Group in the REG Technical Forum, which was held in Southampton.
1055 Additionally, throughout the year the GMA also participated in the different REG technical working
group meetings. Both the Technical 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, including the development of new technical standards. In
collaboration with the UK and other REG members, the GMA has continued with its monitoring
1060 programme of recognised organisations and certifying authorities. This important part of the work
the GMA undertakes ensures that statutory survey and certification functions delegated to the
accepted recognised organisations and certifying authorities are conducted in compliance with
agreed standards.

As part of its responsibilities and discharge of functions as a flag state, GMA surveyors continue
1065 to undertake audits, surveys and inspections of Gibraltar-registered ships and companies. This
work is crucial for ensuring effective jurisdiction and control over our fleet in terms of quality
standards and is also essential for keeping a close relationship and building rapport with clients.

Locally, the GMA continues to provide technical support to the Gibraltar Port Authority and
other government departments, authorities and agencies. Members of the GMA also provided
1070 technical support and continue to be part of the multi-agency team involved with the OS35
incident.

In addition, the GMA hosted two Bachelor of Science students from the Gibraltar Maritime
Academy. The interns spent three months within the different sections of the Department and
accompanied surveyors on ship visits.

1075 The GMA also continues to work closely with the Government's Law Office in ensuring Gibraltar
is in a position to implement and enforce the provisions of new international instruments or

amendments to existing instruments through appropriate Gibraltar merchant shipping legislation. This includes work relating to the Ballast Water Convention, amendments to the Safety of Life at Sea Convention and the Maritime Labour Convention, to name a few examples.

1080 The GMA continues to play a crucial role within the Gibraltar maritime cluster, both as a facilitator of international trade and by providing significant expertise and skills to the jurisdiction. Through its highly rated register comprised of a global trading fleet, the GMA provides Gibraltar with a significant advantage over many other international maritime centres. Working in partnership with its stakeholders, the GMA aims to continue with its efforts to promote its high-
1085 quality service and the many benefits its register and Gibraltar as a jurisdiction has to offer to owners and the wider international shipping industry. I would like to thank the Maritime Administrator, Dylan Cocklan, and his team for the hard work they have put in throughout the year.

1090 Mr Speaker, I turn to my Royal Gibraltar Post Office responsibilities. I want to commence by thanking the Postal Services team for their efforts. The financial year 2022-23 was turbulent for the Royal Gibraltar Post Office due to the prolonged strikes at Royal Mail. The RGPO have made herculean efforts to deliver a record year of excellent performance despite the difficulties and delays due to factors out of their control. Over 100,000 parcels have been processed and delivered within the past 12 months, and the parcel post has worked with a 24-hour processing window six
1095 days a week, Sunday to Friday. The Post Office offers uninterrupted delivery service and receipt of parcels and letters to all 192 Universal Postal Union member countries. Furthermore, local delivery services have continued six days per week, Monday to Saturday.

The Postal Service introduced a new and improved customer service experience by reviewing and restructuring its resources on the customer services clerical team to meet increased customer
1100 demand and expectations. The customer services team at the Main Street Office measures our daily performance and is constantly managing phones, emails and attending to the public. In addition, a new customer service office was set up at the Mail Centre, managed by two staff members. The new system evaluates the total customer experience, from customer services at the counters to delivery services, and allows the RGPO to identify areas in need of improvement
1105 and to better adjust to customer needs.

Local businesses and residential consumers within Gibraltar rely on the RGPO as the universal service provider for their standard local and international letter and parcel post services. Therefore, meeting a sufficiently high standard of service for users is of significant importance. Over 3,000 enquiries were received for postal tracking, mail redirections, parcel post collections,
1110 change of address, tracking services and, of course, the COVID certificate printing and delivery, which has been the responsibility of the Postal Service since its inception, with over 31,000 COVID certificates printed and delivered to Gibraltar residents.

All postal operators apply the measuring system and use external panellists to exchange test items for the participating countries. The test items contain a radio frequency identification transponder read by RFID antennae installed at operational facilities where the postal traffic is received and processed. This process generates the main portion of the information required to determine the quality of service. The RGPO has radio frequency identification (RFID) scanners at various points. The RFID tags are inside anonymous envelopes hidden in standard letter
1115 dispatches. The RFID scanners read these tags as they pass through the entrance door at the receiving postal operator and again on exit, so they accurately measure when the letter is received
1120 by post and is out for delivery with the postal worker. The recipient will then log into a website to confirm receipt of the letter. Thus postal operators can have accurate information on the test letters, perform analysis and produce reports concerning the delivery-on-time performances for their operations.

1125 All RGPO operations continued to benefit from increased data on mail flows, which, combined with new systems and management tools, highlight opportunities to improve service consistency and efficiency. Process standardisation, especially in how mail is sorted, is helping integrate data

across sections, reduces variability, and provides more consistent and predictable end-to-end service performance.

1130 This year, delivery walks have increased from 13 to 17 due to new developments and housing estates. We have worked closely with the postal delivery staff and unions to account for the increase in local delivery points.

1135 I am very proud to see the red electric postal vehicles operating on deliveries around Gibraltar daily. This was one of my first projects when I started in government and is part of the Government's manifesto commitment to a green Gibraltar. The RGPO three years later continues to lead in environmental policies after investing in an entire fleet of electric cars, which at the time was thought impossible. Other organisations have followed suit, and more private companies and many government departments now also include electric vehicles as part of their fleets. The electric cars aid the Post Office in delivering an emission-free postal service to the community.
1140 Furthermore, our postal workers complete many delivery walks within the Town area on foot, showing a willingness to contribute to our environmental mission. Working hand in hand with local companies to promote programmes such as recycling mail, cardboard and plastics adds to our mission of becoming an entirely environmentally friendly and carbon-neutral logistics operation.

1145 I was very proud to lead the Royal Gibraltar Post Office's new parcel post system, EPOST, launched in 2021, which continues to grow in popularity. As a result, 10,529 Gibraltar residents have registered on our parcel post system and receive, free of charge, all postal notifications electronically, thus saving in costs, reducing the number of printed notification cards and helping our green policy by reducing our collection notice deliveries to the recipient. Additionally, all
1150 registered customers are informed electronically when their parcels have arrived and are ready for collection, making the receiving and delivery process quicker and easier. Payment of customs charges and duties can be made online, which helps reduce waiting times.

1155 Gibraltar's iconic red post boxes, which are part of Gibraltar's heritage and tourism product, provide an easy and convenient way for our customers to post letters. The RGPO has embarked on a restoration and maintenance programme for the last five years, ensuring every pillar box is repainted and restored at least every two years. In addition, we have added five more pillar boxes, strategically placed around Gibraltar to cater for the increased population in areas such as Eastern Beach and the South District. All Gibraltar pillar boxes are collected daily at 7 a.m. and the mail collected is sorted and delivered within the same day, except on Sundays. The new cypher for King
1160 Charles III has been unveiled. Inspiration has been drawn from past ciphers, but there are practical considerations about how ciphers appear on letter boxes. The Royal Gibraltar Post Office awaits a cast-iron post box and a more modern pillar box with the new King's cipher. The final design will include the crown above the cipher with the Roman numerals for three. At present, there are only four decorated post boxes to celebrate the coronation across the UK. Gibraltar will have its own
1165 official King Charles post box before the end of 2023. Gibraltar boasts the only known street that has an example of a letter box from each British monarch since they were first introduced in 1852 during the reign of Queen Victoria, so undoubtedly the cast-iron King Charles III post box will be located in the Town area, so that our locals and tourists can enjoy a walk down Gibraltar's Main Street and see these iconic letter boxes.

1170 A clear direction continues to be established to continue with improvements, which has already led to noticeable performance improvements and financial savings. As a result, the RGPO saved £69,381 in its expenditure budget for 2022-23. Further savings are expected during the financial year 2023-24, thanks to operational efficiencies and cost-reduction exercises, whilst improving performance.

1175 We continue to see a substantial volume of incoming parcels due to the continuous growth of e-commerce purchases. The RGPO takes very seriously its responsibilities in ensuring parcel values and contents are correctly declared and works closely with HM Customs and enforcement agencies. Another critical aspect for the RGPO is dangerous and prohibited items in the mail. The Civil Aviation Authority conducted an extensive audit in 2023 on postal operations in Gibraltar,

1180 handling parcels and letters from a security perspective. These items are then transported by air on commercial flights. I am pleased that the Post Office succeeded in this audit and met all the Civil Aviation Authority set-out criteria.

As the Minister with responsibility for postal services, I would like to take this opportunity to thank all of the postal workers at the Mail Centre and the Main Street office for the work done seven days a week and for ensuring that Gibraltar is connected to the rest of the world, literally speaking. At the same time, I would like to thank Glendon Martinez, the Director of Postal Services, for his sterling work throughout the year.

1185
1190 Finally, in March this year, two long-time employees of the RGPO, Mr Paul Acolina and Mr Stephen Borrell, retired after 35 years at the Post Office. I congratulate them both on their retirement and thank them for the incredible years of work they have given. I would also like to take this opportunity to thank Sabina Pitaluga, who will retire next month. Sabina has done an amazing job behind the scenes, quietly getting on with the daily running of the RGPO. She will be missed.

1195 **Chief Minister (Hon. F R Picardo):** Lots of Bossino's doing well in government. All the good ones.

Hon. V Daryanani: And they all work for me!

1200 **Hon. Chief Minister:** [*inaudible*].

Hon. V Daryanani: I move on to business, Mr Speaker.

Hon. Chief Minister: Because that is where you are staying. (*Laughter*)

1205
1210 **Hon. V Daryanani:** As reported in the past, my Ministry is a strategic partner of the Commonwealth Enterprise and Investment Council (CWEIC). The Gibraltar office was opened two years ago 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 growth.

In June last year I attended the Commonwealth Heads of Government meeting in Kigali. The meeting brought together delegations from 54 countries within the Commonwealth family. It allowed me to discuss possible business opportunities with investors and showcase Gibraltar as a successful business jurisdiction. Events like this allow us to network with business and political leaders and promote the Gibraltar brand in every sector. I was also invited to participate in a panel discussion on sustainable tourism and was given the opportunity to meet and briefly speak to His Royal Highness the then Prince of Wales and now King Charles III. It was an absolute honour, as I would never have thought that we would go through the sad loss of Her Majesty the Queen a few months later. Overall, this was an extraordinary opportunity to showcase Gibraltar politically, economically and as a successful nation within the wider Commonwealth family.

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1230 My attendance at the Commonwealth Trade and Investment Summit in London last December allowed me to continue discussions with persons I had previously met and also gave me the opportunity to make new contacts. These varied from heads of government and ministers, including the former UK Prime Minister David Cameron, and senior business leaders. This two-day event was organised by the Commonwealth Enterprise and Investment Council and consisted of meetings and networking. I also took part in a presentation at Gibraltar House to showcase investment opportunities in Gibraltar, where 40 guests attended from Nigeria, Ghana, Cameroon, Gabon, Serbia and Australia. I was also invited to take part in a roundtable discussion titled The Future of the Global Workplace. All this raises Gibraltar's profile within the Commonwealth family. I look forward to further collaborating with CWEIC, as the Commonwealth is important to Gibraltar as we move into a post-Brexit world.

1235 Locally, I continue to meet regularly with the Chamber of Commerce and the Gibraltar
Federation of Small Business. It has been a difficult few years. The recovery from COVID has
thankfully been swift. The Government's actions during the pandemic cannot be forgotten. By
doing what we did, we saved businesses and we saved jobs. This has allowed the swift recovery I
am referring to. My door is always open to them and I look forward to working closely with them
and dealing with the concerns they might have. One of the concerns has been obtaining bank
finance for start-ups. To that end, I will be launching a new scheme. It will be known as the
1240 Gibraltar Enterprise Scheme. This is being finalised and I hope to make a detailed announcement
in the next few months.

Mr Speaker, it has been another challenging year. It is not easy in government – far from it,
even lonely at times. My colleagues and I have done everything possible to make sure that we
deliver the best for our people. Have we made some mistakes? Of course we have. Would we
have liked to have done more? Of course we would. But we need to put things into perspective.
1245 These last four years have probably been the most problematic in the history of Gibraltar. I cannot
end without thanking my hon. Friends the Chief Minister and the Deputy Chief Minister. They have
done a mammoth job over the last few years dealing with the EU treaty. They have given it their
all and more. They have left no stone unturned, worked non-stop around the clock – weekends,
no family time. Gibraltar is extremely fortunate to have them at the helm at this important
1250 juncture in our history. I have no doubt whatsoever that they will give it their all once again to
make sure that they finish the job in a safe and secure manner for our people.

I would like to thank my team at the Ministry. I would struggle to do this job without them.
They have got to know me very well and know that I can be extremely demanding, picky
sometimes, but they also know that I have a lot of time for them – (*Interjection*) me, too – and
1255 truly care for them.

Mr Speaker, thank you and the Parliament team for the excellent job that you all do.

Finally, this year is election year and no doubt the Opposition will throw the kitchen sink at us,
the whole shebang. The absence of substantive solutions and new policies from them is a missed
opportunity for robust debate. It is not only about identifying flaws in government policies but
1260 also about offering concrete alternatives that can be thoroughly evaluated and debated. It cannot
always be criticise, criticise, criticise, (*Interjection*) but that is what they are about. When they say
something, they contradict what they said earlier. (*Interjection*) Even they do not believe what
they say anymore, Mr Speaker. Furthermore, without viable alternatives, the Opposition's
criticism comes across as nothing more than political posturing and grandstanding. It is a means
1265 to scoring cheap points and gaining short-term political advantage, rather than a genuine effort
to improve the lives of citizens and address the pressing issues Gibraltar is facing. We need more
than empty rhetoric, because that is all they bring to the table. Divisive politics and lack of vision
is what this Opposition is about. Our Government is committed to upholding the values of
transparency, progress and unity. (*Interjection*) We believe in the potential of our nation and will
1270 continue working tirelessly to ensure a brighter future for all our people.

Thank you, Mr Speaker. (*Banging on desks*)

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, here I was thinking I was the only 'pikki' in this
place, but there is another one.

1275 Mr Speaker, I move that the House should now adjourn until tomorrow at 11 o'clock in the
morning, when we will have the benefit of the analysis of the economy and the public finances of
Sir Joe Bossano, (**A Member:** Hear, hear.) which I am sure all Members on all sides of the House
and all members of this community will be looking forward to.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Thursday, 13th July at 11 a.m.

1280 I now put the question, which is that this House do now adjourn to Thursday, 13th July at 11 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 13th July at 11 a.m.

The House adjourned at 4.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11 a.m. – 1.29 p.m.

Gibraltar, Thursday, 13th July 2023

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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*]

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

Appropriation Bill 2023 – Second Reading – Debate continued

Clerk: Meeting of Parliament, Thursday, 13th July 2023.

We continue with the Second Reading of the Appropriation Bill 2023.

5 **Mr Speaker:** The Hon. Sir Joe Bossano.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, last year I introduced my Budget speech by drawing attention to the state of the global economy and highlighting how many negative developments were taking place at that level from which we could not protect ourselves. I had hoped that Members would understand just how serious the prospect of a continuing decline in the fortunes of the western world was; the worst since the Second World War was the comparison I made. Mr Clinton, for example, after clearly showing that he understood the implications of the global turmoil, went on to attack the temporary 2% tax increase. 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.’ Obviously, this was based on the misrepresentation of the 2021-22 Budget outcome made by the Leader of the Opposition. Perhaps he will change his mind after I put the record straight this year, or maybe he won’t. I assume he intended this to be a vote-catching soundbite, but it was not a particularly profound analysis of what we need to do to close the funding gap.

From what I read of the debate on the state of the nation – which unfortunately I missed through the fault of Minister Vijay, not my fault, who sent me to get COVID in his place – what I said had zero impact on the Members’ opposite perception of the seriousness of the world crisis. Members of the Opposition just went on with their parochial, small-town vision of reality, repeating the arguments they have been using in almost every Budget session since 2012 as if nothing ever changed in the world in which we have to compete and adapt to if we are to survive, let alone maintain the quality of life that we have enjoyed up to now, to which successive Governments have made a contribution. In spite of this, I feel I have at least to point out what is happening in the markets in which we have to survive economically, for the record, even if it has no impact on our collective perception in this Chamber, or in the rest of our community for that matter, because I am, after all, the Minister for Economic Development and there is precious little economic development now going on in the world, compared to the destructive forces at play.

De-globalisation has gone to a further stage since last year with the BRICS countries looking to set up a rival hegemony to that created by the West and led by the US, the system we have become used to since 1945. The BRICS is shorthand for a group of countries which some years ago were developing their economies at a very fast rate compared to the West and had common ties and trading interests. They are Brazil, Russia, India, China and South Africa. In a coming summit in

40 August, next month, there are suggestions that there will be an expansion of the group to become BRICS Plus, with an alleged 19 other nations interested in joining. The group already accounts, with its current composition, for a bigger share of the world economy than the G7 group of richest nations. The G7 is an informal grouping of seven of the world's advanced economies, including Canada, France, Germany, Italy, Japan, the United Kingdom and the United States, as well as the participation of the European Union.

45 As a natural consequence of the fragmentation of the globalised economy that has been taking place, the role of the US dollar as the international trading currency of the globalised markets has come under scrutiny and is being challenged in a process labelled 'dedollarisation'. There are conflicting views as to how far and how fast it will happen, but it has already started according to a survey by the Official Monetary and Financial Institutions Forum, which found that a net 14% of central banks plan to increase their euro holdings in the next two years, marking the highest level of demand among currencies. That marks a big change compared to 2021 and 2022, when there was no net gain in demand for the euro. Also in the next 10 years, a net 9% of central banks indicated plans to increase euro reserve assets, suggesting that the currency may play a key role in future diversification.

55 There are other developments adding new momentum to the ongoing dedollarisation trend unfolding in the global economy. Since mid-2022, central banks worldwide have been buying gold at a historic pace, in part to diversify their reserve away from the US dollar. For many analysts, a gold-backed currency is the next evolution in this process. Many analysts have seen China's recent gold purchases as an attempt to bring international credibility to their currency. Falling demand for the US dollar will have untold consequences given that it will bring to an end the process that started post 1945 with the Bretton Woods Agreement which, though it was terminated formally by the Jamaica Accord in 1946, has continued to be upheld by the US and led to the US dollar continuing as the international currency to this day.

60 The US has been de facto financing its deficit by borrowing from other countries as a result of these countries' appetite for dollars for their currency reserves and to finance international trade. The global trade is dominated by the US precisely because it has been the currency of international trade, and countries buy dollars from the US to buy goods from others and in turn demand dollars as payment when they sell their exports. A case in point is the trade in commodities, and in particular oil and gas, which has been carried out for many years in dollars and is now, for the first time, being done in other currencies. We in Gibraltar, for example, have always had to pay in dollars and, in the process, incur changes in the cost of oil and gas. As well as being affected by the inflationary disruption of supply lines, we have had to contend with changes in the dollar-pound exchange.

75 The widespread expectation, or perhaps fear, that we were now heading for a period of stagflation in the world economy, and particularly in the more advanced economies, which I explained last year, has materialised as expected. This stagflation stage is one with no or low growth and relatively high inflation, which in theory should not be happening since low growth is incompatible with high demand, the conventional explanation for inflation. That is demand exceeds supply and in the short term leads to higher prices until extra supply is attracted to the market, which has become more profitable as a result of the excess demand. The textbook solution is higher interest rates deliberately created by central banks to cool the growth in the economy. However, with stagflation the theory fails as there is no growth.

80 The interest rate increases from the UK, US and EU central banks are all designed to reduce inflation by making it expensive to borrow either for consumption or investment. The problem is that the inflationary spiral we have had has been triggered by the dislocation of the supply side of the equation, not by a consumer-led boom. This means that the next stage in the process will be recession, already taking place in the EU and expected to take place in the UK before the annual inflation rate gets anywhere near the Bank of England target of 2%. This is the analysis that is currently the majority view. A week ago, most commentators were of the view that the global economy was facing a hard landing, that is from stagflation to recession, as a result of continuing

90 with high interest rates in an attempt to reduce inflation. The EU is already in technical recession
and Germany, the former engine of Europe, has been one of the main drivers of the downturn.
The UK was predicted to be as bad, but has only just avoided it with Britain's quarterly growth of
0.1% in the first quarter of 2023 remaining unchanged from the previous three-month period and
95 the last figure, which came out yesterday, which is now minus 0.1%. However, with higher
inflation than the Eurozone and higher interest rates still being placed, the recession will start
sooner rather than later for the UK as well, and this figure from yesterday is the beginning of that.

Mr Speaker, I am happy to inform Parliament that the results for the Gibraltar Savings Bank
last year and the projected estimates for the current year are the best since 2011 and, indeed, in
its history. This is the result of two factors: an increase in the rate of interest paid on the Gibraltar
100 Savings Bank liquid assets deposited in other banks; and a higher level of funding for National
Economic Plan sponsored projects, which also provide a higher return. Although the level of
deposits increased in 2022-23, they have not grown as fast as in previous years.

The performance of the Savings Bank since 2011 is, of course, a reflection of the GSLP policy
that the role of the Savings Bank is that of a national development bank that provides a safe home
105 for the savings of our people and competes with attractive interest rates and reinvests this in
projects that will increase the economic success of our country, as is clearly indicated by section 4
of the Gibraltar Savings Bank Act, which the GSLP Government introduced in 1988 and requires
the Director to take such steps as are necessary and may be desirable for the promotion of the
social and economic development of the community.

110 In March 1988 we inherited from the AACR Government a Savings Bank with deposits of
£2,672,385 with reserves of £398,227, and eight years later we had grown it into a Savings Bank
with £165,884,000, 62 times bigger than the 1988 version, and reserves of £13,549,000, compared
to the original £398,227, which grew further during 1996-97 to £20,253,000. The reserves were,
therefore, 51 times bigger in 1996 than in 1988. So Mr Feetham has been wrong in his assumption
115 that the changes I have introduced in the Savings Bank have anything to do whatsoever with
diverting expenditure from the Consolidated Fund, as he has been claiming since 2015. What the
Savings Bank now does is the same as what the GSLP Government did in 1988, using it as
Gibraltar's development bank to invest in Gibraltar and make profits which constitute a rainy day
fund for future generations.

120 When the GSD came in, they dismantled what the GSB was doing – but not in 1996, they did it
in 2009 in order to get their hands on the reserves, and that is why they stopped investing and
kept deposits in cash. We have a different policy, which the performance of the Savings Bank
shows is good for Gibraltar. They attacked us for delivering what we promised and last year they
attacked us, suggesting we did not deliver what we promised, by saying estimates of expenditure
125 prepared by controlling officers were political promises made by Ministers, which was complete
nonsense anyway.

The forecast outturn for 2022-23 in the Savings Bank is total deposits of £1,564,200,000, just
over £1½ billion, compared to an estimate in last year's Budget of £1,452,100,000, which shows
an improvement of just over £112 million. The concerns expressed in some quarters during last
130 year that depositors were withdrawing their savings was no more than fake news. However, it is
true that the high interest from commercial banks, compared to recent years, have had some
effect in the growth of deposits, which would have been greater but for that. Of course, the big
advantage of the Savings Bank for depositors is that it has and has always had in the law an
unlimited guarantee, whereas in the case of credit institutions the law provides for a maximum of
135 some £80,000 protection for deposit repayment if a commercial bank gets into difficulties in its
finances when the time comes to repay the money of depositors.

The planning of the future development of the Savings Bank, for which I am the Minister
responsible, is on the assumption that we are now near the peak in interest rate levels, which are
likely to start coming down towards the end of this financial year that is in the market, in nine
140 months' time. The Savings Bank will keep its higher rates even if other commercial banks do not,
and particularly for the pensioner debentures, which are our main customer base. I think we have

something like £800 million pensioner debentures, some of them being the ones who were campaigning recently for the community officer allowance. It is on this premise that the estimate of profits for the current year has been made. When interest rates from other competing institutions start coming down they are unlikely to get back to the abnormally low level we have seen in the last few years, which gave barely any return to depositors and in some cases, in respect of some currencies, paid negative returns on deposits.

In the financial year 2010-11, the last full year of the GSD administration, the Savings Bank deposits were £330,119,928, just under £331 million. However, the bulk of these deposits were the Government's money, a total of £255,193,433. Therefore, deposits from members of the public were just £74,926,495, up some £41 million in 15 years from the level before 1996-97, at which the GLSP left them at £33,962,447, and the reserves, of course, were £1,444.51 after the withdrawal from the reserves of £686,968 which was transferred to the Government, compared to the reserves in 1996-97 of £20,253,166. In the first three months, from January to March 2012, when I again took over responsibility for the Savings Bank, deposits from the public went up to £99,063,286, an increase of just over £24 million over the level we had inherited. The cash reserve shot up from £1,444 in March 2011 to £726,961 as at March 2012.

At the Budget in 2012 I was asked whether I would reintroduce the requirement that the Savings Bank used to have for reserves which meant they could not be transferred to the Government unless they exceeded 10% of deposits – that is only the amount in excess of this percentage could be taken out of the Savings Bank and spent by the Government. This used to be the rule before it was repealed by the GSD Government. When this rule was repealed, the justification given in Parliament was that as the Savings Bank was not reinvesting the money but keeping it in cash or near cash, in bank deposits at call, there was no need for reserves. As I recall, I said we would not be legislating to reintroduce the 10% rule but in practice we would operate by it, which we have done to date even when we needed funding over COVID and the Hon. Mr Clinton was urging me to use the Savings Bank reserves because he claimed the rainy day had arrived. We still have Savings Bank reserves well below 10% of the level of deposits and I am considering the possibility of bringing back the rule, as suggested by the GSD Leader of the Opposition in 2012.

Since 31st March 2012 and up to 31st March 2022 – in 10 years – the Savings Bank deposits have grown by over £1½ billion, that is £1,514,889,833. This increase at the same time reflected a reduction in government deposits – which was previously the bulk of the deposits when the GSD was there – of £94,426,182 from £189,783,101 to a level of £95,311,919 and an increase of non-government deposits of £1,320,514,625 from the £99 million that there was before to £1,4195,577,913, an average annual increase in deposits from non-government sources of over £130 million every year, a total of £1.3 billion in the 10 years. Mr Feetham, in the Budget of 2015, apparently thought it was terrible to have nearly £1 billion in Savings Bank deposits. I trust that the Hon. Mr Clinton, as a former banker, will see this record as a very creditable performance. The forecast outturn for last year has been a much smaller increase in non-government deposits of just over £31 million for the reasons I explained earlier, but I expect this to change when competing interest rates offered by other institutions start coming down.

Mr Speaker, last year I was unable to deliver my speech and Mr Clinton chose to make a remark about me in the context of the GSB which I resent, and I think it is disgraceful that he should have said what I quote:

This is insane. Before seeking to tax workers by 2%

– clearly Mr Clinton is much closer to the workers than I am –

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 Sir Joe Bossano. We have a rainy-day fund that we cannot touch, even today at the height of monsoon season.

190 That was his contribution last year. On reflection, I hope he will realise it was ungenerous of him. I do not know if the hon. Member opposite, when he was a banker, was motivated in the decisions he took by his responsibility to the shareholders and the growth of the bank, as I believe he would be, or because he thought the bank he had responsibility for belonged to him, since that is what he seems to attribute to me.

195 The shareholders in the GSB are the same people who trust it and place their savings there. I provide the hon. Member and the Opposition with a detailed account of all its deposits and investments every month, something no other bank does anywhere else and no other Opposition has ever requested. The information I provided monthly historically was provided once a year. Not content with that, they want to know which entity the bank is investing in by buying their loan notes, and then, if they are local, they want to know how those entities are using the proceeds of the loan notes. Is that what he used to do as a banker, provide details of the expenditure of his customers? Now Mr Clinton has gone one step further, wanting to leave the bank with no
200 reserves, in contrast and contradiction with their policy in government when justifying their past action of removing and spending the reserves. The argument they put for doing so was on the grounds that all the deposits were kept in cash and not reinvested because reserves were not required.

In 2014, Sir Peter Caruana, as a backbencher, said:

Mr Speaker, a bank only needs reserves against the risk of capital losses. The purpose that the reserves of a bank serve is as a pot from which to pay depositors their money should the investments of the bank go bad and the bank should suffer capital losses. That is why banks have reserves, and indeed that is why our previous Savings Bank legislation, the one that we changed, said that the bank had to have a reserve. What happened was that we changed the law so that the bank, the Gibraltar Savings Bank, could not make investments, which exposed its capital to losses. Having changed the law so that the Savings Bank could not invest depositors' money in a way that exposed those moneys to capital losses, there was no longer a need for reserves. We had removed the need and the justification for reserves.

The fact that there is now a reserve again is not by virtue of a phenomenal reversal of the fortunes of the Savings Bank, but rather by virtue of the fact and to reflect the fact that once again he has changed the law to once again expose the capital of depositors in the Savings Bank to losses, albeit subject to the Government guarantee, of course, of depositors' money in the Savings Bank [...] I suspect that some of them will be profitable and others may be less profitable.

But I only make the point in the context of the point about the reserve, which is that it is now prudent to have a reserve again because the Savings Bank is once again statutorily free, which we made statutorily unfree, to invest the money in a way that exposed it to losses and therefore the need for the reserves which we had moved and therefore took the reserve into Government. It was the Government's money.

205 Now the Opposition policy explained by Mr Clinton on their behalf is that the Savings Bank should not have 10% or any reserves at all, even if it invests and does not hold cash. This is a dramatic shift in the policy they defended in government and which Mr Feetham continues to defend and maintain in opposition is their policy. Mr Speaker, I find myself in the extraordinary situation, which I thought would never happen, of agreeing with Sir Peter Caruana and having the
210 Hon. Mr Clinton disagreeing with him. You never know in this world what is going to happen from one day to the next. Is it that Mr Clinton is preparing the ground for syphoning off the reserves if they ever get back to government and they do not disinvest and keep it all in cash?

215 Members opposite have always denied wanting to damage the Savings Bank but have not stopped attacking it since they came into opposition. They attack it for lending money and for creating assets that will support our economy. They have in the last 11 years tried to undermine the Gibraltar Savings Bank and failed, as the results that I have provided today show, which is that it continues to grow and is bigger and stronger than ever. When they were removed from having responsibility for the Savings Bank in 2011, they left it with £1,444. The Savings Bank has grown in deposits and in reserves under us because our policy is to use the bank as it was intended to be,

220 the economic development bank of Gibraltar, and to retain the reserves so that a rainy day fund is there for future generations and only accessed as a last resort. It is the policy of the GSLP that delivered growth from 1988 to 1996 and has done the same thing since 2011. It is clear that the GSD, if they ever get back, will once again run the GSB to the ground.

225 Mr Speaker, last year I introduced my analysis on financial stability by recording the text of the motion approved by the membership of the GSLP at the May annual conference, a resolution that is binding on the party, moved by the chair of the executive committee and seconded by me. This year's conference followed up last year's policy resolution by approving the following:

This AGM notes the fact that last year's public finance motion was placed on the record in Parliament reflecting the commitment of the party in restoring financial stability, it welcomes and fully supports the ongoing efforts of the Government to deliver higher revenue and constrain recurrent costs and looks forward to the early restoration of the golden rule on public finance by delivering a recurrent revenue surplus.

230 In terms of practical involvement, there are regular meetings with me, other Ministers and members of the executive committee. These meetings explore potential areas of savings and what might be possible to change to achieve better value for money and consider the feasibility of introducing such changes. We consider the restoration of sound public finances, meaning specifically not borrowing for recurrent expenditure, a national endeavour which is in our collective interest to achieve. I therefore take this opportunity to invite Members opposite, if they really care about protecting the future financial stability of the public sector, to identify for me
235 the areas of waste that they are aware of – that is, in the recurrent expenditure in which area they believe waste is taking place, for me to see if it is possible to eliminate or reduce this waste and improve the surplus we are estimating for this year.

240 Last year, the Leader of the Opposition criticised the level of gross debt no less than seven times, arguing by definition that this was the matrix by which debt should be measured in his further mention of debt and public finances. Perhaps the GSD can clarify whether they have now changed their interpretation of what is the correct measurement of public debt. On 19th March 2009 the GSD came with a Bill to amend the criteria for the maximum debt from gross debt to net so that henceforth the 40% of GDP limit would apply to the latter instead of the former. Since the Member opposite often praises and takes credit for the actions and views of the GSD in
245 government, let me remind the Leader of the Opposition what the GSD thought of the 'gross debt' – which he keeps on using – replacement by the 'net debt'. In the 2009 Budget they said:

7.5 per cent of GDP, the size of the net public debt as measured in the economically proper way, as a proportion of GDP [...] That is the economically sensible, relevant and appropriate way of measuring public debt.

250 As well as the issue of constant references to gross debt, which they had previously rubbished as a valid indicator, the Leader of the Opposition came up with a new definition of Budget estimates which have been provided to this Parliament, the previous House of Assembly and the original Legislative Council and, I dare say, also provided in the western world in the context of Budget approval by Parliaments everywhere, as estimates and not predictions. He told us 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 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 spend in the worst year ever. [...] 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.

He then drew the conclusion from this:

This is a recipe for disaster. The public finances are out of control.

255 Members are no doubt aware that in respect of recurrent departmental spending, the only
area in which we can exercise control, the policy to restore financial stability is reflected in trying
to keep to the same budgets from one year to the next. However, they will also have noticed that
revenue figures are not getting significantly better. Returning to the numbers on the expenditure
260 side, it is worth noting the results to date as follows: in 2018-19 expenditure was £504.2 million,
in each of 2019-20 and 2020-21 it was £573.9 million, in 2021-22 it was £567.9 million and in
2022-23 it was £605.4 million. The figures I have provided have now been revised from the
2021-22 figures at £567.9 million and 2022-23 at £605.4 million compared to the figures I gave
last year.

265 I will now remind the Leader of the Opposition of what I said last year as regards the
departmental estimates, which is clear evidence that it could not be construed as Members
making a promise:

Given the effect of inflation on procurement for government departments, we are likely to be facing difficulties in
keeping to these Budget figures.

– ‘likely to be facing difficulties’, not promising that there would be no difficulties –

Nonetheless, the policy is to continue the scrutiny of departmental budgets throughout the year in an effort to
achieve further savings.

Mr Speaker this year’s Book is not a list of promises by Government Ministers that they will
only spend what is estimated will be needed to deliver public services; neither was it last year, nor
270 has it ever been in the Budget estimates that were brought to Parliament from 2012 to 2020, nor
the Budgets that the GSD brought for parliamentary approval for 15 ... or 17 Budgets, because, as
I explained last year, they brought two Budgets for one year twice, the second version at a vastly
higher value of expenditure than originally approved by this Parliament. So according to the
current leader of the GSD, if Budget estimates are not estimates at all but promises, assuming that
275 it applies to them as well as us, they promised to spend a set amount and the leader of the GSD
in 2009-10 promised to spend £186.344 million, and in 2010-11 promised to spend
£218.306 million and then came back a year later to Parliament and retrospectively changed what
he had promised to do by spending £304.9 million in 2009-10 and £351.9 million in 2010-11. Of
course, if we had suggested in those years – which we did not – to the then GSD Government that
280 their Budget estimates were not estimates at all but promises by Ministers, they would have
ridiculed the suggestion on the spot. In fact, the then Chief Minister, on more than one occasion
when departmental expenditure was exceeded and was higher than the Budgets, made it very
clear, to use his words, that estimates are estimates and not binding commitments.

285 Given the criticisms last year, I can only assume that the hon. Member was never involved in
the process of making Budgets in government, and given that the Hon. Mr Feetham praised him
for the speech he had made, it suggests that neither was he. So I will explain to them what happens
when the estimates of expenditure are being considered before the Book has been finalised and
is ready for going to the printers – for their benefit and the benefit of our citizens who might have
been misled by last year’s criticisms of the estimate as proving that Government Ministers had
290 made promises which they have been breaking a year later if the result anticipated differs from
the promised result, which appears to be the understanding of the Leader of the Opposition and
also the Hon. Mr Feetham of what the estimates are. If they were correct, then every generation
of Minister of every party has been guilty of making promises which were then broken, and I say
this in spite of the fact that the departments that I have responsibility for rarely report exceeding
295 the original Budgets.

Departments are required by the Financial Secretary to submit estimates for the following
financial year four months before the close of the current financial year. That is in November 2020
they had to provide the estimate for the anticipated forecast result for 2020-21 and then their

300 requests for 2021-22. The same is true this year in respect of the forecast results for 2022-23 and the estimates for 2023-24.

The directive provided to the controlling officers of departments by the Financial Secretary's office in the Treasury is that the estimate for the forthcoming year should be as close as possible to the figure provided in the previous year. The scrutiny of the submission is what I am involved in as the Minister for restoring financial stability, along with the Minister for Finance and the Financial Secretary, in the attempt to bring the Budgets as close as possible to previously approved levels – not to the outcome, to the previously approved levels. This also includes areas where we agree it is impossible to realistically estimate demand. It would be a mistake to provide a sum which is going to be overspent anyway, and in those cases a token is provided. The relief cover of the GHA highlighted last year by the Leader of the Opposition is specifically a case in point. I can assure Members opposite that the same problems were faced by the GSD Government to the extent that the then Chief Minister in one Budget session removed the item from the GHA budget and brought it to his office, so that every request for relief cover had to be previously approved by him, and when I asked for an explanation from the Opposition at Budget time I was told that by the time they asked for the relief cover and before they got a reply the need for it might not exist anymore. An interesting strategy, an attempt by the previous administration, regrettably, to exercise control of this item, which was undone and the item restored in a later Budget to the GHA because the control failed to work, even when it was being done from the office of the Chief Minister.

315 In his analysis last year of the figures for 2021-22, the Leader of the Opposition claimed the following:

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 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 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.

325 As as a matter of fact, in 2021-22 and in every year since 2017-18, on the initiative of Mr Feetham, who accepted a recommendation from Mr Clinton, they have not authorised us to spend any sum of money whatsoever, since they have rejected the Estimates placed before Parliament. So what he must think is that we promised ourselves to spend £768.2 million, we authorised ourselves to do it and then betrayed ourselves by spending £859 million instead – the overspend he has identified of £91 million. As regards the big chunk of the £91 million that was departmental spending, his analysis was the following:

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.

His accusation was:

instead of tightening its belt, the Government is still spending ...

330 Mr Speaker, let me remind you that tightening the belt in this context means cutting back on departmental budgets, and the Members opposite condemn this as austerity and quote the views of the union on this with approval. He was telling the House that instead of introducing austerity, Mr Picardo had failed to have the discipline of sticking to his own Budget and the Government ... for not sticking to their own departmental budget by £35 million. 'How could he get it so wrong?' he asked rhetorically. So let's see who got it wrong.

335 If Members look at page 14 of last year's Estimate Book – I think it is also the same number this year – they will note that the 2021-22 departmental estimates for the whole Government came to £550.7 million and the forecast result expected – calculated by Treasury officers, not by

the Ministers – was an outcome of £569.3 million, so the overspend in departments was forecast at £18.6 million, not the £35 million he quoted four times in his speech. How could he have got it so wrong? This is serious, Mr Speaker. We have a Leader of the Opposition who does not even know where in the Estimates the figures for the total departmental expenditure are to be found, even though it is actually printed in the Book and it says ‘Total Departmental Expenditure’. (Interjection) Maybe Mr Feetham wishes to reconsider the praise for the speech that he made last year when he said:

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 ...

– the ones he was suggesting we should do but did not do. Mr Feetham tends to say things like that, having said in 2017 that the former Chief Minister was the greatest living Gibraltarian, but at least on that occasion it was because he was grateful to him for having given him a home and handed the party over to him. He owes no such debt to the present leader, who left the GSD because he was accepted as a member when he merged an alleged socialist party with a conservative one – an unusual development, ideologically speaking. So all the concern of the Leader of the Opposition about the overspend of departments coming to £35 million higher than what we had allegedly promised to spend was not true. The numbers that he quoted in support of his attack were incorrect and showed he did not know what he was talking about. I will now prove this by quoting the correct analysis of the forecast outturn for 2021-22.

The overspend was forecast at a total of £18.6 million and the actual figure provided this year is an overspend of £17.3 million, less than half the inaccurate figure on which the Leader of the Opposition based his criticism. Health and Social Care, head 46, at £147.3 million accounted for £15.6 million of the total overspend – one head. The balance of the departmental overspend of £1.7 million was the result of excess expenditure by the other 55 heads of departments, which spent £420.7 million instead of the £419 million in the estimate Budget, which he calls the amount we promised – an overspend of £1.7 million, constituting an excess of 0.7% net overspend spread over 55 departments. This is what the Leader of the Opposition told Parliament last year was a recipe for disaster – the public finances were out of control with Ministers not sticking to the departmental budgets for 2021-22. Not true. He did not know what he was talking about. I am sure that if I took the trouble to research it I would find plenty of occasions in the 15 years of the GSD Government when the excess overspending of 55 out of 56 departments was no higher than 0.4% collectively.

Last year the forecast Consolidated Fund balance at 31st March 2021-22 was put at £118.6 million, the starting point of the financial year just ended. The actual results for 2021-22 this year are slightly better than forecast. Revenue was £100 million higher than expected and departmental expenditure finished at £1.5 million less than forecast. Therefore, the 1st April 2022 cash position of the Consolidated Fund stood at £120.5 million instead of the forecast £118.6 million.

Having started slightly better off, the forecast levels of revenue and expenditure for 2022-23, the year that has finished, have improved on the estimated results provided last year. Departmental expenditure estimated at £552.8 million is now forecast to have reached £605.4 million and an overspend of £52.6 million, in spite of our attempt at controlling expenditure. This overspend is almost entirely due to increases in two departments: head 46, health and care expenditure at £149 million instead of the estimated £125.3 million, an increase of £23.7 million; and head 50, utilities, with expenditure of £84 million instead of £57 million, an increase of £27 million. These two heads of expenditure account for £50.7 million of the £52.6 million. The rest of the 54 heads of expenditure had an estimated expenditure budget of £370.5 million and a forecast outturn of £372.4 million, an increase of £1.9 million, an overspend

385 of 0.5%, which I would suggest to the hon. Members opposite reflects quite effective budgetary discipline.

Fortunately, the forecast revenue exceeded the estimate with an outturn of £731 million compared to last year's estimate of £637 million, an improvement in revenue of £94 million compared to the additional expenditure of £52.6 million. The recurrent revenue for 2022-23 has exceeded the previous record of 2018-19, which was £708 million, which I said last year I did not expect to see happening this side of the General Election – and I am glad to say I was wrong, it has happened. The principal sources of revenue in the forecast outturn are income tax estimated at £182 million and now forecast £69 million higher at £251 million, and company tax estimated at £125 million and now forecast £35 million higher at £160 million. These two heads delivered improved cashflow of £104 million offset by lower than expected import duties at £93 million instead of £120 million, a drop of £27 million.

To put those numbers in context when comparing them with the financial year 2018-19, we need to note that inflation in the period January 2019 to January 2023 has been 15.5%. By comparison, the current revenue forecast of £731 million is 3.2% up on the figure for 2018-19 and the expenditure, which is forecast at £605 million compared to £504 million in 2018-19, is a 20% increase. So we have a 15.5% increase in inflation and we have had a 3.2% increase in revenue, and we are facing a 20% increase in expenditure. So although there is an improved situation, we have some way to go to get right the balance between government revenue and expenditure that we have to achieve to restore the position of the financial year 2018-19, which has to be the minimum target since at the time and with those figures I was already expressing concern about the rate of increase of recurrent expenditure.

As a result of this improved outturn, the more recent estimates are that 2022-23 started at £120.5 million instead of £118.6 million and is forecast to have ended in March at £176.3 million instead of the estimated £122.3 million. For the current year, we are estimating to maintain the position rather than improve it, with the Consolidated Fund estimate for March 2024 at £177.3 million compared to this year's £176.3 million, a £1 million improvement resulting from a slightly lower revenue estimate at £723.9 million compared to the forecast for last year of £730.4 million.

On the expenditure side, the estimate of funding we are providing is to come back closer to what was provided last year rather than where we ended – that is to say to the £552.8 million rather than the £605.4 million. Needless to say, the uncertainties of the global economic scenario, which I have referred to earlier, and our own uncertainties as to whether there will be any new Schengen access treaty, and, if so, when it will come into effect and exactly how it will impact on our economic performance and subsequently on Government's recurrent revenues, all indicate how the number of variables means that any estimate at this stage is more intuitive than scientific.

Hon. Members know I am targeting the restoration of financial stability by comparing subsequent years to the results for 2018-19. This was, until last year, the best year in terms of revenue and the year when I advised we should introduce measures to control the rising cost of public sector payrolls based on the estimated level of expenditure at the start of the financial year, which we subsequently greatly exceeded, delivering the highest revenue in our history at £708 million until this has been surpassed by this year's forecast outturn for last year at £731 million, net of COVID contributions, a figure that has not been estimated as likely to be repeated in the current year, for which £723.9 million has been estimated. This is mainly because it has been public practice since 1988 to estimate potential income from different sources of revenue conservatively to avoid nasty surprises halfway through the year, a practice introduced by the GSLP in 1988, continued by the GSD in their term of office and by us since 2012.

In some financial years since 2012 Members opposite have challenged the higher outturn in revenue that has been achieved as if it were not normal practice to have the initial revenue estimated conservatively and therefore normally achieve a higher forecast after, and sometimes an even higher actual figure as a result of the policy adopted in doing these calculations. The legitimacy of the subsequent calculations has resulted in the Members opposite challenging the

results of the changes as fictitious. I remind Members opposite of the following statement in the 2009 GSD Budget by the Hon. Chief Minister of the time, which confirms the established revenue estimating practice. He said:

As I said last year, we estimate revenue conservatively because we cannot continue to assume exponential increases in jobs, in the economy, year in, year out.

440 That anyone who has been in government for some years should think it is possible to provide
fictitious estimates and that Treasury officials would go along with it makes one wonder what
went on in the years of the GSD administration that we never knew about. I say this because
nobody else, other than the Members of the current Opposition, have ever questioned the
legitimacy of what is in the Book. What they have normally done is question the wisdom of some
of the policies and the explanations given in this House, examples of which I provided last year in
445 my Budget contribution.

In 2019-20, shortly after the election and at the start of the 2020 calendar year, in February
and March the COVID pandemic started having an impact on the government revenue and on the
performance of the economy. That is also why I have chosen 2018-19 as the year estimates that
we have to get back to. In spite of the very welcome improved revenue levels, which are higher
450 than the 2018-19 previous record, the expenditure side of the equation is where the problem is.
It is a problem that has no easy or quick solution. It is not a question of waste or avoidable
expenditure, as Members will appreciate when I explain.

When we are talking about controlling the expenditure of departments, we need to bear in
mind that a substantial part of the cost of the public sector is the payroll, which is a combination
455 of the rate of pay and the number of employees. Since 2012 and until very recently, the Opposition
was very critical of the growing size of the public sector, something which has also worried me
because of the difficulty in funding an ever-increasing level of public sector employees. The
practice that has been adopted to date is not to automatically fill vacancies as they occur, with a
view to seeing whether it is really needed or the funding could be put to better use elsewhere.
460 This, of course, is subject to our manifesto commitment that the Civil Service will not be allowed
to fall below the level we inherited in 2011, so I want to remind the Opposition Members of their
policy in government.

The GSD Budget of 2009 set the criteria for what should be the measurement to determine if
the current government spending was too high. This was using the same concept that I explained
465 last year for employees when the then Chief Minister had rubbished the idea that the public sector
manning level was too high and that there should be a notion of a bloated public sector, a
description that had only been used by the Chamber of Commerce in 2009 when the Hon.
Mr Feetham was in government, and then by Mr Feetham in opposition in 2012 when the present
administration increased public sector workers. But as far as the then Chief Minister was
470 concerned, increases in the size of the public sector were a good thing, not a bad thing, and the
size could not be assessed in absolute terms but only as a percentage of the whole workforce. He
said in 2009:

Therefore, commentators please note, the public sector as measured in one of the ways that it is measured by
economists, in terms of the proportion of overall jobs in the economy, is not getting bigger, it is getting smaller. It
is not getting bloated, it is debloating.

Little did he know that the person he chose as the heir to the GSD crown would be the only
commentator that required to be given this message, the Hon. Mr Feetham. He said the following:

Public sector jobs accounted for 22% of all jobs in the economy. Government recurrent expenditure as a percentage
of estimated GDP in the year to March 2010 was 33.5%. This compares with over 40% in the UK.

475 Since then, the ratio has been 22% of the workforce in 2010, 21% in 2011, 23% in 2012, and in
2021, 21%. So according to the GSD policy in government, the size of the public sector should be
calculated as a share of the whole employment market, and on that basis there has been no
growth in the public sector since 2011; it is still at the same level of 21%, or lower. So all the
criticism of the last 11 years from the GSD Opposition has been in conflict with the criteria they
480 applied to themselves in government.

Let me be clear that I did not agree with their theory in 2009 when I was in opposition and I
still do not agree with it in government. It is pseudoscience because the reality is that the size of
the labour market as regards the private sector can contract or expand, depending on the demand
for short-term workers who happen to be in employment in the private sector in the month of
485 October, and these fluctuations have no effect whatsoever on the public services requirement for
manpower. Nor does the size of the private sector manpower mean that there is necessarily much
more revenue to pay more public sector workers given the discrepancy between the two sectors
in respect of average earnings.

So as I said last year, I am not in a position to say whether the public sector is too big or too
490 small for the services that they have to deliver, because there is no methodology available to
measure this. What I do know is that we have a serious problem in meeting the payroll with the
present levels of revenue. This is in spite of the fact that the public sector employment level in
October 2022 was lower than in 2011 at 20% of the workforce compared to 21% in 2011, and that
revenue is the highest in our history at the forecast level of £731 million for 2022-23 compared
495 with the forecast level of £452.3 million in 2011-12, even if we take into account the need to add
some £120 million to that figure as a result of the double-booking of income retrospectively for
the year 2009-10 and 2010-11, which has been kept in place in terms of how the calculations are
done to date. This is the challenge that still faces us in restoring financial stability to the public
finances.

500 Mr Speaker, I will now try to explain what is happening with the economy. It appears that there
are many people who naturally assume that the growth of the economy, as measured by its GDP,
is the same as the revenue of the Government, as if these were two sides of the same coin. This
is not so, here or anywhere else, and it is less so here than in many other countries because of the
characteristics of our economy, the fact that half our workforce lives in Spain and contributes to
505 the GDP of the Campo area with their expenditure and that in addition to sourcing labour from
outside our economy we import everything we consume and everything we sell to others. That
said, there is a link between the output of the economy and the income of the Government, but
it is not one to one.

The drop in revenue that has taken place since 2018-19 has been principally from the receipts
510 from import duty. In 2018-19 the actual result for head 2.1 was £173.7 million. In 2021-22 it was
estimated to come in at £150 million and the actual result has been £111.4 million. This is a tax
on consumption and therefore not one of the components for the calculation of the value of the
output of the economy, which is the GDP. Income tax and company tax, heads 1.1 and 1.2, are
taxes on income derived from the creation of economic activity, the output side. By contrast to
515 what happened with import duty, the figures here went up in 2018-19. The actual result was
income tax £181.9 million and company tax £163.8 million. For 2021-22 the Treasury estimate was
income tax £180 million and company tax £120 million. The actual results, as Members know,
have been income tax £202.5 million, £22.5 million higher than estimated, and company tax
£122.1 million, £2.1 million higher than estimated. This pattern has been repeated for 2022-23.
520 Import duty was estimated to come in at £120 million and the forecast outcome is £92.9 million,
a drop of £27.1 million. On the other hand, income tax for 2022-23 was estimated at £182.4 million
and the forecast outturn is £251.4 million, an improvement in revenue of £69 million, and
company tax was estimated at £125.2 million and is now forecast to come in at £159.5 million, an
improvement in revenue of £34.7 million; an improvement of over £100 million in those two heads
525 of revenue. So the implications of the differences in direction of our different revenue streams
reveal and explain how the economy has continued growing and the Government's revenue has

been falling. The explanation is demonstrated by these figures. Hence the importance of not assuming that growth of GDP is necessarily accompanied by equivalent growth in government revenue.

530 In recent years, a study carried out by the OECD calculated the ratio of GDP to man hours worked in a number of countries for the years 2022 and 2015 to test the change, the approach we adopted in 2019. In this calculation, GDP in Ireland had increased 41%, the UK's increase was 2%, with Spain, France, Holland and Greece below the UK and negative in Luxembourg, which happens to be the country with the highest per capita income in the world calculated in the
535 traditional way. The result for Ireland has a simple explanation. The relocation of multinational companies has contributed to the profit element of the GDP computation on a much larger scale than it has led to an increased demand for labour. The result for other European countries shows little is being achieved in productivity gains. Although no other country has adopted this metric, I believe that in our case it produces a more reliable indicator of the performance of the economy.

540 In the traditional GDP per capita that has been used in the past the result is produced, as it is everywhere else, by dividing the economic output by the population. In the new approach we divide the output by the number of employees, including frontier workers, therefore showing whether output per worker is increasing or not. The GDP per capita is misleading, in that it suggests that the output from the frontier workers is retained in Gibraltar as income and is
545 available to us, the resident population. It is not true. This is true of any economy that makes use of frontier workers, but in most cases the percentage of the working population that is provided by frontier workers is too small to make a difference. In the EU, only one country has a similar high frontier worker percentage. It is Luxembourg, whose GDP per capita is \$127,580, the highest in the world, and yet we saw that its productivity was going down instead of coming up. According
550 to Luxembourg's National Institute of Statistics and Economic Studies, 44.9% of Luxembourg's workforce is made up of cross-border workers, almost the same ratio as us. The majority are from France, followed by Germany and Belgium, who are EU nationals and therefore free to travel with no restrictions.

555 Mr Speaker, the Leader of the Opposition gave us his reason for not voting in favour of the Estimates of Expenditure last year as follows:

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 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.

I am not sure what the Leader of the Opposition meant by the 'damning indictment' that was to be provided by the other Opposition Members on the Chief Minister's economic record, or what was or is the evidence that our economy needs to be steadied, or how you steady an economy for that matter. Indeed, I am not sure what sort of record an 'economic record' is. Nor
560 do I understand his terminology on the current state of the economy. So I am assuming that what it was all intended to convey was a criticism of the performance of the economy, which is the record we have of our economy and for which I am responsible, and not the Chief Minister, as Minister for Economic Development. So what was this damning indictment of our economic development in the last four years, or indeed since 2011?

565 I have already explained our policy objective in GDP growth has changed post Brexit as regards the growth in the size of the economy. I am not sure if this change is something that Members opposite are against, because I am not aware that there has been any reaction to this from any of their Members. Perhaps if I give them one particular statistic they will understand that the performance of the economy has been real and that the change of direction is also real.

570 In the seven years between 2011-12 and 2018-19, the workforce went up by 7,748, from 22,247 to 29,995, and the payroll went up by £321,564.60 million to £885.6 million – the payroll of the whole of Gibraltar. In the next four years, from 2018-19 to 2022-23, we have had an increase

575 in the workforce of 1,155 and the payroll has now gone up by £146 million, from £885.6 million
to £1.32.40 billion. This is in the economy that is in a very bad way. Before the Brexit-driven policy
change – that is up to 2018-19 – the economy grew from £1.12.60 billion in 2011-12. That is to
say when the GSD left government that is the figure they left it at, which they considered a very
high figure, and it went up between the time that they were in government and the last normal
year, 2018-19, to £2,456,000,000, almost £2½ billion in size, an increase of £1.443.4 billion in
seven years. Is the damning indictment that this is a poor record of growth because it is too little?
580 So what, then, was it in the previous seven GSD years? What did they do? In their time, in seven
years, it went from £559.7 million in 2004-05 to £1.012.80 billion in 2011-12, an increase of £413.4
million in seven years. So they grow the economy by £413.4 million in seven years, hand it over to
us and we grow it by £1.443.40 billion. That is to say we grow it by three and a half times the figure
they did. So what is the damning indictment? That we grew it too much, not that we grew it too
585 little?

Chief Minister (Hon. F R Picardo): The numbers don't lie.

590 **Hon. Sir J J Bossano:** He seems to think we currently have an unsteady economy, whatever
that may mean, that hard choices are needed to steady it and that we are unwilling to grapple
with those hard choices. I have to tell him as Minister for Economic Development that there is no
unwillingness on my part to grapple with hard choices to steady our economy.

Since I can make no sense of what he said about the economy last year, which continues to
perform very well by comparison with the performance of the UK and the EU – which are in
recession, they are shrinking – measured by all the normal indicators, I would welcome it if he
writes to me and explains what is this unsteadiness that he has detected and which he knows how
to correct, but which he thinks we also know but do not want to correct. I can only conclude that
no such indictment, damning or otherwise, was delivered last year on the economy, nor any
evidence of unsteadiness provided.

600 So maybe the answer to the absence of indictment on the performance of the economy is quite
simple. The Leader of the Opposition belongs to the group of people I mentioned earlier who
confuse the performance of the economy with the performance of the public finances, and of
course in that case there was certainly plenty of indictment last year on the public finances – the
mysterious two books invented by Mr Clinton some years ago, the level of debt, the ratio of debt,
605 Credit Finance and so on. It is strange that Mr Clinton should refer to these criticisms about the
public finances last year as a reason for not voting in favour of the Estimates of Expenditure.

There was absolutely nothing new said in this area last year, or this year for that matter. The
arguments have been repeated every year for 11 years, irrespective of what was in the Book. In
2012, 2013, 2014, 2015 and 2016 they made the same accusations but voted in favour of the
expenditure. In 2017, Mr Feetham as Leader of the Opposition was misled by Mr Clinton, who
advised him to vote against the expenditure estimate for the first time in the history of Gibraltar,
so they voted against providing funding for the public expenditure of 2017-18, not that there was
anything different in the Book that year from what had been in our first Budget in 2012-13 or in
their last Budget in 2011-12. The recent explanation by Mr Azopardi argues that if they voted for
615 the expenditure people would think they were approving our management of the finances, which
they criticise so much. That does not make sense. With all due respect to the Leader of the
Opposition, I have been in his position myself longer than anybody else in this House. I criticised
from that office the policies of the AACR Government, but I voted to give permission for the funds
to be provided to perform the public services. I did the same thing for 14 years with the GSD
620 Government. No one ever thought I approved of the AACR or the GSD because of it. Neither has
anybody thought that of any other Opposition in the history of this House, who have always voted
to provide money to run the public services. But if that is what they want to do, it is a matter for
them. They do not need to justify themselves to us or anyone else. However, I would just point

625 out to him that the excuse for voting against keeps changing. In fact, I think this year there were two different excuses.

The GSD is obsessed with the question of public debt. Even in government they went to great lengths to justify in Parliament the need to borrow, when we were in fact supporting the increase in the levels proposed. I have said before that the level of debt is not the relevant issue. What is relevant is how you are using the money that you borrow. This applies whether you are a government, an individual or a business. The rule is quite simple: you borrow to invest in and create or gain ownership of assets, either because you need the asset or because it will generate a return to service the loan. So the limits of government borrowing, whether by the EU at 60% of GDP in relation to being able to join the Eurozone, or 40% in other cases, are arbitrarily arrived at by the UK for the Overseas Territories, other than Gibraltar, for example. In the EU case it was about monetary policy, not economic policy, and has long since been abandoned with most countries in the advanced economies being well above this ratio of GDP. The UK, for example, is now over 100% of GDP, as are, in the EU, Austria, Belgium, Portugal, France, Spain, Italy and Greece, with Japan, the third economy in the world, over 250% of GDP. No country has ever had a limit on debt linked to the size of government revenue. So this limit was a policy decision of the GSD Government taken in 2008. The reasons for it were never explained, so we have no reason why we should continue with it because it was never our policy. So the reason given by Mr Clinton last year was not correct.

645 Mr Speaker, I will now deal with two other examples of criticism from the Opposition repeated almost every year. Mr Feetham has argued that the reason for the huge increase is that the Government embarked on a process, when they got elected, of shifting debentures issued by the Government directly, which legally count as public debt, to the GSB, where it does not count as debt of the Government because it is a debt of the Gibraltar Savings Bank. He was in the GSD Government that did the opposite, shifted the debentures issued by the GSB and replaced them with government debentures, which increased the gross debt, but they said it did not matter how large the gross debt was, as the economic correct measure was net debt, which every country used in its ratio to GDP. His much admired mentor, the then Chief Minister, explained to me, when I questioned the move of taking the debentures out of the GSB, that he was going to pay above market rates of interest to debenture holders and keep the proceeds in cash, which would be a loss of £9 million, and that if he did that with the Savings Bank perhaps people might lose confidence in it. They did not want confidence to be lost when they were in government, but they want it to be lost now that they are in opposition. So I accepted the explanation.

655 This is the exchange that we had when an amendment was introduced, on the spot, without notice, to change from gross to net. The Chief Minister said:

Now, I am sure the hon. Member

– meaning me –

will wish to make the point, well why then not issue the debentures to the Gibraltar Savings Bank, where it does not count as public debt? The answer is that it cannot be done through the Gibraltar Savings Bank whilst the Government is offering interest rates which are so much higher than the Savings Bank can attract on its deposits later, without plunging the Savings Bank into a loss.

660 So the reason for the debentures in the Government was to stop the Savings Bank making a loss, according to the then Chief Minister, and he was in the Government. My reply was:

the hon Member went to enormous lengths in the debate in April

– when he was arguing in favour of gross debt –

As I pointed out to him then, he did not require to convince me that there were merits in raising the level of the public debt. I am in favour of it, but he went to enormous lengths to show how prudent we were being by not using the net public debt, by using the gross public debt.

– as the ratio of GDP –

So, therefore, all that he has done today is to say, well look, we want to keep on linking the money we borrow to spend to the gross public debt, which is the argument of the last time, and the only reason why we are changing it to the net public debt is because we want to keep on borrowing more money than we want to spend, and we want to do it through the Government Consolidated Fund, as opposed to the Savings Bank. Well, we think it should be done through the Savings Bank and that the effect on the Government finances would be the same.

665 So why were they entitled to move the debenture issue from the GSB, where it had been since
1996 and they did it in 2009, and we were not entitled to bring them back in 2012 when we were
in government, because it has always been GSLP policy? The arrogance in the position adopted by
the Members opposite as regards the issue of debentures in the Savings Bank is incredible. They
changed the system in government, we do not agree but we cannot change it back to what it was.
670 The contrast between our positions could not be greater. Having said we did not agree, we
abstained instead of voting against, because we did not want to be an obstacle to their borrowing.

It is specifically identified in our manifesto as the vehicle to promote economic growth. The
Corporation has the power to make loans, and Credit Finance, as a moneylending vehicle, was
created for that purpose. They are against Credit Finance. Credit Finance provides reverse
annuities. That is to say it buys the revenue stream from a Civil Service pensioner and provides a
675 lump sum of 12½ times the pension. This is the equivalent of making a loan to a pensioner which
gets repaid and serviced from the pensions received. So the pensions go to Credit Finance, not to
the individual. This, however, is part of the Opposition's computation of the national debt. Credit
Finance has a moneylending licence. Logically its business is to make loans, from the profit of
which it services the bonds that it issues to the Gibraltar Savings Bank. It issues bonds to the
680 Savings Bank and lends the proceeds at a profit to public and private commercial entities. So when
it lends money to the Sunborn, it is making money for the Savings Bank and improving our tourist
product. The Opposition generally and Mr Feetham particularly have raised this in Budgets as if a
moneylending company owned by the Gibraltar Development Corporation was doing something,
in lending to create economic activity, that is wrong, when that is what it was created for. So all
685 the money that it raises from the sale of bonds, irrespective of the entities or individuals that it
lends to, becomes part of the Opposition's definition of public debt. No one else, anywhere else,
calculates public debt like that.

The GSB investment in Credit Finance is considered a terrible thing by the GSD. However, in
2016 Mr Feetham actually said he thought it was a jolly good thing and that he was not against it,
690 even though he still criticises it to date. What is so bad about funding reverse annuities for civil
servants to cash their pensions? When the GSD was in government, they proposed using the
Savings Bank directly to provide pensioner annuities. They announced in their Budget there was a
shortage of annuity providers and said:

Government propose to remedy that problem by converting the Gibraltar Savings Bank into an approved annuity
pension provider. In other words, the Gibraltar Savings Bank will issue Monthly Retirement Income Annuity
Debentures which will be fully compliant with the Income Tax Ordinance Rules relating to the investment and the
purchase of annuities and the details of that scheme will be announced by the Treasury in the next few weeks as
legislation is published. The results of it will be that there will be a locally available Gibraltar Savings Bank provided
source of annuities for people who retire with lump sum private pensions obviously this does not affect people who
retire from the private sector on pension schemes that continue to pay them a reduced salary so to speak. That sort
of scheme does not require the purchase of an annuity but for those schemes that pay out a lump sum they require
the annuity.

695 Shortly after the 2003 Budget, the Government set up a working group under the Accountant
General comprising retired bank managers from Hambros, Barclays and NatWest. Following
meetings in September and October 2003, a report was prepared for possible implementation in
2004. Let me say that they did not implement the promise. This was a promise that was not kept.
At the time, the savings vehicles consisted of monthly debentures which paid ½% below non-
700 pensioner holders level and ½% above base for pensioners; ordinary accounts were kept at 1%
below base rate and investment accounts that operated as current accounts were paid at 2%
below base rate. This was, of course, at the time that base rates were much higher, something
that ceased to be tenable with the level of base rates prevailing shortly afterwards in the following
years, which became very low. The GSD saw nothing wrong with offering this alternative.

705 The Leader of the Opposition quotes me as saying that the crisis facing the economy, and by
definition the public finances, is the worst one since I joined this House in 1972, 51 years ago, to
justify their blaming the Government for creating the situation. He conveniently forgets that I have
also said that the global economic background that we faced last year and continues to worsen
this year is the worst since the Second World War and the cause of the crisis every single country
is facing. This is having an effect throughout the western economies, of which we form a part. So
710 what I have said and I am still saying is that the idea that Gibraltar can somehow happily go on
managing its affairs as if we live on a different planet and the challenges facing us will disappear
by a simple change of government in the coming elections is something that I doubt anyone in
Gibraltar is going to swallow, and that not even the Members opposite really believe that this is
so.

715 It is true that we would have been in a better place to face this problem since 2019-20 if we
had increased recurrent expenditure less than we did between 2011-12 and 2018-19, but of
course it is also true that we would also be now in a much better place if the GSD had not run
down the various reserves created by the GSLP between 1988 and 1996, and instead of running
them all down to zero and saying the rainy day is today, they should have gone on to continue the
720 prudential policy of providing for the future and kept topping up what they used to call the GSLP
piggybank. Of course, they were perfectly entitled to do as they did as the elected Government,
but the main thing is that what we inherited from them in 2011 was a bare cupboard compared
to what we left them with in 1996, which they quickly spent, the last bit being what they spent
from the Savings Bank. In the process, they generated a negative reaction amongst some of our
725 Members that the view that we had taken in having a prudential approach to public spending and
building up rainy day funds only served for somebody else to then come in, say the funds were
not needed and spend the money in areas which were not the ones where we would have done
before 1996, thereby devaluing the effort we had made to put money aside for future
contingencies. It has made the task of persuading people that this is the correct thing to do, the
730 right thing to do a second time, more difficult.

Mr Speaker, the development of our economy is clearly affected by the level of access to the
hinterland. Last year, the Leader of the Opposition made a reference to the possible agreement
between the EU and the UK that would result in Schengen access. The Leader of the Opposition
seems to believe, or has convinced himself, that there was an earlier occasion when a better deal
735 for Gibraltar could have been done if he had been the one negotiating it. That can only mean that
he believes, or wants others to believe, that something better was available and that the
incompetence of the Chief Minister resulted in a lost opportunity. I have never had any doubt
since the referendum result was announced in 2016 that we could expect to end with a no-deal
situation, even if the UK achieved a deal, because Spain had a veto and would use it to block our
740 inclusion in anything that was agreed with the EU by the UK. I said so publicly in 2016 and I also
said it in the election in 2019. I said that Gibraltar had to change its economy to end or reduce its
dependency on Spain.

The EU betrayed our people, who voted to remain, by granting Spain and the socialist
government an additional veto to block our inclusion in the UK transitional agreement. Spain
745 insisted on this and threatened to block the UK transition period if it was not accepted by the EU.

750 So we risked being left out of the transition period and had to do separate negotiations, because had we not done a transition deal the UK would have continued to enjoy EU rights and only Gibraltar would have lost them. That was the betrayal by the EU at Spain's insistence, which the UK was not able to stop because the only way of stopping it would have been to say to the EU either Gibraltar is included in the UK's deal or the UK will go for a no-deal hard Brexit. None of us on this side of the House had any illusions that this was a realistic proposition for the UK. It was not and it would not have happened, whoever was there. Obviously, the Member opposite appears to believe that he possesses a level of negotiating skills such that he would have persuaded the UK to go down that road and that he possesses skills that could have delivered a transition period deal from Spain, with Spain seeking nothing in return. If he has such skills he is wasted here and should be deploying them on a much bigger canvas than the La Linea frontier.

755 So he wants a deal that allows freedom of movement for our people and safeguards our economic future, which is what he told us last year. Does he not know that such a deal does not exist? He says we need to be politically and economically sustainable and that a good deal would ensure those prospects, if it can be achieved. The reality is that it cannot be achieved. The only deal that can be achieved, as has been obvious and publicly stated on many occasions since December 2020, is a deal that has a maximum period of four years, because none of us are willing to accept a Spanish presence in Gibraltar as the price for a deal. Spain has agreed to request from the EU that Spain's Schengen obligations under any deal would be carried out on Spain's behalf by Frontex for an implementation period of four years, at the end of which Frontex would be replaced by Spanish officials or the deal would be terminated. So the deal will be terminated. As I told the UN seminar in Indonesia in May, that is the only option as far as Gibraltarians are concerned: the deal is terminated in year 4.

760 In his analysis, the Leader of the Opposition last year said:

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.

770 Is it that he is not conscious of the reality that if the UK were to take the unforeseen course of applying to re-join, they would not be able to obtain for us the terms we negotiated in 1972, even if Spain did not use its veto to stop us joining, and that it is inevitable that Spain would try to use their veto to extract a price for re-entry and the EU would support them on this, as they have done on everything else up to now? We are Europeans but we are never going to be EU citizens for as long as Spain claims the sovereignty of our country. So that option is not just improbable, it is totally impossible.

775 What happens in the four-year period must be beneficial in terms of frontier fluidity, but there is no way of knowing scientifically whether it will result in greater economic activity or higher government revenues because we have no way of projecting or predicting how businesses and individuals will respond on either side of the Frontier to the new situation. The most probable result of a free-flowing frontier with no controls is that sections of our economy would gain customers and others would lose them as a result of frontier competition. This does not appear to be a matter of concern to the Chamber of Commerce, to judge from the recent remarks its president made about the impact of a no-deal situation.

780 Mr Speaker, moving forward, a new savings product will be launched by the Gibraltar Savings Bank, which will be an Economic Development Debenture with a 5% rate of interest, which is the current rate paid on debentures that are available only for the savings of pensioners. The new debenture will be open for investment by any person or company. It will have to be held until the redemption date and the interest will be paid monthly. However, they will be transferable for the balance of the fixed period and it will be possible to cash out savings by private arrangement, or

it may be possible to create a vehicle to provide trading, at a small fee. This is still under consideration.

795 The domestic aspect of the National Economic Plan involves co-operating with the private sector so that facilities are created that serve to enhance the potential of Gibraltar and meet some of its important needs in a manner that will be self-financing by including commercial aspects that will enable the investment to pay for itself. This is particularly important in the context of the requirement for restoring financial stability, which requires us to reduce the need for borrowing to finance recurrent expenditure in the provision of government services. Once the position is reached that the recurrent revenue covers or exceeds recurrent expenditure, the reduction of the net government debt to bring it down to the level provided in the manifesto will be the next challenge. In this context the opportunities for borrowing to finance capital projects which meet social or other needs but fail to provide revenue to be self-financing are going to be very limited.

800 In terms of inward investment, the new owners of Gibdock are doing an excellent job of increasing the volume of repairs and there has been an important level of works included for ships from the Royal Navy, which is very important to us in terms of the diversification of our economy, and, of course, because of the special relationship we have with the Navy, since but for them our nation would not exist. I am working very closely with the owners to relocate and upgrade their training centre, on which work will be starting soon.

805 The new direction for the economy needs to be given an impetus to compensate for the two years we have lost. This is something that can only come about by working in partnership with the private sector. The Ministry for Economic Development will, therefore, invite expression of interest for projects that would lead to greater self-sufficiency and increase our economic resilience. Such projects would become sponsored projects under the National Economic Plan, and the Gibraltar Savings Bank will be providing support, where needed, at rates of interest that are competitive but will still contribute to the profits and reserves of the Savings Bank. The invitations of expression of interest will be for projects in the areas of transport, logistics, storage and cold storage, recreation and leisure, and accommodation. These are the broad areas which would cover a multitude of individual projects all geared to futureproof our economy against difficulties with frontier fluidity. Needless to say, it will not necessarily protect us from the global threats that I have identified. The new Economic Development Debenture will ensure availability of funding. Also needless to say, wearing my other hat as Minister responsible for restoring financial stability, none of these initiatives will entail recurrent or capital costs to the Government and the initial investment and subsequent use of the facilities created will at some point start generating recurrent revenue for the Government, which at this stage it is not possible to quantify.

815 Mr Speaker, Members are aware that in October 2011 the labour market reflected in the Employment Survey Report consisted of 2,121 employers, of which 1,386 completed the questionnaire and reported providing 22,247 jobs, and 735 registered a nil return – that is they had no employees. In October 2018 the labour market reflected in the Employment Survey Report consisted of 2,711 employers, of which 824 made a nil return and 1,887 completed the questionnaire and reported providing 29,995 jobs. So from 2011 to 2018, on the basis of the Employment Survey returns from employers, there was a growth in active employers of 501 and in workers of 7,748. So at the start of the period the average size per employer was 16 workers, and seven years later it was still 16. The labour market figures up to 2018-19 therefore reflect the relationship of the workforce to the growth in the economy and the targets we set in those years.

835 In the 2019 election manifesto we clearly set out to obtain growth in output per worker rather than an ever-increasing expansion of the size of the labour market. To try to measure the impact of the new approach on economic policy, I am comparing the years since 2018-19 with the years before and up to 2018-19. That means in 2021-22 we look at changes from 2018-19 and compare them to changes from 2015-16 to 2018-19, two three-year periods, the second of which has not been very good in indicative data because of the COVID impact. This means we might need a longer period to assess the effect.

840

From 2015 to 2018 there was an increase in the number of employers of 240, from 1,647 to 1,887, and the workforce grew by 3,851 from 26,144 to 29,995. From 2018 to 2021, the post-2019 three years, there was an increase in the number of employers of 122 – fewer employers – from 1,887 to 2,009, and the workforce grew by 408, from 29,995 to 30,403. So what we see by looking at the three years before and the three years after is that there is a lower growth of employers and a lower growth of employees.

From 2014 to 2018 there was an increase in the number of employers of 263, from 1,624 to 1,887, and the workforce grew by 5,573 from 24,422 to 29,995. In the same period, the frontier worker share of the labour market went up from 9,070 jobs to 13,654, an increase of 4,584. So, of the 5,573 jobs, 4,584 were frontier workers and 989 were resident workers. That is to say 82.3% of the increase was frontier workers and 17.7% of the increase was resident workers.

If we now look at the new policy and the more recent period, the post-2018 period, the four years from 2018 to 2022, there was an increase in the number of employers of 155, from 1,887 to 2,042, and the workforce grew by 1,155 – considerably less, one fifth of the previous figure – from 29,995 to 31,150. In the same period the frontier worker share of the labour market went up from 13,654 jobs to 14,150, an increase of 496. So, of the 1,155 increase, 496 were frontier workers and 659 were resident workers. That is 42.9% of the increase this time were frontier workers and 57.1% were resident workers. This is giving us the direction that we wanted in terms of an increase in resident workers and a lesser dependence. The maximum size of the working population that we targeted in the 2019 manifesto was 32,000. We do not want to grow beyond that, so at 31,150 for October 2022 we are within our target. This is in line with my expectations last year when I said, ‘The October 2021 Employment Survey records the number of jobs up by 887 to 30,403, which we do not expect to be breached even if there is further growth in 2022.’ Moreover, as the above analysis shows, although there has been an increase in frontier workers the ratio is substantially lower than was the case before and up to 2018. In the earlier period the increase was, as I have said, 5,573 with the majority being frontier workers, 82.3%, whereas in the four-year period to October 2022 the increase was 1,155 and the majority are resident workers, 57.1%, in line with our policy of sustainability and increase in per capita output. This is what we set out to do in the 2019 manifesto, to limit our dependency and increase our self-sufficiency to provide resilience to our economy. More needs to be done in terms of providing addition resilience.

The number of frontier workers did not increase in the first month of this financial year, based on the records of open contracts with the Employment Service. It was 15,388 at the close of the financial year 2022-23 – that is at the end of March – and at the same level at the close of April. However, the number of Spanish nationals out of this unchanged total went up by seven, from 10,344 to 10,351. This is a continuation of the trend that has been reflected in the nationality of the cross-border workforce since the financial year 2019-20, when the last General Election took place. In March 2019 the frontier workforce was 14,894. This is on employment records, not survey records, which produce different results. By March this year it had grown to 15,388, 484 more over the four-year period. However, in the same period the number of Spanish frontier workers went up from 9,296 to 10,340, an increase of 1,048. This means that the share of the frontier workforce of Spanish nationality went up at the expense of other nationalities, mainly EU, of which the biggest drop was in British frontier workers, whose number went down from 2,378 to 1,984, a drop of 394 British frontier workers.

Although the records of the Employment Service are likely to overstate the size of the workforce at any one time because of the delay and in some cases the failure of employers in registering terminations, they are nonetheless a useful indicator as to whether the workforce is shrinking or growing. Comparing March 2023 with March 2020, the start of COVID, the figure shows an increase in employers of 181, from 4,472 to 4,653, and of employees of 840, from 34,876 to 35,716.

In 2006 the GSD Government was defending the need for frontier workers by arguing that we had run out of Gibraltarians. In the Budget speech they provided the following incorrect

information to support their case and, as was normal, viciously attacked those who disagreed. I quote:

In 2005 the Gibraltarian population aged 15 and over totalled 18,500 of which 55 per cent were economically active. This stood at 61 per cent in October 2005. This is supported by the 2005 Employment Survey which shows that the number of jobs held by Gibraltarians increased from 9,154 in October 2001 to 9,870 in October 2005 – a rise of 7.8 per cent. Thus, employment within the economically active Gibraltarian population is estimated at 97 per cent, which is almost full and effective full employment. This makes it inevitable that the bulk of new jobs resulting from further economic growth will be taken by outsiders. Indeed, without importing labour, our economy simply cannot grow and could indeed stagnate over time. The Government therefore reject the economically misconceived, and I suspect and fear sometimes pseudo nationalistically and politically motivated used remarks that one hears from time to time, to the effect that there are ‘too many Spaniards employed in Gibraltar’. The Gibraltarian labour supply is effectively fully deployed already at around 9,900 people. The Gibraltarian labour supply is effectively fully deployed already at around 9,900 people.

895 It now stands, in October 2022, at 11,254 Gibraltarians. I hope that their time in opposition [inaudible] to discuss this nonsense.

This established the model for our economy based on ever-increasing reliance on frontier workers, which was continued after 2011 by us, although at the same time we took action to increase the number of Gibraltarians in employment by the initiation of the Future Job Strategy
900 model, which in 2011 had been estimated by Mr Feetham would require an annual expenditure of £11 million, calculated by him in the 2011 election campaign, as he acknowledged was the case in his contribution in 2012 when he said:

Yes. The reason why I referred to the £11 million – and it is true it was my figure; I am glad that the hon. Gentleman

– meaning me –

recognises that it was an accurate figure, at the very least – [...] – was because, in the hon. Gentleman’s manifesto, he committed himself to employing 450 people who were on existing training schemes,

– which did not do much training –

those on sheltered employment, plus those on the unemployment list, which was 421. That is where the figure of 1,100 came from.

In other words, I was taking my cue from the promises that he made to the people of Gibraltar, which was to employ 1,100 people in a Government-owned company; hence, my arguments that you were on the road to ruining Gibraltar. But, look, what is it? Is it ruining Gibraltar to employ all these 1,100 people, or is it not ruining Gibraltar employing 1,100 people? Does he plan to allow these people onto the Future Job Strategy Scheme, or is he going to continue to break promises to the unemployed of Gibraltar because he is the socialist Minister for Employment?

905 The parent company EDEC and the subsidiary training companies introduced in 2012 continue to this day to provide this service and are doing a good job of it.

Post 2019 the new economic model, as far as our policy is concerned, can no longer be the ever-increasing reliance of cross border workers because the certainty of access that existed when we were part of the EU disappeared with Brexit and is not going to come back. I will remind
910 Members that last year I pointed out that the direction of the global economy was changing in increasing localisation of resources and that in our case the labour force was the only resource to which this could be applied.

Mr Speaker, last year Mr Azopardi apparently chose to criticise me for the increase in Social Insurance contributions that had taken place the previous year, but failed to mention that last
915 year the increase was 1% and that this year again it will be 1%, provision for which I made previously over the two years at the same time, repeating the same inaccurate accusation this year. This shows that he is selective in his treatment of issues because his contribution was not about the state of the nation. In fact, it was about the state of the GSD and the political reality that if he does not form government this year after the General Election he never will and the GSD

920 will get rid of him. Hence his attempted vote-catching attack on the Social Insurance 2021 rate increase delivered by him in 2022 and repeated again this year when he said:

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.

Well, Mr Speaker, I believe it is wrong to have a contributory system where workers subsidise the benefits of the self-employed and the voluntary contributors who get the same but pay less. I believe it is wrong. So he is against the Social Insurance increase, which he falsely claims mean
925 that some individuals suffered a pay cut because the new insurance rate was more than their pay rise and therefore left them with a lower take-home pay than before. This is not true, but I do not suggest for one moment that the Member opposite was lying last year or again this year when he repeated the statement, because he probably believes it given his evident incomprehension in dealing with numbers. (*Interjection*) That is why he keeps on saying it is true, because he does not
930 understand numbers.

Hon. Chief Minister: He does not understand numbers, that is the problem.

Hon. Sir J J Bossano: That is a problem.

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Hon. Chief Minister: He does not understand.

Hon. Sir J J Bossano: I will try to give him evening classes in numbers to bring him up to date. (*Interjections*)

940 There used to be a policy, when there were serious politicians on the opposite benches (*Laughter*) who believed the correct and prudential approach to Social Security should be to make it self-sufficient and self-financed, and that has been the case since the AACR set the system up in 1955 and it has been the policy of every Government since, but clearly would not be his. So if statutory benefits are increased then we have to increase contributions, which he is against, or
945 we have to subsidise the funds from the surplus of recurrent revenue, which is barely there at an estimated £2.5 million for the current year up to next March and which they do not believe exists anyway. Or we have to incur additional recurrent borrowing to pay recurrent statutory benefits, which breaks the golden rule, which he says they support.

Let me also remind him that the statutory benefits also entail sending money out of the economy, which will therefore have a lower secondary impact, the so-called multiplier effect, because of the increasing element of former workers now living abroad, as the percentage of the total increase in numbers, which, as I told him last year, was, since 2011, 53% for overseas pensioners, compared to an increase in the same period of 34% in respect of resident pensioners, and the updated figures for this year since 2011 are 56% for non-resident and 39% for resident
950 pensioners. In total numbers it has gone up from 8,794 pensioners in 2011 compared to a working population of 22,247, to 12,739 pensioners compared to 31,150 jobs in 2022.

The increases in Social Security contributions are not a matter for negotiation with the Chamber of Commerce or anyone else. They are what is required to meet the evaluation of statutory pensions and the increase in number of pensioners as a result of improvements in life
960 expectancy, the effect that most countries now face with a longer life expectancy and that we expect will also be the case in Gibraltar when the results of last year's census becomes available.

965 In addition, the policy of the Government to introduce changes that will lead to both male and female pensioners being able to receive a statutory pension from 60 will have an impact. Equalisation of entitlement has not yet been introduced in the whole of Europe, but in all the countries that have done it, it has been brought in at the expense of the female contributors by increasing their the age of entitlement from their current age of 60. The UK, for example, is now paying pensions at 66 to both men and women, due to go up to 67 shortly, and already planning for, eventually, pensions being deferred until the age of 71 as population ageing and financial constraints affect the needs for funding.

970 The change of policy in Gibraltar cannot be put into effect without knowing the full cost implications. This depends on whether there is a deal with the EU on Schengen access and then seeing whether it contains elements that limit how we deliver the changes to the statutory benefits. Meanwhile, preparatory action is being taken in the Department of Social Security, which I am Minister for, to be able to move quickly at a later stage when it becomes possible. We need to be clear as and when it happens that the only way it can be funded is by increasing contributions payable by employed and self-employed persons, who in effect are giving up current taxable earnings to receive a future tax-free pension.

980 So, instead of accepting the reality that you cannot pay higher pensions to more people without raising the money from employers and employees, we can choose to make it a political football and pretend it is possible to deliver what employees expect at no cost. The position of the GSD in government was that there was no point in consulting business on charges that had to be increased because the reply was inevitably that they would be against it, and that is our position. As I pointed out two years ago, the increases in our rates still left us well below the maximum payments in the UK and other parts of Europe. The reforms that I am planning should mitigate part of this effect if we are able to do it this year, instead of in four years' time when the Schengen access would end, if it happens.

985 If the Chamber of Commerce in 2021 thought there was a link in the Social Insurance increase to the precarious state of government finances, then, by definition, not increasing the rate would have meant having to subsidise the fund and make the finances even more precarious. The cost of labour in Gibraltar is higher than in the hinterland and the cost of paying statutory benefit is part of that cost. The idea that the cost can be shifted away from the cost of the product that the labour produces and in which the labour is engaged is, by definition, asking for the state to provide a subsidy as if it had a source of money which would have no impact on economic activity. No such source exists, Mr Speaker.

995 Finally, I come to the environment. In the last two Budgets I have placed some emphasis on the progress, or lack of it, in dealing with climate change, on which nothing that we do in Gibraltar will have any impact; it is up to the big players to bring about the needed changes. Regrettably, this appears not to be happening, according to the most recent report last month. The latest and probably not the last word of warning from experts on climate change was delivered at the beginning of this month, following a meeting in June to prepare for this year's climate talks in November. The experts' consensus was that the target of keeping global warming to within 1.2°C is moving out of reach. Indeed, this week the global average temperature set new records on successive days. Monday was the highest ever and then that record was surpassed on Tuesday. The UN Secretary General has said that climate change is out of control, as an unofficial analysis of data showed that average world temperatures in the seven days to Wednesday were the hottest week on record. 'If we persist in delaying key measures that are needed, I think we are moving into a catastrophic situation, as the last two records in temperature demonstrate,' António Guterres said.

1010 Therefore, I do not mention it to suggest that our Budget experience can be pointed in a direction that will address the problem, because we cannot make a difference other than to show our commitment in acting to reduce the negative impact. However, I have also indicated that the answer lies, in my view, in changing our lifestyles from excessive consumption to necessary consumption. The roots of this malaise were created in the US consumer economy as early as the

1015 late 1950s to 1960, as I mentioned last year, and spread to Europe subsequently, eventually becoming a global phenomenon and now totally out of control, as predicted. There are small groups in different countries promoting reduced consumption but not enough to impact on the wasteful lifestyle of the so-called advanced economies which continue to be the model that the developing countries aspire to.

1020 The current state of the world economies still facing deglobalisation, stagflation and now recession will mean that for as long as this lasts the pace of climate change and pollution will be reduced, even if what is happening in Ukraine is adding to it. Nevertheless, it is clear that what the people want here and elsewhere is a continuation of the status quo, and therefore conventional wisdom will dictate that there are more votes to be had in promoting increased consumption than in persuading people to change their lifestyles and consume less. Our policy of moving from higher GDP per capita to higher GDP per worker is the only painless way to move in the right direction. It means we monitor and promote the output of the producers and not the consumption of the community.

1025 Thank you, Mr Speaker. *(Banging on desks)*

1030 **Hon. Chief Minister:** Mr Speaker, after that tour de force analysis, I move that the House should now adjourn to 5.30 this afternoon.

Mr Speaker: The House will now recess to 5.30 p.m.

The House recessed at 1.29 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.30 p.m. – 9.16 p.m.

Gibraltar, Thursday, 13th July 2023

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The Gibraltar Parliament

The Parliament met at 5.30 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*]

Appropriation Bill 2023 – Second Reading – Debate continued

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

5 First of all, may I commence my contribution on this Budget debate by saying how glad I am to see the Father of the House, Sir Joe, back in his seat, where he should be, and his contribution in person was greatly missed last year. (*Banging on desks*) And it is, of course, all the more gratifying for him being here to hear my reply. (*Interjection*)

10 Mr Speaker, the Chief Minister this week claims that his administration has not just restored financial stability in a year of continued deficit but he goes on to predict a £2½ million surplus for the financial year 2023-24. The fact of the matter is that he has achieved no such thing as financial stability as the increasing burden of debt and direct taxation and fees bites on the taxpayer. This wafer-thin £2½ million surplus, as the Leader of the Opposition has correctly identified, has been conjured up by simply underestimating expenditure and, at a meagre 0.35% of recurrent
15 expenditure, can be wiped out in an instant. There is not much to boast about in this Estimates Book and the associated Appropriation Bill that sits on top of it. Indeed, it is not so much what is in this Book but what it not in this Book that is increasingly of concern.

GDP is a number that is bandied around perhaps far too often. In his statements on economic growth, the Chief Minister has waxed lyrical about GDP and conjured up all sorts of ratios to support his assertion that he has our public finances under control, but comparing Gibraltar to OECD countries, major nations, and indeed even the debt ratio of the United Kingdom, is an utter waste of time and complete nonsense in the context of an economy the size of Gibraltar. Sir Joe Bossano has made it abundantly clear that GDP does not necessarily translate into more revenue for the Government. In fact, he said the same thing this morning. Sir Joe chastised those who
20 confuse economic performance with public finance performance. Perhaps the Chief Minister should listen to Sir Joe more. (**A Member:** Hear, hear.) I have never claimed to be an economist. I am only interested in cash in the bank and cash that is generated by the Government and how that has been spent in meeting our obligations.

Looking at the estimated outturn for expenditure, the total recurrent expenditure budgeted
30 for 2022-23, i.e. the year just gone, was £682 million and the estimated outturn is £746 million. That is an incredible £64 million overspend. This overspend can be broken down as follows: £11 million in Consolidated Fund charges and £53 million in Consolidated Fund departmental expenditure. This is not what I would, at any stretch of the imagination, call restoring financial stability, even with the most generous interpretation. The majority of the overspend, or rather underbudget, in respect of the Consolidated Fund charges relates to pensions and public debt
35 charges. I will speak about the public debt charges in more depth when I analyse the debt burden.

40 The overspend in the Consolidated Fund departmental expenditure is, in the main, as has been mentioned before, £25 million in the GHA and £27 million in utilities. Although the Chief Minister likes to describe the GHA expenditure as ‘demand led’, it is evident that the Government consistently underbudgets for GHA expenditure. In the last two years, actual expenditure has averaged £148 million and yet the estimate for next year, 2023-24, is set at £125 million, £23 million less. Just this would turn the Chief Minister’s notional £2½ million surplus estimate for 2023-24 into a £20 million deficit on just one department. Then it is perhaps a certainty that the GHA will come over the budget they set in the estimates. They have in the last two years. What is

45 it that the Minister for Financial Stability has done so that they will spend £20 million less? I would love to hear. I do not think that is going to happen. I do not think we are going to have a £2½ million surplus, not based on these numbers. It is one thing to seek to control costs, but when it is evident that costs such as in healthcare are necessarily increasing due to demand, then it is imperative to set a realistic Budget rather than seek supplementary appropriations year after year.

50 Last year we heard that some £75 million had been shaved off departmental budgets even before estimates were presented to Parliament, which undermines the effectiveness of the Budget process if this Book is unrealistic. We heard Sir Joe say this morning it is just an estimate; it is not a promise, it is an estimate. Yes, but this Book is the basis for an Appropriation Bill, a Bill which will be turned into law, and that law sets the limit for spending for all departments, what

55 they call the vote. No one is meant to spend more than the Appropriation Bill, which is based on this Book. This Book does not make sense if they are always going to have an overspend because this Book, frankly, does not do what it is meant to do. So what is the point of producing something that is unrealistic? Produce something that shows the true picture, and then we can collectively see what it is that we are actually facing. It is pointless to paint a picture – obviously not pointless

60 in an election year, but it is pointless from the point of view of the process we are engaged in today, this week, which is to discuss the Budget and the Appropriation Bill – if the way this Book is put together does not present a realistic picture.

Sir Joe this morning chastised the Leader of the Opposition. He said he got it wrong. Well, Mr Speaker, I have to correct the record on behalf of my friend, the Leader of the Opposition,

65 because he did not get it wrong, and I will explain why. But then again, neither did the Hon. Sir Joe Bossano get it wrong. What has happened is there are two different methods of calculation. Sir Joe did it one way, we have done it another way. The way we did it took it down to the agency level, which meant we captured the actual expenditure incurred and not that at the high level that he did. I have a reconciliation here, which I am happy to pass over to the hon. Member so that he

70 can see how we arrived at our number. He claims it is an £18 million overspend and we claim it is a £35 million overspend. None of the hon. Members are wrong. It is just a question as to how you look at the numbers, and our interpretation of the numbers as presented by the Leader of the Opposition is obviously a different one to that which Sir Joe has arrived at. We obviously believe that our interpretation gives the fuller picture as to what happened in terms of expenditure last

75 year. So, just to correct the record, that is the position and I have given him a full analysis as to how you can move from his figure of £18 million to our figure of £35 million. That, Mr Speaker, is just for the record.

Chief Minister (Hon. F R Picardo): Will you give way?

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Hon. R M Clinton: No. *(Interjection by Hon. Chief Minister)* No.

Hon. Chief Minister: Mr Speaker, he thought it was departmental expenditure.

85 **Hon. R M Clinton:** No, I am not giving way, Mr Speaker, I am on my feet. *(Interjection by Hon. Chief Minister)* I am on my feet, Mr Speaker. *(Interjection by Hon. Chief Minister)* I am on my feet.

Hon. Chief Minister: *[Inaudible]* agency *[inaudible]* departmental expenditure.

Hon. R M Clinton: I am on my feet, Mr Speaker.

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Hon. Chief Minister: You are, and I am telling you –

Hon. R M Clinton: And I am telling you that I am on my feet!

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Mr Speaker: Let's calm down. Carry on. Let the Hon. Roy Clinton, continue.

Hon. R M Clinton: Thank you. (**Hon. Chief Minister:** Ridiculous!) Well, Mr Speaker, there is nothing more ridiculous than the Chief Minister. Anyway –

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Hon. Chief Minister: Thank you so much. You are so kind.

Hon. R M Clinton: I am, and I am going to be even kinder.

Hon. Chief Minister: I have no doubt.

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Hon. R M Clinton: And so, Mr Speaker, that resolves the apparent (*Interjection by Hon. Chief Minister*) difference between Sir Joe's interpretation and our view.

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Sir Joe also invited us to go to him with any waste: 'Please come to me and tell me where there is waste.' I do not remember the hon. Member joining me in saying, 'Where are the Principal Auditor's reports?' Those will identify waste if there is any. Where are they? I do not remember Sir Joe actually standing up and saying, 'I agree with the hon. Member, we should get the Principal Auditor's reports, because I want to see what the value for money audits are saying.' That is where he will get his waste. It is one thing for him to turn around to us on this side of the House and say, 'Come on, identify waste,' when we have not even got the Principal Auditor's reports. If he wants

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to identify waste, get hold of the reports. Their value for money audits are by definition identifying waste. So, Mr Speaker, as much as I would love to take up his invitation, the real people who should be helping us in this place are the Principal Auditor's reports and we have not had one since 2016. That is where he will find his waste.

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On the revenue side, the estimated deficit for 2022-23 was £45 million and the outturn is expected to be a lower deficit of £15 million. Given the overspend of £64 million I have just described, the deficit really should have come in at £109 million. This was, however, offset by improved revenue receipts of £94 million, which therefore reduce the expected deficit for 2022-23 to £15 million. The revenue outturn level of £731 million for 2022-23 versus the estimate of £637 million, as Sir Joe has correctly stated this morning, sets a new recorded high, exceeding

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the last high water mark of £708 million set in 2018-19 before COVID hit our economy – I agree with Sir Joe that that is what we should be using as a benchmark – a level of revenue that Sir Joe, as he repeated this morning, in last year's Budget speech said he anticipated would take some time to get back to, and yet this year we have exceeded it.

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The excess revenue is, in the main, in two areas: £69 million in income tax and £25 million in corporate tax. Given the 2% increase in PAYE announced in the 2022 Budget, of course it was expected that Government would naturally collect a higher level of income tax. However, in answer to Question 389/2022 as to how much additional revenue the 2% would raise, the Chief Minister stated the following:

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 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.

135 Indeed, last year, using the information on page 56 of the 2021 Employment Survey, which
 gives the average distribution of earnings, I estimated that this could generate perhaps
 £16 million, at a guesstimate, which was not far off. I have updated those numbers this week using
 the recently tabled 2022 Employment Survey and I arrive at a number of £18 million, which is
 pretty much in the ballpark of the number the Chief Minister mentioned. But of course what could
 not have been anticipated in last year's estimates was the growth of the workforce by 747 jobs,
 140 to 31,150. Comparing the tables of distribution of average earnings, it would appear that most of
 these workers – and I stand to be corrected – seem to be in the higher income bands. This would,
 on average, have produced perhaps an extra £23 million in tax before applying the 2% tax
 increase. Taken together, this would perhaps explain £41 million of the additional income tax
 revenue that the Government received over and above the estimates. And given what the Hon.
 145 Mr Isola has said about the tax revenue received from gaming companies, I might venture to
 suggest that perhaps it is the gaming sector that has been the biggest contributor to this increase
 in income, but of course, comparing £69 million excess receipts in income tax to the £41 million I
 have calculated leaves £26 million, which is not an insignificant amount, and I would be grateful if
 in the Chief Minister's reply he could provide more granular information as to the reasons for this
 150 increase in income tax. It is important in determining the sustainability of the revenue projected
 for next year. But of course, if the Chief Minister thinks that such a task is too ridiculous to
 perform, it just reinforces my view that he is not fit to be Minister for Finance. *(Interjection by
 Hon. Chief Minister)* Well, Mr Speaker, if he can continue, from a sedentary position, making inane
 remarks, what can I say?

155 As regards corporate tax, *(Interjection by Hon. Chief Minister)* although this is naturally
 dependent on fluctuations in company profits I have noticed that in March 2023, just before the
 end of the financial year, there was a receipt in the order of some £20 million that was out of the
 normal sync or pattern of corporate tax payments. In this respect I did table questions on the
 receipt of state aid tax windfall settlements referenced by the Chief Minister in his Budget speech
 160 in 2019 and whether anything in that respect had been received. In addition, I have asked for the
 government companies that paid corporate tax in advance of March 2023. These questions are
 pertinent to this year's outturn and, of course, the sustainability of next year's Budget, and I would
 be grateful if the Chief Minister would address the increase in corporate tax receipts in March
 2023 in his reply, if he feels it is not beneath his dignity.

165 If Government revenue is, indeed, improving on a sustainable basis – and not on a windfall
 basis, on an ad hoc basis, on a we-got-lucky basis – that is, of course, welcome news, but it is of
 small consolation if expenditure is still out of control and unstable. Indeed, the Father of the
 House, Sir Joe Bossano, clearly said that the ratios and the growth of revenue ... I think he said a
 3.2% increase in revenue and a 20% increase in expenditure, and there was a need to restore the
 170 balance between revenue and expenditure, and he said there was still some way to go. That does
 not sound, to me, like we have achieved financial stability.

The elephant in the room is really the servicing and repayment of direct debt, and here I really
 have to take issue with the Chief Minister because he told a great story in his speech about the
 debt ceiling, and he keeps on repeating it because he loves it – his boast that somehow there was
 175 a great crisis when he came into government in 2011 and suddenly, 'Oh, my God, we're going to
 hit the debt ceiling! What are we going to do about it? It's a disaster!' He went on public television
 and said it was a disaster. He abolished that limit. He now boasts that we have massive headroom
 for extra borrowing, should we need it. What he has conveniently omitted to say is that the 2011
 limit was restricted to 80% of prior year recurrent revenue and would, once the latest revenue
 180 had been audited, have been increased. His Government then abolished the stricter limit for a
 higher limit of 40% of GDP, which today gives him this net public debt ceiling of over £1 billion. It
 is not magic. He cannot take credit for anything. All he has done is remove the limit and take the
 higher one, and now suddenly he is a genius. It is nonsense. It is complete sleight of hand. He is
 comparing apples with pears. He is saying, 'How terrible! You were about to breach the limit. It
 185 was awful.' So what does he do? He abolishes it. Easy. Much easier. It is the sort of misdirection I

190 have come to expect from this Government when they talk about public finances, because that is all they can do: misdirect. Using 40% of GDP is also less prudent. It does not take into account the Government's ability to repay. Sir Joe has already said, 'Forget GDP. It is not really our GDP, most of it is generated by cross-frontier workers. Do not talk about GDP. It does not translate into revenue for the Government. Forget it.' But the Chief Minister, because it sounds good, keeps on talking and talking and talking about GDP as if it makes a difference to our public revenue, when he knows it does not.

195 Since our Budget debate last year – coming back to the topic of debt – the Bank of England base rate has *quadrupled* – four times bigger. It has moved from 1.25% to 5% on 22nd June this year. As the UK seeks to tame inflation, the predictions are not good. The predictions are that the base rate might even reach 6.25%, if not even 7% or higher next year. This has profound implications for current and future budgetary estimates because, as much as Sir Joe likes to think it, it is actually not expected that interest rates will reduce quickly. The Governor of the Bank of England has gone on record and said, 'Look, guys, don't think these rates are going to come down quickly.' And if you read the *Financial Times* or any other financial paper, they will tell you that mortgage markets are already pricing in much higher rates and it is not looking good. The last time interest rates were at 5% was on 10th April 2008 – you can look it up on the Bank of England website – and that was just before the financial crisis, 15 years ago. We have had 15 years of ultra-low interest rates. Part of the overspend in the Consolidated Fund is in the area of public debt charges, which was £4.8 million over budget. Indeed, for next year, 2023-24, the public debt charge is due to increase from £31.2 million, as per this year's outturn, to £44.9 million, a 44% increase. Given what I have just said, we are going to have to accept that we are going to have to commit more of our money to interest payments, which of course is linked to our level of our direct debt.

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210 In last year's Budget it was anticipated the Government would borrow only £50 million in the grand scheme of things. The outturn for 2022-23 shows that £75 million was borrowed, £25 million more than estimated. On this basis, and given the answers I have had to questions in Parliament, the borrowing under the UK sovereign guaranteed facility increased from £350 million in 2022 to £425 million as at 31st March 2023 – I am happy to be corrected if I am wrong. The
215 Estimates Book shows that the Government is not expecting to borrow any further amounts in 2023-24 but intends to make provision for a small repayment of £½ million. We now know that the Chief Minister has stated that the Government is making a commitment to repay 10% of any surpluses toward the COVID debt. The £½ million is thus 10% of double the expected surplus of £2½ million. The Chief Minister mentions this 10% of surpluses in order to repay the COVID debt
220 several times, but has he done the maths? The current borrowing under the UK guaranteed facility of £500 million is £425 million. Assuming straight-line amortisation – which means just divide one number by the other – over 25 years, we would need to repay £17 million a year, which at a 10% reserve rate of surpluses implies we would have to have surpluses of £170 million a year. I am sorry, but this is simply not credible. It is not credible and does nothing to support his argument
225 that he has achieved anything as to any form of financial stability. It is not credible. We need a credible plan, but we are not hearing it from the Chief Minister.

Hon. Chief Minister: You are not listening.

230 **Hon. R M Clinton:** Really?

Hon. Chief Minister: No.

Hon. R M Clinton: No.

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Hon. Chief Minister: You can't understand, which is why you are ridiculous.

240 **Hon. R M Clinton:** Yes, well, you are ridiculous. I am not going to take any lessons from you on how to divide numbers – because it is obvious from his speech, Mr Speaker, that he cannot divide numbers. *(Interjection)* But Mr Mena is not here to help him anymore.

Hon. Chief Minister: Not Mr Mena.

245 **Hon. R M Clinton:** Ah, sorry, Mr *[inaudible]*

Hon. Chief Minister: I think you are obsessed with him.

Hon. R M Clinton: No, I am not; I think you are. *(Laughter)*

250 Mr Speaker, his Budget speech does nothing to restore financial stability, and what is worse, despite having signalled last year in his Budget speech that he is looking for a 25- or 26-year rollover, the mere three-year rollover of this £500 million or appropriate facility on 3rd December 2023 up to 2026 is very worrying, as it has been on the cards for a long time. What we needed was a long-term facility and repayment terms as necessary to precisely restore financial stability. I am not convinced at all by the Chief Minister's argument that interest rates will be better in three
255 years' time, so he can then negotiate a 22-year facility that will be better. But does he have a crystal ball? Can I please borrow it? We would both be rich men if he can predict with that accuracy what interest rates are going to be doing in three years' time. I am not even convinced that this new facility would not be at a floating rate or a higher rate. Who knows? But he is telling us that he thinks, in his judgement, in three years he will be able to do a better deal. I do not buy it and
260 he has not been able to get a proper financing deal for this amount of money. Either there is something he is not telling us or the UK government simply does not want to give us anything more than three years' headroom, Mr Speaker.

265 **Hon. Chief Minister:** It is simply not true.

Hon. R M Clinton: I would be grateful if the Chief Minister could at least confirm that the facility is still for £500 million and that the Gibraltar Government will have the ability to draw down the remaining £75 million under the facility. That is something that we will need to know as and when we get into government. *(Interjection)* I do not want to get into government and find a note saying
270 'Sorry, guys, there's no money left, we spent it all; there's nothing left.' *(Interjection and laughter)* That remaining facility of £75 million, even though we are only going to have it for three years – unless he has extended the facility, which it would also be nice to know ... Of course, the Chief Minister does not give us all the relevant information all the time.

275 Mr Speaker, it just gets worse. The analysis of the gross direct borrowing as at 31st March is as follows, and this is for the Government of Gibraltar, the only debt that the Chief Minister will recognise. He has government debentures on a fixed rate at 6%, which are held by the Savings Bank, of £247.7 million. He also has floating rate government debentures of £125 million, again held by the Savings Bank, which adds up to £372.7 million. If I am wrong, I am happy to be corrected but that is as per the last numbers that Sir Joe has provided me with. In addition to this,
280 there is the existing RBS NatWest facility, which was for five years and I think expires in 2024. That is at a floating rate. That is Libor plus 0.875%. And then there is the big RBS NatWest UK guaranteed facility that expires on 3rd December this year, which is again a floating rate – Libor plus 0.35%, and then, depending on the level of borrowing, there is a usage fee to be added on top. That comes to a total direct debt of £872.7 million on a gross basis. What is significant is that
285 of this £872.7 million, £625 million of it – £625 million of this £872.7 million debt, of our direct debt – represents 72% of our direct debt, and this is on a floating rate which will naturally increase with the Bank of England base rate.

By way of illustration, just so listeners can understand this, £625 million today would cost us, at 5%, £31.2 million in interest alone. A year ago, that would have cost us £7.8 million. Obviously,

290 as I have said, rates have quadrupled. Ironically, there are £125 million of five-year government
debentures which have been issued to the Gibraltar Savings Bank that cost base plus, remarkably,
3.05%, so at today's rate that is 8.05% that the Government is paying to the Savings Bank. This is
surely something that the Government can address, as all it does is boost, unnecessarily, Sir Joe
Bossano's reserves and drain the Consolidated Fund. What is the logic in that? The problem is that
295 any new financing is no longer going to be cheap. Even the UK government is finding it hard to sell
its government bonds or gilts, and its investors are now demanding higher and higher yields. Sir
Joe Bossano will recognise this: the era of cheap money is over. It is over, Mr Speaker. We have
had 15 years of cheap money. It is no longer going to be cheap, so 'let's wait three years' is really
not going to help.

300 Each year, I try to quantify the indirect gross debt, being the moneys borrowed through
companies, and this year I have the following list: the mortgage of the housing estates,
£300 million; Credit Finance borrowing, £400 million; sale of the 50/50 affordable scheme,
£165 million; and now, this year, I have added GSBA Ltd, £40 million and Gibraltar Properties Ltd,
£70 million – that is a total of £110 million. The reason why I have added these is to reflect that
305 the moneys borrowed by GSBA Ltd and Gibraltar Properties are being used (1) to fund Sir Joe's
National Economic Plan, building the Rooke Nursing home, and Gibraltar Properties is using the
money for purposes the Government simply will not tell me. Added to this is what we know about
£53 million of the power station, £21 million of Gibraltar Car Parks and the walls ... I did have an
old number of about £9 million on GCP Investments, which came to about £1058.60 million,
310 rounded up to well over £1 billion of indirect debt. But the wonderful hospital deal the Chief
Minister announced adds an extra £16.9 million to that in direct debt, being borrowing from the
Gibraltar International Bank so that GCP Investments can purchase the Hospital. That has not gone
through the books of the Government.

So the indirect gross debt ... And the reason we use gross debt for the indirect debt is because
315 we simply do not know what the cash reserves of the companies are. The Father of the House, Sir
Joe, knows that I ask every session what are the cash reserves, where are they, of the companies.
He says, 'I am not prepared to tell you,' and I accept he says that, and I ask the same question and
he gives me the same answer, but if I had the Principal Auditor's reports on time, I would be able
to tell how much cash the government companies had, but of course the last information I had
320 was for 2016. I have no way of knowing what the net debt might be, so I have to go on what I do
know, which is the gross debt, regardless of what was said by Sir Peter or anybody else. So our
gross indirect debt is well over £1 billion, and when you add that to our direct gross debt it comes
to an incredible number, £1.9 billion. This is what the Chief Minister describes as financial stability,
and it is the elephant in the room.

325 If this is not of sufficient concern, then consider how the Government's flagship National
Economic Plan is being managed. The Government has no plan, or credible plan that I can see, to
repay the direct debt, and we are in £1.9 billion of debt. I am not scaremongering. These are the
numbers. I am happy to be disproved. Sir Joe will say, 'Oh, well, Credit Finance isn't borrowing.' I
say I beg to differ, because when you drill down through Credit Finance, the £400 million, yes,
330 there is maybe £4 million to Sunborn, £100 million in commutations, but that is technically
borrowing, and there is something like £273 million which it says quite clearly is to a related party.
'Related party' has to be government related. I have asked in this House who is this entity and
how are they going to repay £273 million, and of course I now get the answer 'I am not telling
you.' He is not telling me, Mr Speaker. But that is borrowing, I am sorry. And so that is where we
335 are, and the Government has no plan.

The National Economic Plan has been a real brainteaser, I may say, if not a challenge. During
the 2019 election campaign, Sir Joe Bossano sat right next to me in our live TV debate and said he
was going to inject £500 million by way of investment into the Gibraltar economy and it was all
part of his National Economic Plan. But after the election, in this place on 19th December 2019,
340 when I asked the direct question about this £500 million, he said no, that the Government was
going to be receiving £500 million from somebody was not the case and this was the impact on

the economy. By this he meant to say it would reflect a growth in GDP. It is now evident that the £500 million injection was to be financed all along by the Savings Bank. He can split hairs and say, 'Ah, yes, but it is not the Government.' Yes, I know it is not the Government, it is the Savings Bank.
345 It is hard to describe how difficult it was to work out the structure that Sir Joe created to execute his National Economic Plan.

In July 2020 in this House we asked specifically who were the beneficial owners of Community Supplies and Services Ltd (CSS). This was the company that was applying for planning permission for the Rooke nursing home site. Sir Joe unhelpfully replied, 'I have told him I am not telling him,
350 Mr Speaker. I think the answer is clear.' We have since learnt, from unravelling the structure, that CSS is part of Sir Joe's Economic Plan. It is owned by Community Initiatives Ltd, a registered charity with lawyers from Hassan's as directors, so he knew all along what this was about but he could not bring himself to tell us. I do not know why. The problem is that Sir Joe revealed in answers to questions on 22nd December 2022 that a Gibraltar Development Corporation entity called
355 Gibraltar Community Projects is lending money to CSS for three years at 4% but it is ultimately funded by the Savings Bank, and he quoted a number of around £22 million in respect of the building of the Rooke site. In addition, GSBA Ltd, which is a subsidiary of the Savings Bank – which, incidentally, has never been audited – is providing the funding via intermediary companies that Sir Joe refuses to identify. He will not tell me. Indeed – and this is the best bit, Mr Speaker; I really
360 cannot believe he actually said this, but it is all in *Hansard* – on 19th January 2023 Sir Joe said, about my questions on the financing structure of his National Economic Plan:

He needs to have a trail through the jungle – to get to where? To see if there is something that he can criticise the Government for. Well, criticise me for not providing the answer; it is faster.

'It is faster', Mr Speaker, 'He needs to have a trail through the jungle.' His words, not mine. And it is a jungle, it is a veritable jungle. It is the best jungle ever seen or that we will ever see in my lifetime. That he described his own structure to execute his National Economic Plan as a jungle is
365 worrying and perhaps explains why no Member of his Government, not even the Chief Minister beside him, will dare answer any questions relating to his National Economic Plan, because it is a veritable jungle. (*Interjection*) When it comes to the management of the public purse, whether Savings Bank money or taxpayer money in the Consolidated Fund, all Ministers have the same responsibility to be transparent and accountable. The Economic Plan is neither. It is not
370 transparent – using the Minister's own words, it is a jungle – and there is no accountability. There is nobody else who would dare answer any questions about it because they, I presume, do not know.

It gets worse because when we asked something which I thought was a simple question – and I know Sir Joe enjoys answering my simple questions, as I enjoy asking them – as to what was the
375 rationale for building sheds at Eastern Beach, what was the great economic opportunity that was identified for building sheds at Eastern Beach ... It was beyond me, so I asked, and his answer was (*Interjection*) 'The profitability of the investment in storage facilities at Eastern Beach by the private not-for-profit company Community Supplies and Services is a matter for that company, as is what they have spent to date.' All I asked was what is the economic rationale and how much
380 have they spent, and he said 'Nothing to do with me, ask Community Supplies and Services, which is owned by a private company and is a registered charity, so I am not going to say anything.' But he cannot have it both ways. He cannot have a National Economic Plan – and we have heard more about it this morning, about how he is going to be doing lots of wonderful things and sponsoring projects and all that – and not be accountable for what he is doing. It just goes against all the rules
385 of public finance.

Recently, in an advert that just appeared in the *Chronicle*, a new entity appears, which I presume he knows nothing about because he knows nothing about the Eastern Beach sheds. A company called EBS Ltd appeared from nowhere, a subsidiary of CSS, asking people to register for interest for sheds at Eastern Beach. Sir Joe tells us it is nothing to do with him – and he confirms

390 from a sedentary position, yes, nothing to do with him – but he is financing it. (**Hon. Sir J J Bossano:**
 So?) (*Laughter*) ‘So?’ he says. Mr Speaker, I am glad I had my heart operation last year and not
 this year. ‘So?’ he said. He is willing to spend up to £700 million out of the Savings Bank funding
 projects and he seriously expects us to believe that he has no knowledge as to what the money is
 395 being used for, what profitability is or how is he going to get a return on his money? He cannot
 have it both ways. This money in the Savings Bank will be not be government money is public
 money, and he, as Minister for the Savings Bank, has responsibility for that, and having
 responsibility for the Savings Bank he has a responsibility in this House to explain what he is doing
 with it. The Savings Bank is not a commercial bank, it is not regulated by the FSC, and he knows it.

I do not understand the mystery. Why not just say, ‘This is what we are doing and this is why
 400 we are doing it; we are going to make a packet of money and this is why?’ What is wrong with
 that? Is it so difficult, or is it that he genuinely does not know, in which case we really do have a
 problem if money is going out of the Savings Bank and he does not know what is happening with
 it – which I refuse to believe. He knows what is happening with it. He knows how it is going through
 a chain, a chain he will not describe to me. I do not know why, again, because he seems to think I
 405 am just looking for reasons to criticise him, but all I am doing is trying to understand it, because
 that is what I am here for. The people put me here, albeit in opposition, to hold the Government
 to account. He is telling us, ‘Not telling you. Don’t care, not telling you.’ The electorate will form
 their own view of that attitude, but it is not good enough in the 21st century, (**A Member:** Hear,
 hear.) not good enough.

410 Mr Speaker, just when we thought the jungle could not get any worse, we come to the great
 subject of the National Stadium, which Sir Joe proudly announced will be financed and funded by
 the Savings Bank and to the tune or value of £100 million. We do not know which one it was, or
 is, or is not. But then he tells this House he has had no sight of any business plans or financial
 projections, nothing. I do not know what is actually going on. He – not me, he – was the one who
 415 stood in the stadium and said, ‘I have a great announcement to make.’ The videos are there on
 YouTube; he can look at them himself. ‘Why I am going to use money from the Savings Bank: I am
 going to build this with your money.’ Ironically, despite my warnings over the years, people were
 more worried about what he said than anything I have ever said. He is the one who destabilised
 the Savings Bank, not me. It was his words that rattled people. (*Interjection*) Something clicked.
 420 He said –

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and
 the Gibraltar Savings Bank (Hon. Sir J J Bossano):** [*Inaudible*] why they destabilised the Savings
 Bank.

425 **Hon. R M Clinton:** Well, it suddenly clicked in their minds: ‘He is going to use our money to
 build a stadium,’ and they said, ‘Well, no, we don’t want him to use our money to build a stadium,
 it’s our money.’ But of course, in his mind, no, it is the Savings Bank and he can do whatever he
 wants with it. He is the one who said that, not me. He also went on GBC and explained the
 430 wonderful plan. He was going to take security over the property and generate a wonderful return.
 Nothing for people to worry about – it is great. Fine. We, both sides – well, everybody on the
 Opposition – expressed our concern, interest, asked for more information, more details. Nothing
 was forthcoming. And then, Mr Speaker – and it could not get any more bizarre – in what I can
 only describe as a *Dallas* moment, for those of us old enough to remember *Dallas*, that great –

435 **Hon. Chief Minister:** The shower scene.

Hon. R M Clinton: Ah, the Chief Minister does remember it.

440 **Hon. Chief Minister:** The shower scene.

Hon. R M Clinton: Indeed. The great soap opera we all used to watch as kids. I do not know if Sir Joe ever watched it, but he probably did not have the time for it. *Dallas*, Mr Speaker. That great episode where in the shower scene, as the Chief Minister said, suddenly it was all a dream, it never happened. An entire season never happened. It was great. It was going to be the cheapest script ever written. 'No, we cannot kill off the characters.' 'Okay, let's put them back in. It never happened.' The Chief Minister on public television on *Direct Democracy* said it was never the intention to fund the stadium with money from the Savings Bank. It was all a dream, a bad dream. This was a bad dream. It never happened. 'Wake up, it never happened.' And so it got more bizarre, and whether the Chief Minister said those words flippantly in the heat of an election or pende or coming election campaign, he rather inelegantly, I thought, threw Sir Joe Bossano under a political bus –

Hon. Chief Minister: What a bus!

Hon. R M Clinton: – a political bus which had, on the side of it, written 'We will build your stadium with £100 million of your money from the Savings Bank'. He threw the hon. Gentleman under a bus. We never ever said that happened it is on the public record. And of course the Chief Minister did not utter those words in this place. He is entitled to his opinion outside this place, but Sir Joe knows the truth, we know the truth and the general public know the truth. Somebody stopped me down the street the other day and said, 'Does he really think we're that stupid?' I shrugged my shoulders. What could I say? It was all a dream.

Mr Speaker, as I said in my opening address, I am now more worried about what is *not* in this Book, specifically the National Economic Plan because it has become this creature which is unaccountable. It is an unaccountable parallel government. It provides no proof of its activity, no proof of what economic value it is creating. And it is a matter of concern that Sir Joe intends to funnel and effectively borrow up to perhaps, and maybe even more, £500 million from the Savings Bank – and it is hard not to say this without laughing – through this 'jungle' Book structure that he has created, with no accountability. And then this morning he announces that he is going to be launching new debentures for his development plan debentures. He may as well call them jungle debentures – 'Let's go buy more of Joe's jungle debentures,' – because that is what they are. No one will know what he is doing with it because he does not provide any information. I trust he puts the appropriate health warning on them. I will, of course, be talking more about the Savings Bank later on, and his wonderful rainy day fund.

So, Mr Speaker – and Sir Joe may want to cover his ears at this point, but I am sure he knows it is coming – should we be elected into government, we will commit to completely dismantle and flatten his jungle. We will dismantle this structure which has been created to run Sir Joe's National Economic Plan. (*Banging on desk*) It is an affront to good governance and undermines sound public finance principles, and we will not be channelling any more money to the structure. And so the directors of this entity should be put on notice because they may not be directors of a concern that is not going. Let them consider that in their plush offices. (*Interjection and laughter*) The public have the right to demand sound public finance principles, as ultimately it will not be Sir Joe, it will not be the Chief Minister, it will not be anybody on that side of the House, it will be the taxpayer that will foot the bill and pay the burden for their mistakes.

The burden of tax is slowly increasing on the ordinary PAYE worker and this is evidenced by the untailored 2% increase in tax last year. It was untailored. It was not targeted to the higher earners or anything; it was no, everybody pays 2%. In 2018-19 – the baseline which I agree with Sir Joe should be the one we should use – total revenue was £708 million, the record year before this year just gone by.

In percentage terms, Sir Joe has inflation-adjusted the numbers, which is perhaps the more scientific economic way to do things. I have taken a perhaps more basic approach, but it should generate the same result. In 2018-19 that £708 million was made up of income tax 25.7%, corporate tax 23.1%, import duty 24.5%; departmental fees 18.4% and other items 8.3%. The

estimates for 2023-24 are for revenue of £724 million. Interestingly, this will be made up of income
495 tax receipts 34.5% – that compares to 25.7%; company tax 21.4%, compared to 23.1%; and,
importantly, import duty 13%, which compares to 24.5% at the high water mark; departmental
fees 21% compared to 18.4%; and others 10.1% compared to 8.3%.

On that simple analysis, the ordinary taxpayer is having to bear a higher burden of tax, which
is really to offset a major loss in indirect tax, being import duty, which in the high water mark year,
500 2018-19, was £173 million and for next year, 2023-24, is estimated to be 45% lower at £95 million.
So combined with a continuous increase in departmental fees for all sorts of licences – road
licences, dog licences, whichever licence you can think of – the burden of personal tax, both direct
and indirect, is increasing.

I will be honest, Mr Speaker, it may be that this is the new reality we need to face, that
collectively we have to adjust to until new sources of government revenue can be generated. The
most obvious new ways to tax would be perhaps taxing property developers, given the massive
scale and volume of luxury projects that will change the face of Gibraltar in the years to come, and
forever, but if this personal burden cannot be avoided then it is incumbent on any responsible
Government to lead by example and ensure that we do get value for money – a concept that
510 Ministers simply fail to understand. They fail to understand it, Mr Speaker. Furthermore, any
increases in taxation need to be properly debated and analysed before being passed into law. It is
no longer good enough for the Chief Minister to stand up and say, ‘I am going to do this, I am
going to do that, maybe I will do this. Maybe I will change my mind. Maybe I have got it wrong.’
No, Mr Speaker, this House has a duty and an obligation to scrutinise and discuss any tax increases.

515 And so we come to the Budget measures. Last year we were treated to the most specular U-
turn in budgetary history when the £25 a week – and, of course, when the Chief Minister says
something per week or something per day, it is obviously a much bigger number; £25 a week is
much more than the price of the *Chronicle* – was reversed within less than 24 hours of its
announcement. It displayed a complete lack of thought, judgement and planning as to what might
520 have been its potential effects on our economy, let alone the fairness of its application.

Then, after we debated the Appropriation Bill here and the Chief Minister had made his
announcement in June/July last year, in August 2022, by way of Gazette Notice 231/2022, Sir Joe
Bossano increased the cap on Social Insurance by 1% from August 2022 with a further 1% increase
in July this year. This was not even mentioned during the Budget debate and what is even more
525 surprising is that no mention was made that the employers’ contribution was being reduced from
20% to 19% in the first year and then to 18% in the second year, while employee contributions
stayed at 10% of earnings, albeit both capped. He said he had discussed it with the Chamber of
Commerce and the Federation, although he said this morning, ‘No, I don’t discuss these things
with them.’ He discussed it; he said so. It is a remarkably unsocialist measure. He reduced the
530 employers’ –

Hon. Sir J J Bossano: Clearly a misunderstanding [*inaudible*]... honourable Member...
[*Inaudible*]

535 **Hon. R M Clinton:** I will give way to the Member.

Hon. Sir J J Bossano: I informed them, Mr Speaker. I invited both the Chamber and the
Federation to send somebody to see me and explained to them what I was doing and why, so they
knew what was going to happen and, if necessary, they would inform their members. I did not
540 negotiate with them, and that is what I said I do not do, which was the same thing that the GSD
said in power – that they did not negotiate with the private sector about whether they agree to
pay more, because nobody would agree to pay more.

545 **Hon. R M Clinton:** I am grateful for the Minister's clarification, but, Mr Speaker, he must agree with me that the employer element reduction was not given wide publicity. It was a remarkably unsocialist measure, but I have to accept it was business friendly.

550 We have repeatedly called for a Finance Bill to be introduced at Budget time. This would allow for proper consideration of measures and, indeed, for the timely enactment of changes. We have on our Agenda in this session Bills which enact measures dating back to the 2019 Budget, the 2016 Budget and the 2018 Budget. This needs to change. I am sure it is something we can agree on both sides of the House. It is nothing short of amateur. Let's have a Finance Bill.

555 This year's Budget measures that benefited the vulnerable and less well-off are, of course, welcomed, as the Leader of the Opposition has already indicated. On this side of the House, anything that supports the most vulnerable in our community, we will support. But given that I do not believe we are quite out of the financial woods on matching revenue and expenditure – what Sir Joe Bossano described this morning as the funding gap – I find that the Government's decision to halve the 2% increase in PAYE for those earning below £100,000 perhaps surprising. A more generous cost of living targeted measure for those earning below average earnings of £34,000 would perhaps have made more fiscal and social policy sense.

560 But the most surprising Budget measure announced was, of course, the tax-free non-consolidated lump sum cost of living assistance payment in respect of public sector workers, which varied from £1,200 to £900 to £600, staggered depending on income bracket, to be paid at the end of September 2023 and costing, by the Chief Minister's reckoning, £6½ million. He then says, in the same breath, 'and I have asked Ministers to find half a million pounds' saving each, to be able to pay for this'. The Estimates Book says 'Draft' at the top of it, so why doesn't he put it in? Why hasn't he put it in and said, 'Mr Speaker, I have a late amendment, I want to put this in'? But no, Mr Speaker, he cannot do that because that is £6½ million off the bottom line if he cannot find half a million pounds' worth of savings from his other Ministers. So his £2½ million surplus is already a £4 million loss and that is before he has even approved the Estimates of Expenditure.

570 The average salary in Gibraltar is £34,000 and yet this lump sum, albeit staggered, is to be paid to workers earning up to £100,000. It would also appear from the Chief Minister's statement – and this affects us in this House, Mr Speaker – at line 739, that this lump sum is to be paid to certain Members of Parliament. *(Interjection)* Well, I do not have an occupational pension and I have no alternative employment. I would respectfully remind the Chief Minister that MPs are not public sector workers – *(Interjection)* exactly – and cannot be entitled to such a random lump sum payment. *(Interjection)* Yes, MPs are paid an allowance and the variation of this was the subject of recommendations by the Canepa Commission, of which he is so fond, specifically recommendation 12. Indeed, it would say little of us in this place, of leading by example, if such arbitrary payments were made to MPs. So just put 'This will not be applicable to MPs.' But it is not. There is no need even to reference it, other than by clarification that we are not going to pay ourselves a lump sum, and if he is willing to do that, great, he certainly has my support to put that full stop in.

585 **Hon. Chief Minister:** I am *[inaudible]* not paying ourselves.

590 **Hon. R M Clinton:** Good. Mr Speaker, the definition of the public sector as per the Employment Survey is as follows: 'all government departments, statutory authorities and agencies financed by the Gibraltar Government and wholly owned government companies'. That is the definition of the public sector. It is not the Gibraltar Parliament and certainly not MPs. I hope that will clarify any misunderstanding.

Private sector employees have rightly raised an eyebrow at this measure. It is not a universal cost of living benefit scheme to those most in need, as operated by the UK government, and this is despite the Chief Minister putting his one-liner in his Budget speech. He asserts:

The objective is to use public money to help those on the lowest incomes ...

I did not know anything above £50,000 was considered a low income. At first blush, a less
595 generous interpretation is that it is a straightforward pre-election giveaway, even though it would
destroy his projected £2½ million surplus for next year, and by definition, as Sir Joe will
understand, will force the Government to borrow more if he cannot identify equivalent savings
that will cover those costs in these still draft Estimates.

And then the Government explicitly states that it will not cross the red line of borrowing to
600 fund public sector pay. It will not borrow to fund public sector pay. Shortly after the Chief
Minister's speech, Unite issued a statement: 'Negotiations with the Government on a pay solution
have been lengthy and very detailed, with commitments provided around consolidated pay
increases for 2024-25. The outcome of the pay negotiations will be subject to a public sector wide
605 ballot of Unite members as to whether these proposals are acceptable.' It all suddenly seems to
make sense, because we have since seen this bulletin which was issued by Unite. This bulletin
from the Unite Public Sector Working Group recommends accepting an offer, and this offer is an
increase of consolidated basic salary for 2024-2025, and it reads remarkably like the lump sum
socialist system's payment this year. Basic salary earners up to £50,000 will receive £1,200, basic
salary earners between £50,000 and £75,000 will receive £900, basic salary earners between
610 £75,000 and £100,000 will receive £600 and basic salary earners over £100,000 will not receive an
increase.

In the context of what is a complex and global pay negotiation with Unite as outlined above,
which is with an objective to consolidate these amounts into a pay settlement, the Budget
measure the Chief Minister announced takes on a whole new light. This is not a one-off lump sum
615 assistance to help the lowest income earners in the public sector; no, this was an upfront payment
at the end of September, probably as a good-faith measure and saying, 'If we get re-elected, we
will do the second part.' But he did not say anything in his Budget speech about this. He did not
say a word. He will probably say in his reply, 'Ah, yes, well, Mr Speaker, this was a complex
negotiation. We have not necessarily accepted it, they have not gone to ballot, and, besides which,
620 technically it is 2024-25 and therefore is not part of this debate.' And probably, technically, he will
be right, but in the context of his lump sum social assistance payment this year, without this
second piece of information, apart from looking odd, it is incomplete because he should have told
us what the full picture is – 'I am putting this on the table now. I am going to suggest this for the
year after, but it is subject to ballot' – and we would have perhaps said, 'Okay, if that is the
625 Government's position.' It, kind of, then makes sense, but without the second bit of information
the whole thing looks lopsided. Social assistance payments to somebody on between £50,000 and
£75,000 and £75,000 and £100,000? Seriously? I do not get it. With this, it does kind of make
sense, but they are not giving us the full picture, and they never do give us the full picture because
they are used to it.

Of course, this now explains these rather bizarre lump sum payments which have been
630 presented across such a wide pay scale in the public sector, which is obviously a teaser for this
settlement. This settlement will incur recurrent expenditure because it will be a consolidated pay
increase. It will be consolidated into their salaries – not a non-consolidated one-off lump sum
payment, it will be consolidated – and that will increase recurrent expenditure, which Sir Joe this
635 morning warned about and has been warning for the last few years is a problem. So this is the
Chief Minister's financial stability. It is great.

As regards the private sector, I really do regret to see there is not much in the way of relief,
other than the elimination of a few token fees and perhaps a little bit more latitude on certain
items.

To ask taxpayers, as I have indicated, to shoulder what will be a higher tax burden is, of course,
640 a big ask at any time, but it must be met with a commitment to complete transparency and
accountability on the part of Government. This Government fails to meet even the basic standards
of transparency and accountability, and that is ignoring the vagaries of the much-famed National
Economic Plan.

645 I have complained for years as to the lack of reports from the Principal Auditor on the
 Government's finances. First we were led to believe it was due to outstanding supplementary
 appropriations. This problem was cured – three years' worth – on 26th July 2021, and now we are
 told there are adjustments required before finalisation. The last report we had in this House from
 the Principal Auditor was for the financial year ended 31st March 2016. That is even before the
 650 composition of this Parliament in 2019. I am beginning to doubt whether we will ever receive any
 reports, given the short remaining life of this Parliament. And even if they are received for 2017
 and 2018, they will be five years old and all the issues that may be identified – all waste issues
 that the Father of the House is so interested in, any value for money issues – will have become
 irrelevant and obsolete. How is the Minister for Financial Stability expected to do his work if he
 655 gets no reports, if this Parliament gets no reports?

We have something broken, something is not working, something is seriously wrong and it
 prevents the Opposition from being able to hold the Government to account. **(A Member:** Hear,
 hear.) We cannot do it without reports. He expects us to tell him, to identify waste. We do not
 have access to the books of the Government. We cannot go in and audit them. I would love to – I
 660 would do it for free – but I have not that ability, so we rely on the Principal Auditor. We do not
 have any reports, so go figure. How am I going to tell him, 'Look at page 222 of the Principal
 Auditor's report: this department is doing this'? I do not have access to the information – he has,
 I do not. He is the Minister for Financial Stability. Why hasn't he asked for these reports to be
 produced? And so, Mr Speaker, it is all not working.

665 And then Sir Joe, who at one point used to enjoy sending out glossy booklets for the Savings
 Bank, although not the investment analysis, will not even gazette the audited accounts of the
 Savings Bank. He gets audited accounts; he gets them separate to the Government's own
 accounts. He has them but he will not gazette them until the Principal Auditor does his overall
 report – which he accepts from a sedentary position by nodding his head. But this is nonsense.
 670 What is the big secret? Why can't he just do it?

Why does it matter? It is about transparency. The problem is if everything is fine and there is
 nothing to hide, well, just publish. The problem about not publishing is people then say, 'Why
 hasn't he published? What's the problem? Is he actually hiding anything?' We do not know. We
 do not get any audit reports. They are produced, they are there, he has them on his desk but he
 675 will not publish. There is no reason why he should not publish them. I invite him to publish them.
 He has told us this morning he has £1.5 billion of deposits and yet the audit reports he will not
 publish, he will not gazette, as he is required to do in the soonest possible time, or whatever words
 are in the Savings Bank Act. This is nonsense.

And then we go to the other topic, the Government's record on filing its corporate accounts.
 680 It has worsened since last year, I regret to say. In answer to questions on 15th March 2023, Sir Joe
 answered that there were 41 companies that were overdue in their filings at Companies House
 and these had now accrued penalties amounting to £20,350. And then, in addition, there are nine
 companies that have never been audited since incorporation. These include, in terms of late filing,
 companies such as Gibraltar Joinery and Building Services Ltd and the National Mint. They are
 685 overdue on filing the accounts. The National Mint, which produces coins every other week that
 we see in the Gazette and which Sir Joe claims is making fabulous profits, has never even been
 audited. I am astounded, Mr Speaker. How can the National Mint never have been audited?
(Interjection by Hon. Sir J J Bossano) Yes. (Interjection by Hon. Sir J J Bossano) No, maybe it was
[inaudible] Okay, fine, I understand. (Interjection) I can lump it, that is fine. (Interjection) Yes, I will
 690 lump it. Why not? That compares to the position as at 31st March 2022, when 26 companies were
 overdue in their filings and a further 12 had not been audited since incorporation, a minor
 improvement on the not since incorporation, but this is really an unsatisfactory situation and one
 that should have been resolved by now. This new dawn Government has been in place, as they
 claim, since 2011. They have had sufficient time, more than sufficient time.

695 The Chief Minister claims he needs no lessons on value for money from us because he is the expert and he has a Minister for Financial Stability. So where is our Public Accounts Committee, I ask.

Hon. Sir J J Bossano: That has nothing to do with this.

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Hon. R M Clinton: No, nothing to do with it. A Public Accounts Committee does scrutinise how public money is spent and whether it is spent effectively, efficiently and economically. We are an embarrassment. We are the only UK Overseas Territory not to have such a scrutiny committee, and the Hon. the Father of the House knows this because he has been to the conferences with me. St Helena has one, the Falklands have one. (**Hon. Sir J J Bossano:** Ridiculous.) Yes, he says it is ridiculous. Well, I disagree with him and we agree to disagree, but it does serve a purpose.

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Mr Speaker, I wanted to turn to the comments from the Hon. Minister Mr Isola, but unfortunately I see he is not in the Chamber. He takes us back more than a quarter of a century to 1996. He says, 'Well, you should have done it, and you didn't.' Well, look, Mr Speaker, I was not in government in 1996. And then I started thinking, well, where was I in 1996? Where was I? And then I remembered. Yes, I remembered that day, that very day. I was in the John Mackintosh Hall when they lost the elections, and the look on their faces was priceless. It was priceless. They did not think they would ever be booted out. They thought they were going to be there forever. Well, the electorate thought differently. After the count, we had a walk, collectively, down Main Street. I can tell you, hand on heart, Mr Speaker, it felt like the liberation of Gibraltar. (*Interjection*) Yes, it did. There were people cheering us from the windows. (*Interjection by Hon. Chief Minister and laughter*) Yes, well, good for that. There were people cheering us from the windows because they were liberated. They were liberated from the tyranny of the GSLP Government. (*Interjection*) Yes, the tyranny. (*Interjections*)

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The Minister Mr Isola – (*Interjections*) Oh, they have woken up, Mr Speaker. I am glad to hear it. The Minister Mr Isola went on to say, 'Well, where were you?' and I said, 'Well, what happened in 1996?' He has to go back a quarter of a century to come up with points. He then says, 'Well, what about public accountability? What about ...?' (*Interjection by Hon. Sir J J Bossano*) Where is his commitment to the Public Accounts Committee? The first thing I did when I came into this House was to present a motion to set up a Public Accounts Committee. He says we are not collegiate. I say I try to be. I put in a motion of Public Accounts Committee made up of Members of both sides of the House. But no, they do not want one. They voted against it. (**Hon. Sir J J Bossano:** Yes.) Yes, Sir Joe says. He acknowledges that, and so did Mr Isola. He voted against it. So he has the audacity to criticise us for something 25 years ago that he will not commit to today. He will not do it today. We commit to do it and –

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Hon. Sir J J Bossano: Well, do it on your own.

Hon. R M Clinton: Yes, Mr Speaker, he says do it on your own. This sums it all up. They are not interested. They are in power. That is what they want, raw power. They do not want to be held accountable in this House. (*Interjection*) They do not want to know. They want to sit there, pontificate, do whatever they want and rule by decree. That is what they want. They do not want to come in here and answer questions. It is beneath them. It is too much trouble for them. (*Interjection*) Yes, but – (*Interjection*) Oh, yes, the new dawn. I forgot. But that is the irony of Mr Isola's comment. He tries to score political points when he himself will not commit to undertaking that same measure. And not only that, even if we did get into government and we did implement a Westminster-style Public Accounts Committee, the Father of the House is on record that they will not participate. Well, fine, do not participate. We will find other people who will do it.

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Hon. Chief Minister: You cannot do anything.

Hon. R M Clinton: If we legislate, we can do what the hell we want, the same as you do.

Hon. Chief Minister: Well, then it is not a Public Accounts Committee of the House.

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Hon. R M Clinton: We will be. It will be something else. But if you do not want to participate, you are not doing your jobs. Maybe we will deduct it from your salaries if you do not want to attend the Public Accounts Committee. *(Interjection by Hon. Chief Minister)* Good, yes, because you are earning enough, you do not need the money. Why don't you let people who actually care stand for election?

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Hon. Chief Minister: People who care.

Hon. R M Clinton: No, not the people you put forward; the people who care, who want to see social justice done in this place and not just this excuse for a Government.

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Hon. Chief Minister: Of your tiny, tiny, tiny brain.

Hon. R M Clinton: Well, Mr Speaker –

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Mr Speaker: I think hon. Members need to pipe down somewhat. Let us continue listening to what the Hon. Roy Clinton has to say.

Hon. R M Clinton: Thank you, Mr Speaker.

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Hon. D A Feetham: You are being effective, Roy.

A Member: Absolutely.

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A Member: Hear, hear. *(Banging on desks)*

Hon. R M Clinton: But I haven't even got warmed up yet, Mr Speaker. *(Laughter and interjection)*

I was impressed with the Chief Minister's quotes from Shakespeare. I did not know he had such a depth to him. He has surprising depths. Dick the Butcher, *Henry VI, Part Two, Act 4, Scene 2*: 'the first thing we do, let's kill all the lawyers'. Dick the Butcher may find that he has a lot of sympathisers in Gibraltar at the moment, I regret to say. I will reserve my own judgement. But of course, being an accountant, I do not have to fear the mob.

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I was struck and a bit flabbergasted, to be honest, at Mr Isola's comments about the negotiating ability of the Chief Minister. The hon. Member Mr Isola will know I have great respect for him, although he is not here today, as a lawyer and a financial services practitioner, but to suggest that somehow his ability to have photographs taken at No. 10 is some great boon to diplomacy is stretching the imagination. I know he and Boris went to Oxford. Maybe it is some old-school-tie tradition where they meet every so often and have their photographs taken.

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(Interjections) Well, I think Liz Truss went to Oxford, too. **(Hon. A Member:** David, too.) Well, there you go, it is a club, yes, it is an old school club, Mr Speaker. And so he shared that in common with Boris Johnson. They both went to Oxford. Great. So what? Does Mr Isola seriously suggest that somehow this is something that we should be in awe of, that we in this place should somehow kiss the Chief Minister's feet because he managed to get his feet across the doorstep of No. 10? Seriously?

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It got worse. This fawning adoration of the Chief Minister by Mr Isola, who is more than the Chief Minister's equal, was somehow nauseating. His worship of the new dawn false prophet, the sun god of the new dawn, which Mr Isola could not find enough words to describe in his adulation

of the Chief Minister. I just found it a bit, perhaps, over the top, and I would commend the Chief Minister to read *Julius Caesar*:

Yond Cassius has a lean and hungry look,

It strikes me as Mr Isola. (*Interjections*) I could quote Shakespeare ad nauseam, but I am not going to. And so, Mr Speaker, Mr Isola's contribution, frankly, was vacuous.

In his Budget, the Chief Minister claims to have spent £160 million on schools. Last time I heard, it was £100 million. Again, it is only rumoured, because I have no way of verifying it. So where is the £160 million in the schools? Where do I find it? Is it here? What number is it? Oh, no, it is not here, Mr Speaker. Nothing in the Book, nothing. They all just miraculously appeared. So where was the transparency and the accountability on this? How do we know those were value for money projects? Were they just rushed jobs at any expense to meet electoral cycles and pretty political pictures? How do we know? He keeps on saying, 'Oh, well, there's the Airport.' Yes, because the Airport was in the Book. He could look at it; it was transparent, it was accountable. Where is the transparency and accountability on the schools? Where is it? Why couldn't he put it in the Book? Was it so difficult? Is it beyond his reasoning or rationale? What is the reason? It is daft.

This is not what we are here to do. This is the Parliament of the people. We are meant to be holding the Government to account. The Government does not want to be held to account. (**A Member:** Hear, hear.) (*Interjection*) So where is the money going to come from to cover the £30 million increased cost of housing construction that the Government says it will absorb? How generous, but where is the money coming from? There is nothing in the Book. Where is it coming from? He has a £2½ million surplus next year. Is that in the Book? No, it is not in the Book. Is it really a surplus? No. This Book is just a waste of paper. And so we have a Government that is asking the taxpayer to bear a bigger burden, year on year, as time goes on, but they fail to provide transparency and accountability at even the most basic level. Sir Joe will not even publish the Savings Bank accounts. It is no wonder the public trust in this Government is evaporating, and it is all of their own doing.

The COVID-19 Response Fund is something that was very important for Gibraltar. In May this year the World Health Organization declared that the COVID-19 global health emergency was over. It has been – and this is perhaps an understatement – a difficult three years in more ways than just financial, but I will be dealing with the financial aspect, Mr Speaker.

At this point I note and reciprocate the thanks of the Chief Minister as regards the modest input I was invited to give at the height of the COVID crisis. I say this genuinely: I sincerely believe that when the history books are written about this very difficult period for our community, it will be described as our finest hour as a community. We did what had to be done and we pulled together. It could have been worse. I do not deny the words the Chief Minister quoted me as saying on 20th March 2020 because we were staring into the abyss and confronting our mortality. It was a scary time. None of us knew what was coming round the corner in terms of potential mortality. I did say – and I stand by what I said – and I quote myself, that 'we need to do what is necessary and we will work out later on how we pay for what we need to do', in pretty much the same way all governments round the world did. However, that did not mean a blank cheque with no accountability, and I am glad that the rules and regulations for the operation of the COVID-19 Response Fund were agreed between us to ensure safeguards were in place. I remember the meeting at No. 6. These rules required the Financial Secretary to sign off on all the expenses booked to the fund and that these would be audited in due course by the Principal Auditor. This, of course, resulted in increased levels of direct debt, which were generously supported by the UK government, but I have to say that they are dwarfed by the indirect debt previously accumulated by this Government. In fact, if I remember correctly, he is on record as saying, 'Thank God I didn't take Mr Clinton's advice to put the tax on the books.' It is debt.

850 It is apparent from the quarterly gazettes of the movements on the COVID-19 Response Fund that there has been no new charge to the fund since September 2022. The position at 31st March 2023, which appeared in Legal Notice 132/2023, indicates that the fund is to be set to zero and that the balance as per the Gazette – the number may have slightly changed – of £2,702,350.91, which represents mainly donations, is to be transferred to the Government Trust Fund. As a technicality, I look forward to the Chief Minister formally declaring this sub fund to be closed as having met its purpose under Rule 6 of the regulations gazetted on 18th May 2020.

855 I note that the Chief Minister's Budget address stated that the donations transferred to the Trust Fund will be used in, I quote, 'a significant overhaul of the entrance to the Hospital' and will include meeting spaces and a mezzanine administration floor for the Hospital ... blah, blah, blah. Mr Speaker, I imagine that those who, in good faith, made those donations thought they were going towards urgently required life-saving equipment such as ventilators and not what can only be described as a building project. I would respectfully suggest that the Government consult with
860 the donors, if it has not already done so, as to what their wishes might be as to how this money should be applied within the GHA given the current circumstances.

This sub fund served a valuable purpose. It allowed us to record and track with some accuracy the financial costs of the COVID-19 pandemic. The final cost booked to the fund was £406 million, but this was made up of £311 million of lost government revenue, £90 million of direct costs and
865 £5 million of capital expenditure. The actual cost of the employment support BEAT measures came to a total, across more than one year, of £32 million, which is recorded within the £90 million of direct costs.

The COVID-19 Response Fund was, of course, financed mainly by way of loans, but it is important for the public to realise that 77% of the £406 million was in order to cover lost
870 government revenue rather than actual expenditure, which was £95 million. The amount that actually was used in practical terms was £95 million. Under the regulations creating the sub fund, the Principal Auditor is required to audit the sub fund and I look forward to his report in due course, and it is important that this exercise is done as soon as possible so that we can get some comfort that all the equipment bought was bought, albeit under difficult circumstances, under
875 the best value for money possible. As we know from reading the UK press, there has been consistent criticism of contracts that were given for personal protection equipment etc., and so it is important that this fund is audited sooner rather than later.

Mr Speaker, I move to the rainy day funds, because it has not rained enough. The Savings Bank reserves belong to the Government and thus the people. The Chief Minister boasts that it has
880 £67.5 million of reserves, and yet Sir Joe Bossano will not deploy this so-called rainy day fund until the day of judgement is upon us – and he agrees – but he then cannot call it a rainy day fund. If we are not going to use it when it is raining, (*Interjection*) when are we going to use it? What is the point? Whether it has £1 or £50 million of reserves, it is nothing to boast about; it is just another pocket of the Government. And most of its returns, as Sir Joe will acknowledge, come
885 from Government activity. Sir Joe is not an investment guru. The returns are mostly manufactured from other government entities, such as, for example, the £125 million borrowing which pays through its nose.

He made a very interesting point, Sir Joe, this morning, when he talked about the 10% margin, some very interesting points, because he said, 'I am keeping them there because I am now no
890 longer keeping it in near cash or cash, and therefore there is a risk of capital losses.' That is what he is saying. He is saying there is a risk of capital losses. Therefore, he is keeping a reserve.

Hon. Sir J J Bossano: Mr Speaker, if the hon. Member –

895 **Hon. R M Clinton:** I will give way.

Hon. Sir J J Bossano: That is not what I was saying. I was saying the argument that they use ... and I quoted the backbencher former Chief Minister explaining that, as far as they were

concerned, there was now a risk which justified ... a theoretical risk. He explained why he removed
900 it, which is not the explanation that they gave, that he was the person who did it, and in fact what
I did was quote what he said, that it was justified to be backed because there was a theoretical
risk if it was not all in cash – which I do not agree with anyway because the money, when it was
all in cash, was invested on the London Stock Exchange, so I think there was the same risk. But I
was telling them that the arguments that they used were in conflict with what the person who did
905 it was saying in this Parliament, not me.

Hon. R M Clinton: Mr Speaker, that may or may not be so. I do not doubt the Member, and we
can obviously all go back and check the record, but he did say, 'I am thinking of reintroducing that
rule.' (**Hon. Sir J J Bossano:** Yes.) He acknowledges that. But then, if he is going to reintroduce that
910 rule, he cannot call it a rainy day fund because he will not have access to it by law, because he will
be required to keep 10% in the Savings Bank. Therefore, to say, 'Well, hey, it's my rainy day fund ...'
If he puts that law in, he is not going to be able to touch it. It is as simple as that. If he says he
wants to keep 10% of £1.5 billion, he is never going to be able to touch it, not for at least another ...
I do not know what rate of profit he is projecting, but at least not for another five or 10 years
915 before he would be able to take any money out. It is because he calls it a rainy day fund that I said
last year, 'Look, as far as I can tell, and I am not a meteorologist, it's pretty much monsoon
weather.'

Hon. Sir J J Bossano: The monsoon is still to come.
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Hon. R M Clinton: Sir Joe says the monsoon is still to come, but –

Hon. Member: The rainy day fund.

Hon. R M Clinton: Yes, but we cannot touch the rainy day fund. Maybe we should all go out
925 and buy umbrellas, because we are not going be able to touch the rainy day fund.

And so it is a bit nonsensical, Sir Joe's approach to the Savings Bank, and given what he is talking
about already ... He talked about some new debenture for his development projects, or whatever
he called it; I cannot remember the exact words he used. (**Hon. Sir J J Bossano:** Economic
930 development.) Ah, economic development bonds. I look forward to reading the prospectus
because if he is offering 5%, why would anybody want to buy them? What is it that is going to be
so special about these bonds that will make them attractive to people? And when he says there
will be new elements to it, the ability to make them transferable, I think they are transferable
anyway, the Savings Bank debentures, but to talk about trading them is something completely
935 new and different, although I think it is allowed within the law.

And then another thing which struck me when he was talking about the Savings Bank, boasting
about the growth in deposits in 2011, was of course ... He talked about the switch from Savings
Bank debentures that he alleges Sir Peter instigated to move them into direct government debt,
but what he has not mentioned is the fact that they went the other way. They went from
940 government direct debt into the Savings Bank.

Hon. Sir J J Bossano: It was reversed.

Hon. R M Clinton: Yes, it was reserved, in which case, naturally, the level of debentures shot
945 up. It is simple maths. So it is not some great economic miracle. And of course, if you are offering
rates way above the market, it is understandable that you are going to have a lot of people putting
money in. That is bound to happen.

But the Savings Bank is not what he calls a development bank. He has turned it into that, but
with the best will in the world I just cannot accept the way he is running it. Where is the
950 independent board? Where are the experts? Where are they? Does he just sit there with his

crystal ball every day and say yes, no, yes, no? Who is actually coming up with the decisions as to how this money should be deployed? Where is the rational thinking? Is it just him? He is the Minister for the Savings Bank, he is not the investment manager of the Savings Bank, he is not the chief investment officer of the bank. He may be the Minister for Inwards Investment and Economic
 955 Development, but it was never really the intention ... Yes, he has changed the law on the Savings Bank to turn it into a bank that will invest money to further the social and economic development of Gibraltar, but that he should be the only mind behind it – even giving him the benefit that what he is suggesting makes sense – does not make sense. If he said to me, ‘I am going to do this, and by the way, here is an independent board of experts that is going to be running this,’ I might derive
 960 more comfort, but when he sets up a parallel government through a structure which is registered as a charity, which is run by lawyers at Hassan’s, and then when we ask questions – what are they doing with the money? – and he says, ‘Don’t ask me, ask them,’ I am sorry, Mr Speaker, it is not acceptable. The Chief Minister may find it amusing, but I do not find it acceptable and I do not think the people out there find it acceptable either. This is not the way to be doing public finance.
 965 This is not the way to be running the Savings Bank. It is not their personal toy. And then the projects – the Eastern Beach sheds; I do not get it. What is the potential economic benefit? I do not understand. What does he think he is doing? *(Interjection and laughter)* Well, he laughs, but the people out there are not going to be laughing on election day, believe me.

Of more concern – and Sir Joe may find this of interest – is the disclosure that Community Care
 970 holds reserves of just £38 million. Sir Joe will know from previous election campaigns ... He once boasted it was £100 million. He wanted to get it up to £300 million. It is now just £38 million. From what I have seen from previous accounts – I am happy to be corrected by Sir Joe – the annual expenditure, and I am not only talking about community officers to the run-of-the-mill Community Care cheque that most people get, costs us about £20 million a year, and so the amount held will
 975 only just cover two years of payments. Logically, when this runs out, the Government will have to intervene, which means the Government will have to stick its hand in its pocket and do whatever is necessary. But then this thing comes back to the whole question of financial stability. Are we really out of the woods? Are we going to have to borrow more? How are we going to do this? And again – this is the issue, Mr Speaker – we are not getting the answers to the big questions.

Mr Speaker, as an aside – and I really did not want to say this, but I have to say it – I am aware
 980 that the Charities Commission have filed accounts for Community Care for the year ended 30th June 2020, and they have had them for at least six months. I am told that they will not release them to me because they claim to be checking them. I have been chasing this for six months and I have to say I am baffled at what I think is unacceptable stonewalling. I would urge the Charities
 985 Commission and commissioners to consider whether they are complying with the spirit and not the letter of the law. Once the accounts are filed with the Commission, they should be available for public inspection. No one should be stonewalled, least of all a Member of this Parliament. **(A Member: Hear, hear.)** It is unacceptable.

Last year, the Government announced they would nationalise AquaGib. The Government owns
 990 one third of the shares in this joint venture. On a net asset value basis, last year I estimated this would cost something like £6 million and I asked, ‘Where are you going to get this money from? Is it going to part of the National Economic Plan? Is the Savings Bank going to buy it? How is it going to be structured?’ The Chief Minister has stated in his Budget speech that it is still the intention to buy AquaGib, but he said nothing about funding. I do note that in the Budget Book,
 995 for what it is worth, in the Improvement and Development Fund there is provision for a £10 million acquisition of shares, and I would ask the Chief Minister can he at least advise the House in his reply what is this £10 million earmarked for? Is it for AquaGib, or is it for something else?

As regards inwards investment, Sir Joe has quite rightly said things are difficult out there and are likely to continue to be difficult. The receipt of the £90 million premium from TNG is, of course,
 1000 welcome, although we do note that it comes with conditions in terms of planning and those conditions could, whatever those conditions may be, trigger repayment. The other big site on which we have no clarity at the moment is Victoria Keys. We have no sense as to what is happening

with Victoria Keys or what premiums or anything like that will be forthcoming. And there is a mysterious 150,000m² reclamation project, which was meant to be part of the National Economic Plan, on which we have heard nothing since the election in 2019.

On FATF, Gibraltar's grey listing was unfortunate, and on this side of the House we have already expressed our disappointment at the failure to achieve delisting in June, but of course – and we genuinely do mean this – we do hope that the Minister's 100% certainty that Gibraltar will be delisted in October is achieved. In that, he has our support.

Mr Speaker, to the relief of the House, I am coming to my conclusion, and my conclusion is this. Why did I get into politics? Why am I even here? The Chief Minister may have his views, but I came into this place ... I stood for election for the first time in 2015, not to have something on my CV; I did not do it for medals or to get a knighthood. I did not do this for money. (*Interjection by Hon. Sir J J Bossano*) No, but, Sir Joe, I exclude you completely, you definitely did not do it for a motive. I certainly did not do this for money. I am not doing it to protect any business interests. I am not here to protect a particular sector or their interests, or lobby on their behalf. I came into this House because I genuinely believed in 2015 that the way they were handling our public finances was dangerous. We are in 2023 now. If I thought it was dangerous then, what they are doing now is beyond my worst nightmare.

We have seen again and again that the Government cannot keep to its Budget. The people are inevitably having to shoulder a bigger burden to pay for their failures. The Chief Minister has failed to restore financial stability in our public finances, as I have clearly demonstrated and Sir Joe has only confirmed. This is no longer a Government. This is Team Picardo, led by their sun god, their messiah, who Mr Isola thinks so highly of. This is a Government that fails. It has failed on transparency. It has failed on accountability. This is a Government in which the people have lost trust. It is time for change. It is time to get back on track and regain control of our public finances in the way the people expect, demand and deserve. It is time for Team Picardo to go. Just go.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. Paul Balban.

Minister for Transport (Hon. P J Balban): Mr Speaker, it is an honour to rise once again as Minister for Transport, for the last time before the upcoming elections.

At first blush, and after listening to the Father of the House's Budget speech conclusion regarding his analysis on the environment, the first thing that came to my mind was whether I should simply stand up and say, 'Mr Speaker, I commend the Bill to the House,' and sit down again, but, luckily enough, the resilient bicycle and our even more resilient feet have a few more tricks up their sleeves, and one is their potential for significant health cost savings. These savings come about when a population walks or cycles more as a mode of transport as opposed to each person sitting inside their very own car. The direct effect on fitness, cardiovascular health and respiratory health still leaves active travel in a very good place. Nevertheless, my friend and colleague, someone I have always looked up to and wise far beyond his years, hits the nail on the head. We need to change our mode of consumption 'from excessive consumption to necessary consumption'. We need to change our lifestyle. This is spot on and the reality of it. I will not dwell on or delve further into what was said, as it paints quite a bleak picture and it will be there, recorded in *Hansard*, long after we burn up in the heat of the sun. Maybe our next Budget should include a head for space exploration, as we are going to have to look for that Planet B.

We are all very aware that opinion is extremely divided when it comes to the environment and our responsibilities towards it, especially when it comes to traffic and transport. Our 2019 manifesto was for a green Gibraltar and the creation of a child-friendly city. This was the direction that this Government wished to see Gibraltar take during the four years after the election. Little did we know the challenges that we would face. Least did I know that I would leave Transport and become the Minister for Health and would be faced with the challenge of a worldwide pandemic.

1055 Although my heart has always been in medicine and health, preventative medicine, in my view,
is the most important of all branches of medicine. As a dietitian before my time in politics, I tried
to encourage healthy living, promoting good nutrition, treating obesity to prevent illness and
improve fitness. Over time, this resulted in massive improvements in my patients' health, but it
was the weight loss and the prevention of obesity that made the most difference. Preventative
1060 medicine during COVID meant behavioural change, social distancing and self-isolation, and this
was especially important for the most vulnerable. Living an active life has always been the key to
promoting a longer and healthier life, and this in turn translates to health savings. This
Government recognises the direct impact that health and fitness have on us, and our Budget
measures reflect this. Who doesn't want to live longer, see their grandchildren grow up, and feel
well?

1065 Mr Speaker, looking at my journey over the past 12 years objectively, I have realised that my
work really has, in fact, revolved around the health of the nation. But how does traffic and
transport tick this health box? Although, back in 2011, inexperienced when it came to traffic and
its management, I thought that I would tackle the traffic problem head on, creating more and
better infrastructure, new roads, roundabouts and parking, but I soon realised that more parking
1070 meant more cars. The work carried out to prepare the Sustainable Traffic, Transport and Parking
Plan (STTPP) reinforced my thinking. Instead of dealing with improving traffic flow, building more
roundabouts and creating more parking spaces, I found myself instinctively trying to look at traffic
and transport in a human-centred way. In my mind, mobility – I believe that the Ministry I lead
should perhaps be called the Ministry for Urban Mobility – is all about people and how we may
1075 be able to move as a community effectively, efficiently and quickly. In doing so, we create that
human-centred city, that child-friendly city, that green Gibraltar. By thinking about people, but
especially children, even if many cannot see it and they criticise it, rebel against it and fight against
it, we can make this community a better place. At least, this is my opinion and the basis of my
work. However, this does not mean that we must rid ourselves of the private vehicle. No, this
1080 means that we must try to choose the right tool for the job. Some people will find the car is their
only option and hence the right tool for the job – and that is perfectly fine – to go shopping or to
drive elderly relatives to their medical appointments or simply because they want to. This is called
choice, and we can all choose. But for others who live close enough to school or work, walking
may be the best way to move.

1085 But why do many children not walk to school? Why do many children not cycle to school, as
many of us did when we were kids? I am often told by parents that they are scared to let their
children walk or cycle to school because our roads have become busy, dangerous and unhealthy.
But these roads used to belong to us, to the people. We lived on the roads, children played on the
roads, we socialised and did business on the roads, but we gave them up, surrendered this space
1090 to the car and moved indoors. Those were the days of *el patio, las verbenas*, playing football on
the street, having to pick up the ball and all of the children having to step to one side each time a
car came, which was extremely infrequent. We would place an empty matchbox in the middle of
the road and take turns to see whose matchbox would be squashed first by the tyre of an
oncoming car, but it was so boring because it took ages for the cars to come. These were magical
1095 times and our social media was *el cotilleo* that was spoken *en el portón de los Humphries*. Today,
children play inside metal cages, in parks, separated from the lions of the road to keep them safe.
Children must hold their parents' hands or be tied into their buggies, even on the pavement, in
case a child should run away on to the road. The moment we cannot allow our children to walk
alone on the street or cycle to school, the circle is complete, activity levels drop, average weight
1100 increases and we become unhealthy. Furthermore, many management companies and
committees within estates forbid children cycling or skating on the podium and common areas;
they make noise, they are a nuisance.

Then we have fossil fuel emissions to further contend with, but even electric vehicles produce
particulate matter from their brake pads and from the erosion of their rubbing components,
1105 especially their tyres, which affects our respiratory health. Then there is the small matter of our

geographical size. We physically cannot accommodate so many vehicles, even if we changed them all for electric vehicles. All vehicles take up space and we have one of the highest vehicle ownership rates in the world. But we know that. This Government's view has always been that we should be inclusive, that we need to provide the choice and encourage those who wish to walk or cycle to be able to do so safely. I will therefore not apologise to those who have been upset as a result of some of the work that I have done, nor for projects and initiatives that have very often been contentious and unpopular in certain circles, but which have been an important part of the holistic vision for a better Gibraltar.

I have often been jeered from a distance, insulted. I have been the subject of many memes, and because of the vast differences of opinion, some individuals have become very personal in nature, especially on social media. I am often shocked when some criticise vociferously the creation of safer walkways created along Prince Edward Road and South Barrack Ramp. Some prefer to see parents with prams and children leapfrogging dangerously between parked cars than see parking spaces for their cars and motorcycles being lost. However, it is true to say that I have also enjoyed a great deal of support and encouragement from many individuals who have motivated me to continue this very difficult work, each day more and more. Were it not for this positive support, this journey would have been harder, but one that I would, nevertheless, have still embarked upon as I believe it is the right thing to do.

Social media is often alive, rampant – in fact, it is fair to say, usually on fire – when projects aimed at environmental improvement or the safety of people are announced or are being carried out. The reality is that there are few subjects more emotive than our cars and parking spaces, and sparks often fly. This is the very reason why it is often heard within professional circles, especially urban planners, environmentalists and sustainable transport professionals, that governments around the world need to be very brave and resolute when it comes to transport policy because transport contributes significantly to our environment, our well-being and our health. I have tried to be just that, brave and resolute. I introduced pay parking simply to give those who need to drive more opportunity to park. I introduced the Residential Parking Scheme with a yearly fee. That was fun from the word go, and the Opposition will remember the fun as we had arguments for months and months about it. I introduced the first bicycle lane, removing a number of parked cars; penalty points; the 1.5 m law – that was another memorable one. I have even taken away parking spaces to create bicycle parking. The list goes on and on. I have done so many things and I have got it in the neck more times than I care to remember. Even my beard became easy picking. But when I say resolute, here I stand today with my full beard, despite the many memes, pleas and attempts to convince me to shave it off.

Mr Speaker, change needs to be taken like bad medicine, with much honey. I struggle somewhat with the honey. In Gibraltar, transport is responsible for 20% of our total emissions. This Government has committed, by way of its 2019 manifesto, the Climate Change Strategy and its Active Travel Strategy, to make Gibraltar a better, safer, greener, child-friendly city and to achieve some ambitious targets. I, for one, will not shy away from my commitment to try to achieve this, even if this is at the expense of my own popularity. I have strived to create human spaces within our city, safe democratic spaces for all, but especially for our children to enjoy, and we will hopefully see these come to life soon, because Gibraltar matters to me; space for people to sit, socialise, discuss politics perhaps, or even their next holiday plans, and for people to enjoy a coffee away from heaving roads of rushing cars, acceleration, blaring horns and the sound and smell of idling engines. There is space within our quiet parks to enjoy a lawned oasis of calm, lined with trees and plants. This is part of our vision for a green Gibraltar, but there also needs to be a balance of urban space – areas which are not parks – within the community, where children can play, ride their bicycles and skate, for people to eat, drink and enjoy time with their friends, or walk their dogs respectfully and conscientiously in landscaped areas, away from the more rigid rules that exist within our parks in Gibraltar today, which prohibit bicycle riding and dog walking.

I am pleased to work closely with my friend and environmental ally on many projects, and we agreed to permit access through Campion Park and Juan Carlos Perez Promenade for cyclists and

included bicycle parking, telling cyclists you are welcome here, allowing for more travel options. A living street is exactly this, and many cities have already created these urban spaces which allow for human interaction and life. Modern cities must be human, liveable cities. This is what I strive for. In fact, the Development and Planning Commission recently granted final planning permission to our first living street project in Gibraltar at Europort Avenue, a project that will be privately funded and will provide exactly this, a democratic and person-centred space. Within this space, those who wish to drive their children to school will be able to do so, and residents of the area will also be able to access their homes by car in a westbound direction. I am hopeful that this area will become our first low-emission zone within Gibraltar, something that I have also been working on with my colleague John Cortes. I am extremely excited to be able to showcase this vision, one that I expect the community will support over time. The residents of this area and the children who will be going to the new schools opening here in September will be the real winners of this project. This road will boast of landscaping and shaded areas with trees, kiosks and cafeterias that will cross-fertilise the whole area, inviting those who walk by to spend some time there.

Mr Speaker, I am not against the car. I am for life, for living and for providing human spaces within our city. I am all for providing sustainable and meaningful options to move and travel to and from work in a space away from our busy and unhealthy roads. The private car is but one travel option in today's changing world and it is slowly become less relevant within many urban city centres as alternative and sustainable travel options come to life. A community that owns a reasonable number of cars is a reasonable community, but not everyone can walk or cycle, or will want to walk or cycle, but so too, not everyone can drive, not least children and teenagers who do not have a driving licence. We must provide the option. Mobility is a human right. I repeat, this is all about personal choice but we must give the choice, and without safe bicycle lanes people do not have the choice.

Although this statement often raises eyebrows, I am not a cyclist. I do not dress up in Lycra and ride with the peloton. I simply choose to ride a bicycle to get to work and back. I enjoy the freedom of cycling to places without the constraints of having to drive around in a car looking for a parking space or getting stuck in traffic. I can soak up the surroundings on my bicycle. I am one with them and not stuck within an air-conditioned box on four wheels, stuck behind all the other boxes in a queue.

Encouraging other forms of travel will help address the real problem within our city, the numbers of private motor vehicles on our streets and our unsustainable reliance on them, their emissions and our unhealthy, broken streets. This is what we must get right. Vehicles make our roads unsafe. Irresponsible, speeding and careless driving makes our roads unsafe. Heavy vehicles tear into our roads, create potholes and make our roads unsafe.

We have a very long way to go before we can aspire to say that we are ready to promote cycling as a real alternative mode of transport in Gibraltar. Acceptance and respect are key within our community and especially so on our roads, pavements and public spaces. And respect goes both ways. Cyclists must respect, too. Changing attitudes and mindsets is our biggest challenge. One segregated bicycle lane along Bayside Road does not cut it. That is not a bicycle network. That will not encourage modal shift or bicycle take-up. The work that has been embarked upon now must be supported by all those who lead our nation in the future, across the floor of this House, regardless of political beliefs, all of us, just as all of us supported the Active Travel Strategy earlier this year, but it will take us many years to achieve a truly meaningful bicycle route network. But the seeds have now been sown.

I am all for the environment, for sustainability. Tony Juniper, at the recent Aspire conference, stated that it is now accepted that the greenest building that exists today is the one that already exists. I asked Mr Juniper, after his keynote address, is it also therefore fair to say that the greenest motor vehicle on our roads today is the one that already exists? He only took a second to reply and he nodded affirmatively. The Aspire conference was a real eye-opener for many when the world's insatiable and unsustainable thirst for raw materials was exposed. He said the planet could simply not sustain our linear economy where products were purposefully manufactured with

1210 limited life, encouraging further purchases of fridges, washing machines, water boilers, cars; that
a circular economy is one where developers build with the foresight that buildings could be reused
and repurposed in the future – for example, car parks that one day could be converted into office
space or apartments without the need to knock them down.

1215 This also means cars should be built to last longer, be well maintained and not constantly
traded in for new vehicles while they are sold on in a second-hand market; that we should make
things last longer, using them for longer, because swapping a fossil fuel car for a new electric car
does not have a net zero effect. Electric vehicles do not have a zero-carbon footprint and their
manufacture is hugely impacting on our planet's resources and our environment, especially
1220 because of their batteries, even though they may have zero tailpipe emissions. It has been
estimated that electric vehicles need to be driven between 50,000 km and 80,000 km for them to
break even with their internal combustion engine counterparts.

Many say that the car industry is not building electric cars to save the planet, that the car
industry is building electric cars to save their businesses, something that the car industry
counterargues extremely well. I personally believe that we will struggle to provide the necessary
1225 infrastructure to charge all new electric vehicles should all cars that exist today be swapped for
electric vehicles, maintaining our record-breaking ratio of cars per household. Battery technology
will need to take a huge leap forward to provide rapid charging and greater autonomy at an
affordable price to make a real difference, but this could yet happen. Nevertheless, we must start
to plan our city with care, building to provide electric infrastructure within which to start this
1230 transition as the manufacture of internal combustion engines is phased out by the industry, while
keeping a close eye on hydrogen and other fuel technologies. We must, however, tackle
unmaintained vehicles spewing out plumes of sooty black smoke as a matter of priority, because
there is no space in our community for them.

We need to use our resources wisely, but this only works if we use our cars much less and look
1235 at what other options may be available to us. Sharing is clearly one of these options and it makes
total environmental sense to share our resources and not own one of everything. Many cities
support car-sharing models, car clubs, shared bicycle and e-scooter schemes. All of these make
sense in a world where resources are limited.

If the climate emergency is exactly this, an emergency – a real emergency – then we need to
1240 understand as a population that the work being done in Transport is exactly being done for this
reason, and this reason is to try to encourage sustainable alternative modes of transport in
Gibraltar as per our STTPP, our Climate Change Strategy, our Active Travel Strategy and, indeed,
our 2019 manifesto. If the blue lights are not flashing and sirens are not sounding, we might as
well declare a climate concern instead of a climate emergency.

1245 Every one of us must work together in this respect. This is about us; it is our collective
responsibility. We will need to focus on smart technology, on novel ways of moving and new ways
of delivering and moving items and produce within our city. Change is an extremely hard thing to
face and change is generally always unpopular at first. People do not adapt quickly to change.
However, I sincerely believe that change is necessary if we are to create a better, greener and
1250 environmentally sustainable Gibraltar for ourselves and our children. But if we ignore the
environment for just one moment, these changes will make Gibraltar beautiful, they will increase
our health, make our city safer as a place to live and work and make us a more attractive, greener
and vibrant place.

1255 Modern cities today are moving towards the 15-minute city, the vision of Carlos Moreno, a
Franco-Columbian urbanist and the driving force behind this concept, one that has also become
hugely controversial and the subject of conspiracy theories. Nevertheless, the 15-minute city is
simply a city where children live within 15 minutes of school, people live within 15 minutes of a
supermarket, 15 minutes from their workplace and 15 minutes from their nearest hospital or
medical centre. Being able to move to all these places within 15 minutes is a result of efficient,
1260 effective and cheap transport opportunities. Who would not want to live in a city like this?
Paradoxically, many of us already live in this 15-minute city, where could easily walk or cycle to all

of these places, yet many choose to live in a 45-minute city by driving our children 800 m to school, then driving on to work and then continuing driving around looking for that parking space, if available. When it rains, our 45-minute city becomes the 60-minute city. These urban models, which include the concept of tactical urbanism, simply try to help tackle the climate emergency and climate change, which this very Parliament declared and we all voted unanimously for. There is nothing more to this work than the work that I am doing; it is simply environmental work.

I just do not get it. Why don't we want a better Gibraltar? We are breaking climate records year on year. Last week saw the three hottest days recorded on Earth. We can feel the effect of that change, and yesterday was incredibly hot here in Gibraltar, the hottest day of the year so far. Climate change will continue to be something many will battle against, especially if it has a direct bearing on the quality of our day-to-day life. I have always tried to push change carefully, but regardless of how carefully one pushes change, it is still that: change.

Children, schools and education should always be of central importance to cities and to governments. They have always been centrally important to us as a Government and our focus has always been on children, building new, modern schools to better our educational offering and encouraging and supporting further education abroad or locally. Schools also form the basis of the work that we do in Transport. We consider schools the starting and ending point of cycling and walking infrastructure because it is the children who can most easily get to school in this way. We aim to make the schools the place where bicycle lanes start and finish. Cycling proficiency courses and providing bicycle parking at schools is also key.

Mr Speaker, the way I see it is that I have just one chance. When I leave this place, I would rather be remembered for trying to change Gibraltar – hopefully for the better – for my conviction, my stubbornness and my passion for what I believe is right, than be remembered for toeing the line, sitting on the fence or seeking popularity. One thing I will say to any future Minister for Transport, or preferably Minister for Urban Mobility: if you are looking for popularity, you will not find it here. To this end, and as part of the STTPP, I am delighted that the workings of this critical document have continued to grow in a most positive and evolutionary manner – the STTPP, another hugely criticised and debated document that saw the first real traffic plan for Gibraltar.

In January this year the Ministry of Transport announced the launch of Gibraltar's Active Travel Strategy. The strategy aims to present our vision for the future of active travel and encompasses walking and cycling, which are the most sustainable and healthy ways of travelling. This new strategic plan builds on the fundamental foundations described in chapter 6 of the STTPP, as well as section 4.2 – Decarbonising the Transport Sector – of the Climate Change Strategy, which was published in 2021. This strategic document will sit within the auspices of Town Planning and the forthcoming Development Plan to serve as a reference to the community in laying down expectations on architects, developers and urban planners for all future developments, so that they are commensurate with a healthy, sustainable and green way of thinking. This is to say that we must plan our future city with a very clear purpose when it comes to the creation of public space. We must allow for this public space as part of all future construction projects, to provide for adequate and accessible pavements, thoroughfares and infrastructure for micro-mobility, especially active travel. We must limit the footprint we sell to developers to ensure that public space is guaranteed to create living, human space. I am very happy to say that I have started to see this happening of late, and developers are now thinking more about our city as one that needs to breathe and be vibrant and not just as a space to maximise development opportunity. However, this is work in progress and we have a long way to go in this respect.

The strategy outlines developments and improvements for active travel in Gibraltar, creating further opportunities for locals and tourists to enjoy and appreciate our public spaces through enhancements to our pedestrian areas and the introduction of bicycle infrastructure to get us where we need to go quickly, or simply to exercise safely. The Technical Team at the Ministry of Transport spearheaded this strategy closely with the Ministry of the Environment via our environmental attaché, to ensure that we work towards our common aims and aspirations for a better and greener tomorrow.

1315 Because of the nature of this document and the fact that we should be unified when it comes
to the environment, we shared this document across the floor of the House before the document
was announced and published. I am happy to say that there was in-principle agreement with the
concept of the strategy and the need to develop Gibraltar into the future in this way. Without
consensus there can be little chance of true progress or success. I wish to thank the Members
opposite for their time in reading the document, for their comments and for supporting the
1320 principles of the strategy. I am personally extremely pleased to have shared our vision for a
greener and more liveable city with the community, even though not everyone found the contents
palatable.

I am passionate about transport and the potential role that the bicycle can have in greening up
a city and improving the health of the nation, helping to bring down health costs, improve mental
1325 health and keeping the community fit and active into our later years. However, the reality of
unsafe roads makes cycling inconceivable to many. Gibraltar has never had bicycle lanes, other
than the few meters of bicycle lane across the live runway painted by the MoD many years ago.
Following the launch of the Active Travel Strategy in January 2023, the Ministry of Transport
embarked on the implementation of some of the first phases contained within the document.
1330 These works have seen the introduction of new segregated bicycle lanes from the southern airport
runway barrier, past the Sundial roundabout along Bayside Road up to the Ocean Spa Plaza
building. This was opened to the public on World Bicycle Day and works are now progressing along
Glacis Road towards Waterport roundabout with the intention of continuing southbound towards
Queensway and Waterport Wharf Road. This will complement the recently opened Kingsway
1335 Tunnel Cycle Way and its cycle connections on the northern side of the runway.

Today, anyone living in Glacis Estate, Ocean Spa Plaza or Tradewinds can cycle all the way to
Eastern Beach and back without having to mix with traffic on our roads. We will be increasing this
distance very soon, so that children living in Beach View Terraces or the new affordable homes at
Hassan Centenary Terraces will be able to cycle to Bayside or Westside Schools without mixing
1340 with road traffic, should they wish to. Pedestrian routes and thoroughfares are also being
improved with the construction of new footpaths with new paving and a general beautification of
the areas contained within these initial phases of our bicycle lanes. We have, within the first
month of opening, seen 70,000 bicycles and e-scooter trips. This infrastructure, which can also be
used by e-scooters, results in less conflict between users and will make a huge difference to this
1345 mode of travel. It will also remove what many road users consider annoying bicycles and e-
scooters from the road.

The Active Travel Strategy is an exciting document – at least I think so – that sets out the whole
vision for Gibraltar, including commuter routes, school routes, recreational routes and tourist
routes. It is a document that has little text and many clear images and artistic impressions. It is
1350 available online on the Government’s website and I fully recommend that people take time to
look at it. I hope that the rollout of cycling and its associated walking infrastructure that has now
started will continue to expand into the future when I am gone, and that successive Parliaments
will continue to embrace sustainable transport, the bicycle and the pedestrian into the future. The
plans are for all of Gibraltar in its entirety, and this infrastructure is and will be transformational.

1355 With regard to the wider ambit of the STTPP published by the Ministry, several projects during
the past year have been carried out. October 2022 saw the publication of regulations which would
govern the safe overtaking of cyclists on our roads. These new regulations are designed to protect
cyclists from indiscriminate and potentially dangerous overtaking which may lead to serious injury
of vulnerable cyclists. The legislation will increase safety for cyclists on the road and require a
1360 minimum distance of 1.5 m when overtaking a bicycle.

October 2022 also saw the publication of regulations to introduce a penalty points system for
traffic offences. This followed representations from the Commissioner of Police, who was
concerned at the lack of respect by some road users and ongoing issues with unsafe driver
behaviour on our roads. The regulations introduce a system whereby a person is issued penalty
1365 points if they commit a driving-related offence. The points are recorded against the person’s

driving record. Accumulating 12 points within any given three-year period will automatically disqualify a person from driving for six months. The penalty points system is designed to encourage proficient driving, to help promote road safety and reduce casualties on our roads. The introduction of similar systems in other jurisdictions has provided for a 10% decrease in road collisions and up to a 25% decrease in traffic injuries and fatalities, whilst proving much more effective than monetary sanctions. This was a manifesto commitment in 2019.

Following from the United Kingdom's update to the Highway Code, the Ministry for Transport updated and revised Gibraltar's Highway Code in November last year to ensure compatibility with our own laws and advice on road safety. The aim of the Highway Code is to promote road safety, which also supports current thinking to promote a healthy, sustainable and efficient transport system, be it on foot, bicycle, using public transport or by private car. The biggest change within the code saw the introduction of a hierarchy of road users, meaning that those road users who can do the greatest damage bear the greatest share of responsibility in ensuring safety on the road. This grading of users has been established to provide protection of injury in the event of a collision to the most vulnerable of road users, starting with pedestrians, moving on to cyclists, then other categories of motor vehicles, with buses and finally heavy goods vehicles at the top of the scale showing as the least vulnerable but the most responsible. Further changes included clarifying the existing rules on pedestrian priority on pavements. Currently pedestrians only have priority over other road users if they have already begun to cross a junction, but this code gives pedestrians priority over other road users at junctions where pedestrians are waiting to cross, in addition to the existing rule that pedestrians have priority when they are already crossing, even if these locations may not be at the traditional crossing areas. This shows a change in road use ideology and a lean towards a far more human and people-based approach. The new Highway Code is another of those documents road users seldom read. It is important that road users are familiar with this very important document. Driving proficiently, respectfully and safely is key to keeping our community and children safe.

Mr Speaker, I now turn my attention to the Technical Services Department. The financial year 2022-23 remained a difficult year for Technical Services following the effects of the COVID-19 pandemic and the uncertainties raised by the ongoing negotiations with the EU. This led to Technical Services Department concentrating its efforts once again on operationally critical items in all areas under its responsibility, while meeting its core objectives of maintenance and providing technical support to Government Ministries and Departments.

Maintenance has included the slope stabilisation works along Sir Herbert Miles Road, the repair of several retaining walls, critical highways repairs, highways maintenance and general sewer maintenance and improvement works. With regard to highway maintenance, the works programme has continued over the past year with ongoing critical repairs to roads and footpaths. The Department's team of highways inspectors carries out regular inspections of all our roads and footpaths and reacts to reports received from the general public. When works are identified, these are then assessed, classified and work specifications prepared for the Government's team of on-call contractors to make good.

This financial year will see the continuation of our road resurfacing scheme, which typically always happens during the quiet summer months when the school term is over and there is appreciably lower traffic on the roads. Clearly, during the past few years this has not been possible due to our other financial priorities. Over the last few years, a very significant number of our roads have been resurfaced, and during the last financial year the new Kingsway Tunnel and access roads were completed. Nevertheless, because of the constant construction in Gibraltar, heavy goods vehicles and heavy loads, roads simply cannot and do not last the amount of time they should. Furthermore, traditionally, essential infrastructure and services run beneath roads and pavements and these often need servicing or localised repairs, breaching the integrity of the road surface, which quickly suffers further damage, especially because of these very heavy vehicles. I am pleased to announce that the next phase of our major road resurfacing programme is set to commence in the coming weeks. During this latest phase, the following roads will be resurfaced:

1420 Smith Dorrien Avenue, from Smith Dorrien Bridge to Casemates roundabout; Windmill Hill Road; Crutchett's Ramp; Queensway, in the area of Campion Park; Europa Road, from Brympton to Bella Vista; and Europa Road, from Shorthorn to Mount Road. The cost of this resurfacing programme is estimated to be in the region of £1 million.

1425 The replacement and enhancement of pelican crossing lights and equipment will continue during this year, working jointly with the Gibraltar Electricity Authority. The department also continues to successfully manage road closures and diversions on the public highway, both for its own in-house works and for all other utility companies and contractors.

1430 Following the major fire in Power's Drive last year, which had a huge knock-on effect on Gibraltar's water supply, TSD were tasked with co-ordinating the efforts to make the tunnel safe and ensure that the saltwater supply to the reverse osmosis plant at Governor's Cottage was reinstated as quickly as possible. The Chief Executive Officer of TSD, Emil Hermida, sat on the Strategic Co-ordinating Group and initially co-ordinated works to ensure that the tunnel was made safe. Works to stabilise the tunnel commenced in September and were completed in December, allowing AquaGib to replace the damaged pipe within the tunnel. These works have now been completed. In addition to co-ordinating all stabilisation works within the tunnel, TSD provided expert technical advice on the temporary saltwater diversion, which was set up at Europa Advance Road. I think it is important to recognise the very professional and expert advice provided by Technical Services during such a challenging time.

1435 Mr Speaker, in continuing with other areas of responsibility related to Technical Services, I move to coastal engineering works. The department continues to monitor and carry out maintenance and repair works when required. The department also continues to provide advice to developers and the Development and Planning Commission on all aspects of coastal engineering when required. 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.

1445 With respect to cliff stabilisation and rock-fall protection projects, during the last financial year the department has been involved in numerous schemes, which have included stabilisation works at Sir Herbert Miles Road and the Upper Rock. During the past year the Technical Services Department was also involved with works to several retaining walls. The continuous monitoring and repair of existing retaining walls is critical, as many of these are old and border our public highways network.

1450 Moving on to sewers, during the past year the Infrastructure section of the department have continued to maintain the public sewerage network. As part of the major desilting and relining works of the main sewer, works commenced several years ago. During the last financial year, however, the Infrastructure section of Technical Services relined a further 160m of the main sewer. This brings our total relined length to 570m, covering over 60% of our main sewer within the city walls. This continuous project has now covered all the areas which were of most concern within the Town area, reinforcing the main sewer in the areas which would cause the most disruption if there was a structural failure. As part of project, TSD also cleaned and desilted some 412m of the main sewer, ensuring it maintained its maximum possible hydraulic capacity. 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 sewer network. The department continuously monitors the condition of the main sewer to prioritise the continuation of this essential maintenance work. Other works will include gully cleansing, manhole repairs and the general upkeep of the public storm and sewer networks. Given the sharp rise in developments in Gibraltar, the department continues to provide advice to both developers and the Development and Planning Commission on the impact that these various developments can have on our existing sewerage network.

1465 Finally, funding is once again being provided 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 the sewer network. This also applies to the Garage and Workshop, where funding

1470 for new equipment is also being provided. They will continue to provide a service to maintain the
fleet of government vehicles, including the refuse collection vehicles. I would once again like to
take this opportunity to publicly thank the Infrastructure section and on-call officers of the
Technical Services Department for their hard work and commitment over this past year. As I have
stated in the past, the TSD is one of those government departments that are rarely in the limelight
1475 but work tirelessly behind the scenes to maintain public infrastructure and support and provide
technical advice 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 Government
which my colleagues have already mentioned in their respective speeches but include the delivery
of improvements of the new container terminal at North Mole and working with the Office of the
1480 Chief Technical Officer for the delivery of the first phase of the reclamation works at Coaling Island.

Mr Speaker, I now turn my attention to the Driver and Vehicle Licensing Department. The DVLD
continues doing all the necessary amendments to legislation and additional requirements in the
exchange of driving licences. This has proven challenging at times, with the DVLD team working
closely with the Government Law Offices, the DVLA in the UK and the HMGoG Office in Brussels
1485 to obtain the necessary agreements with EU countries. The DVLD continues to see a high demand
from its service users via the online e-gov portal and through its public-facing counters, which
include a dedicated business counter for all Gibraltar motor vehicle dealers, who require an
expeditious service. The express service is working well, providing our local dealers a next-day
service for new vehicle registrations, duplicate certificates of registration, change of ownership
1490 and motor vehicle particulars. The department continues to arrange the Driver Certificate of
Professional Competence with an approved UK instructor to deliver the course in Gibraltar on a
twice-a-year basis for those driving licence categories for buses and heavy goods vehicles.

The Compulsory Basic Training for motorbikes continues to be a huge success. The three
modules ensure that every person demonstrates a minimum level of skill and competence before
1495 being permitted to drive on our roads, helping prevent injuries and accidents on them.

The Motor Vehicle Test Centre embraces the latest equipment for the testing of vehicles, which
enables our vehicle testers to establish if any part of the emission of the vehicle has been
tampered with, removed or modified. By using this latest equipment we can provide a service to
check for excessive noise when vehicles are brought in by the Royal Gibraltar Police to perform
noise test analysis. The DVLD shares vehicle information via the European Register of Road
1500 Transport Undertakings via the Driver and Vehicle Services Agency, in accordance with EU
directives. I am pleased to announce that the DVLD has managed to secure the reconnection of
the European Car and Driving Licence Information System EUCARIS network by signing a service
agreement at the last conference attended in Sweden. It is important for the DVLD to be
1505 connected to this network, as it is used for information exchange between EU member states on
the vehicle, driver registration and licence exchange. The DVLD attends yearly conferences to keep
in line with the latest updates provided by all member states and be included in the discussions
for future changes and improvements of vehicle, driver and licence exchange that countries
provide.

The Traffic Commission is responsible for assessing all the requests that are received from
members of the public for road improvements. This forum assesses all kinds of applications from
the installation of signage, road improvements, requests for road calming measures, speed limit
assessments, parking considerations and pedestrian enhancements. The Traffic Commission is
also a stakeholder in DPC applications. The Transport Commission also meets on a regular basis
1515 to consider applications for a wide range of transport-related licences. The Commission also
considers all transport-based complaints received from users of our public services.

Our team of transport inspectors provide cover on the ground to the Police and regulate
transport-related activity throughout Gibraltar. Their duties include the overseeing of our taxi and
bus services, the inspection of the taxi service provision at locations such as the Airport, and police
1520 the city service. Additionally, our team of inspectors also ensure that access to pedestrianised

areas is closely monitored and regulated and that only those commercial and resident vehicles strictly in possession of permits access any such areas.

1525 Mr Speaker, I now move to Gibraltar Parking Management Services Ltd (GPMSL) as Government's parking enforcement contractors. As parking enforcement agents, their parking management officers (PMOs) provide invaluable support in the management of our on-street parking spaces and residential parking schemes. Parking enforcement continues to be a massive challenge in a frontier city the size of a town with one of the largest vehicle ownership rates in the world. This often means that a significant number of cars are commonly parked illegally on pavements and areas not assigned for parking. This provides a massive challenge to provide all-year-round enforcement. Additionally, the company manages most government-owned car parks that our community benefits from and are also assigned school crossing point duties.

1530 Following the successful rollout of Residential Parking Scheme (RPS) zone 1 in July 2017, zone 2 in March 2018 and zone 3 in June 2018 respectively, 2022 saw the rollout of zone 4. This RPS zone services residents of Harbour Views Estate, Mid Harbours Estate and Waterport Terraces within our Westside district and this new zone surrounds the West District from Marina Court in the north to Ordinance Wharf in the south. Once again, I am delighted with the continuity towards our commitment to roll out recommendations contained within the STTPP. The company has also worked with the team at the Ministry to address the issue of derelict bicycles throughout Gibraltar. Bicycles that seem abandoned or derelict are issued with a seven-day notice for their removal. Those that are not removed by the owners are being removed by the company and stored at the vehicle compound for a set period. Unclaimed bicycles will be gazetted and disposed of, if not claimed by their owners. In bringing the services provided by GPMSL to a close, I turn to the opening of Kingsway Tunnel. PMOs are actively providing support throughout the tunnel for the management of six lanes and contraflow arrangements during weekends or otherwise when traffic volumes at the Frontier are at a peak, creating heavy volumes of traffic and tailbacks because of frontier queues. I would like to thank GPMSL for their continued commitment and support. Before I move on, however, I would like to give a special mention to one of the key players who recently sadly passed away following a long illness. We will forever have Dion Mansfield in our thoughts for his dedication. *(Banging on desks)*

1540 Mr Speaker, I will now move on to Gibraltar Bus Company. Buses are a key and critical component of our transport network within Gibraltar. If we wish to encourage modal change we require an efficient and reliable bus service, and the Gibraltar Bus Company aims to provide this. At present, the company operates a total of 26 buses, of which 20 are midsize buses and six are smaller, Upper Town buses. Our Government is committed in providing a free daytime bus service, which provides little reason for residents not to consider taking up this free public transport service. As we move forward, we will be looking at renewing our Upper Town fleet of buses soon. We are also very close to securing electric buses for our fleet. The intention over this financial year will be to audit the present bus offering, to try to address and consider several potential improvements to the service, which will include the possibility of extending the operating hours of the service, improving the service at school times, extending routes and looking into the potential of creating new ones.

1555 User data shows massive take-up during morning runs and at school times and low usage during the day and weekends. The school bus routes operating at present during school terms continue to indicate a growing demand. Population shift resulting from new residential estates and districts are amongst the research we are conducting so additional school buses may be incorporated into our service. Of special mention are the demographic changes in the south, especially the Europa Point area and the new-builds along Devils Tower Road and Eastern Beach, which are seeing a far greater demand for buses. We continue to consider feedback from service users, who report full route buses at school peak times. However, we expect to enhance presently convoluted school routes at the start of the next academic term. The weekend night bus fare service is also showing greater take-up. The Bus Tracker app continues to prove a success, putting the bus service right into the hands of the user.

1575 The Bus Company shares a hopper ticket with Calypso Transport. The hopper ticket, which is a hop-on, hop-off ticket, 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.

1580 We are committed to continue to explore ways to improve our current bus fleet and, more importantly, our existing service. I would like to thank all those down at the Gibraltar Bus Company – the bus manager, his 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.

1585 Mr Speaker, in bringing my contribution to a close, I would once again like to thank all those working within my respective departments, the management, technical and administrative staff at Technical Services, the Sewers section, the Highways Division, the Garage and Workshop personnel, those involved with parking management and enforcement, the management and staff down at the DVLD, the transport inspectors and the members of the Traffic and Transport Commissions, many of whom give up their spare time to form part of these bodies.

1590 I would also like to give a special thank you to the people I spend most of my office time with – my Ministry admin team for looking after the ministerial office and managing our constant and very large workload, dealing with all sorts of challenges – for their professional engagement with the general public and for their hard work in the discharge of our ministerial responsibilities and looking after me: Stephen Bonich, Krystel Rodriguez, Leila Asquez, Malcolm Figueras, and a special mention to Jared Negron, my stalwart PA, always on the other side of the phone whenever I need
1595 him. Also, the Technical Team at the Ministry for their efforts throughout the past year, especially with the massive and very difficult project that has been the planning of our bicycle lane infrastructure. I am grateful for their continued efforts and dedication in the delivery of many schemes and projects – Damian Muscat; Dylan Infante; Janine Galliano, our environmental attaché; and Matt Brear, our man from the GEA.

1600 I would also like to thank you, Mr Speaker, and all parliamentary staff for your hard work and assistance during this year, and especially our Clerk, Simon Galliano, who looked after the delegation, which included me this year, at the recent CPA Conference in London.

Thank you. (*Banging on desks*)

1605 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: I have a bet with the Hon. Mr Feetham as to who is going to fare better in the graveyard slot. I think I am going to win this one, but let's see. He has got tomorrow, so let's –

1610 **Hon. Chief Minister:** I am not so sure.

Hon. D J Bossino: Let's see.

1615 Mr Speaker, the Chief Minister dismisses what are my valid and justified observations of the Minister for Tourism's less than satisfactory performance over the last four years with his 'yawn' reference. This is his way. He makes light of things when he does not want to be reminded of uncomfortable truths. The reality is that we can say exactly the same things about him.

1620 I could not believe my ears, the day before yesterday I think it was, when I heard him talk about the cost of the Airport, for goodness' sake, the Theatre Royal – talk about old chestnuts – or the now tired bastardisation of our party's acronym represented by the words grimy, smelly – or was it slimy? – diesel. No doubt in his reply we will be treated to a reference to 'flops' again. I am looking forward to that. Mr Isola complains about us going back to 1996, but when it comes to them, it is fine for them to go back to 2011. Talk about tired repetitions and back to the future. (**A Member:** Hear, hear.)

1625 The fact is that all of us are, in this particular Budget session, doing a recap over the last four years because it is the last Budget debate of this Parliament. As he has said, we are bound to have an election in autumn, or at least he has indicated that we have we are going to have an election in autumn. In doing that analysis, I have to remind Members of some of the gems that the Hon. Minister for Tourism has left us with.

1630 We have already ventilated in this House and outside of it – and I am sorry to have to repeat it again, but at the end of the day it is the record of the hon. Member – the embarrassing spectacle that was the non-arrival of the Volotea Bilbao flights connection, the flops that were Wizz Air, Eastern Airways and the BA CityFlyer service to London City Airport. I at least draw comfort and am glad that the hon. Member, in his intervention – I think it was yesterday – admitted that he had made mistakes, and my God, they were mistakes. The gentleman simply lacked the political maturity to acknowledge that these connections were happening precisely because of COVID. Airlines, as I have told him ad nauseam in the past, need to get their planes into the air, and Gibraltar provided that opportunity for them to do so. The airline bosses of these companies must have been amused at witnessing our Minister for Tourism bragging about the successful effects of his, and only his, marketing efforts and exploiting for obvious political gain, in his mind and his mind only, the arrival of these inaugural flights. He thought he had arrived and that what his predecessors had failed to do, even from his own side, he and only he had accomplished. Unfortunately for Gibraltar, that was not to be the case.

1640 The vain hope that the Hon. Minister had developed some political maturity was somewhat dashed when he went on again misplaced bragging mode and issued a statement to say – this was back in January – that he had presided over the highest number of inaugural cruise calls since 2016. This missed the point completely, as at the time that he issued the statement the numbers of cruise passengers in 2022 were still some 126,000 less than they were at the 2019 pre-pandemic levels and about half of the numbers which arrived in 2016, the year he claimed to have beaten in inaugural calls. These statements were being made at a time when the cruise terminal itself is in an embarrassing state of decay. What is the point of making nonsensical statements about inaugural calls or saying that Gibraltar has all the ingredients to become a port of choice, as he told us yesterday, and globetrotting the world at taxpayers' expense when visitors are greeted to what can only be described as a shanty-town, third-world building and construction site? (Interjection) The western arm, where cruise passengers disembark, is currently a building site, but it is beyond comprehension why hoarding or other imaginative solutions have not been put in place to make the arrival a more aesthetically pleasing experience for passengers when they disembark.

1650 The Chief Minister feels obliged because he has to defend probably the weakest Member of his Government with a feeble case and talk about, 'a magnificent financial performance'. Undoubtedly the figures are better, but does he not see that the better numbers are *in spite of* the Hon. Minister, that what the numbers represent are an improvement on the dismally bad statistics of COVID when there was no movement of people? The Chief Minister refers us to the 38.2% increase in visitor arrivals, yet ignores the 52% drop that we suffered during COVID. So there is still a lot of catching up to do. The fact is that we have about three million – yes, three million – people fewer coming here than before the pandemic. This is where we are now. The Chief Minister also attributes the increase in tourist site receipts to his Minister for Tourism's work, yet, as you would expect from the Minister for the Environment, he attributes it to himself or the increase in fees. In other words, nothing to do with Mr Daryanani. What is it to be? Are they that disorganised that they cannot decide that amongst themselves?

1660 Hon. Members opposite should not be smug about these numbers. In any event, this complacency is very concerning and ignores the worrying headwinds which I will highlight now, because we simply cannot forget that this is the Minister who presided over the departure from our shores of Royal Caribbean for 2024. This development represents a huge and significant blow to the jurisdiction, given the prestigious brand that Royal Caribbean is and the large vessels and therefore big passenger and crew numbers it has, yet the hon. Member skirted the issue

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completely. No mention whatsoever was made of it. And we can make no mistake about this. Any trader in Main Street will tell you – he is, or was one – that this is another blow to their business; another blow, let's not forget, which follows in the wake of the COVID lockdown.

1680 What was even more alarming was that the hon. Member did not appear to be aware until I raised it in a question in this House. You got the distinct impression that measures were put in place to recover from this disaster *after* we brought this news to him in this Chamber. When asked for the reasons behind this decision, he conveniently, and as is usual for this Government, hid behind the cloak of national and public interest, inviting me to a closed meeting to explain the reasons. The decision of Royal Caribbean not to come to Gibraltar but to continue to use nearby

1685 Spanish ports such as Malaga is one which properly attracted public attention and debate.

Why can't we, therefore, have an open debate as to the reasons behind this departure, so that it informs us, all of us, how to address and resolve whatever it is that provoked the decision in the first place? Does the real reason not lie in the possibility that the Government is being less than open because they want to avoid political embarrassment, and less about concerns relating to the damage to Gibraltar's tourism prospects, as the Minister said the other day? The Chief Minister may yawn yet again, but let me tell the House that the information I have received is that Costa Cruises had cancelled all their calls to Gibraltar for 2024. They later came back saying that they would book selectively and have since reinstated some bookings, but not all. I am told that the reason for the decision is because of complaints passengers have received because of the condition of the pier, which has not been attended to, but perhaps the Chief Minister, who has the right to reply, may revert to us on this point. The hazard that comes with yawning is that you end up with flies in your mouth. *(Laughter)*

In terms of having the wider debate, we really have to have better political leadership. I have little doubt about that now. I have come to that conclusion after observing the hon. Member for this long. That is the inescapable conclusion that one arrives at from witnessing how the Member opposite has handled matters over the last four years. We need a strategy which we would implement from day one in government, a strategy which, as a fundamental and underlying goal, would recognise that tourism and the money it brings is a crucially important sector of our economy. This is a matter which seems to escape the gentlemen opposite. As an initial step, we would focus on the product and, in doing so, we want to tackle, once and for all, our entry points and sites. We have seen improvements of late and, at long last, particularly at the pedestrian entrance of the Frontier. Incidentally, I need to remind Members of this House that when this was raised by us, the Chief Minister gave a long explanation as to why what is now being done, i.e. a patch-up job, could not be done because it would represent a loss of public funds if the configuration at the Frontier would have to change as a result of a post-Brexit deal. I draw immense satisfaction that the Government has come to our way of thinking and finally done the precise same patch-up job which was so obviously and badly needed. The same is true of the access points to Casemates. Here, we also see much needed and overdue refurbishments, but why has it taken them so long to do this? Are we expected to believe that the upcoming election bears no influence over these decisions? **(A Member: No.)**

Other issues, as identified by entities like the Chamber of Commerce, such as the incapacity of our transport infrastructure to properly service passengers and the lack of variety, with some exceptions of excursions, would be given priority by our new Government in its first few months in office. We are giving positive solutions to the difficulties that we are facing in this area. The Chamber, in this context, rightly refers to stiff competition which Gibraltar faces from Cadiz and Malaga decrying the increasingly real fear that we are lagging 'further and further behind'. A joined-up-thinking approach would be implemented so that the ineffective decisions of the Environment, Heritage and Tourism Departments, which appear to work within their own bubbles and ministerial fiefdoms and do not communicate with each other, would come to an end. That would deal with the product, and then we would approach marketing in a much more structured way.

1730 Here, too, we see symptoms of a lack of political vision and direction. As an example of this, we witnessed the bizarre trip by the Minister – and I am sorry to have to remind him of this – to Bangladesh in the same month, in January last year, when he decided not to attend FITUR, the
1735 tourist fair in the capital of Spain, which he described as a very important market only the other day. What is even more worrying is that the non-attendance at FITUR last year was not just a hiatus, as it was repeated this year, this January. But even more worryingly and shockingly, we had a revelation in answers to questions, when the Chief Minister once again stood to defend his Minister saying that it is actually government policy not to attend. In other words, if they are re-
1740 elected into government, we will never attend FITUR. (**A Member:** Yes.) All the nearby towns go to this event. La Linea goes to this event. Why? Because it is the place to be, especially given the importance of the Spanish market to us.

1745 And here lies another contradiction. How do you marry this policy with the Minister's statement to the effect that Gibraltar should 'attend all important conferences' and describes Spain, as I said a few moments ago, as an important market? Yet when it comes to Florida and Bangladesh, those are fine because, presumably, we need to be there, according to him. This policy decision is as ridiculous as it is bizarre and is one which we would reverse if elected into office, from transport, excursions, the cleanliness of our streets, proper signage, proper regulation of tour guiding to proper investment of our sites; in effect, a revolution in which no stone will be
1750 left unturned to turn this place around and make it the tourist gem it has been and deserves to be again.

1755 Before I move on to other areas, I need to mention the topic of the convenient use, for them, of the national interest card, the absolute – borrowing the phrase that Mr Clinton used earlier – stonewalling that we have been treated to by the Chief Minister himself regarding his trips to Morocco. It is useful at this stage to remind the House what his Minister for Tourism told us in answer to my question regarding his announcement that he was wanting to secure tourism and business opportunities with Morocco. He said:

The Chief Minister has engaged in a number of visits to Morocco

– that was not revealed by me, it was revealed by his colleague in government –

to seek to establish stronger links, and announcements which show those links bearing fruit are expected in coming months.

1760 Yet when asked a simple question about the date when the Chief Minister had attended, we were treated to an obviously irritated Chief Minister who basically argued that it was not in the national interest to divulge information as to the dates on which he had visited, when his own Minister had told us that he had visited Morocco. I can understand that he may refuse to say who he has seen or what was discussed, but surely he can advise us of the dates. What is there to hide? Why the lack of transparency on such a simple matter? In any event, the Minister for Tourism said in
1765 November 2022 that he would be making an announcement in the coming months, but we remain at a loss on a matter which, for unexplained reasons, still remains a mystery.

1770 It has only been due to questioning and challenging the current state of our heritage assets by us that we are now seeing reports and projects being rolled out, not actual photographs or video footage of the current and real condition of our heritage sites – and also, we would argue, tourist sites – but documents and demonstrably inaccurate claims that, and I quote to the Hon. Minister for Heritage, 'our heritage has never been better'. Disgracefully, what we seem to be getting from the Minister for Heritage is a litany of empty rhetoric and words which pander to the hon. Member's significant ego, an ego which must be nourished at all times in lieu of little in the way of real, tangible and on-the-ground action to preserve our heritage. (**A Member:** Hear, hear.)

1775 We have recently been treated to a consultation document, which he described as a vision document, which lacks any substantive information. Where are the budgets? Where are the

1775 programmes? Where are the target areas, business and conservation plans? We have none of that. It is highly concerning that all the hon. Member can come up with after 12 long years in office is a vision document at this stage that mentions a possible future management plan. What have they been doing since 2011? For such a vision to be presented now, at the end of the third term of this Government's time in office, serves to put into sharp focus the fact that there has been no ambition for the past 12 years; knee-jerk, unplanned political spin, which belies the fact that the hon. Members have no vision on this or, quite frankly, anything else. (*Interjection*)

1780 The Heritage and Antiquities Advisory Council reports should have, by law, been presented on an annual basis, but they failed to do so from 2018, the year their Act was passed in this House, and they were all presented hurriedly because I asked a question about them in Parliament. Or is he trying to tell us that it was completely and utterly coincidental? These reports, in any event, lack the minimum information to allow for the proper and forward-thinking management of our national monuments. When I say this, criticism is not directed at any NGO who the hon. Member seeks to hide behind as a human shield to save his own political skin. The criticism is wholly and exclusively directed at the Member opposite. It is he and only he who has ministerial responsibility, chairs the Council and is given by this House an annual budget of close to £2 million. More, *much* more, is expected than reports which are but a few pages long and many years out of time.

1790 We have numerous heritage and tourist sites which have been closed for a considerable period of time, such as the World War II tunnels, which the Minister now says will be opened – and I quote their favourite word – ‘soon’; O’Hara’s Battery, which was only opened very recently; the Stay Behind Cave; and the Moorish Castle complex. The Minister talks, for goodness’ sake, about the 9.2 inch gun being kept in a ‘holding and restoration area’, he tells us. Really? Has he not seen the evidence for himself? It is a dumping ground. (*Interjection and laughter*) It has been moved from one dumping ground to another.

1795 The hon. Member recently indicated that the Castle project would cost millions and take years to complete. Does that not raise legitimate questions in his mind – certainly it does in ours – as to why this was not started years ago and in a phased manner? Why is such a project, considering that this monument is our gem – I think the Hon. the Chief Minister used that word to describe the Moorish Castle – with such clear, immense touristic potential, being left to rot? Why is the company contracted to manage – and a bit more about that later – the site not delivering? Talk about lack of value for money. Is it because, as we recently heard the Minister state in his best Llanito, *a mi me da igual* – he just does not care? (*Interjection*) For him to refer to the works done over recent years, at an approximate cost of £110,000, as restoration works at the Moorish Castle exemplifies the lack of resources and interest. Removing vegetation and repainting should not enjoy the status of restoration. It is called basic maintenance. He should not brag about that, and I am told, furthermore, rather bizarrely, that this is not even being done by the contracted service provider, it is being done by the Government. I suppose once again *a el le da completamente igual*.

1810 Is he seriously expecting us to believe that the recent announcement on Parson’s Lodge – by the way, there was another announcement in 2015; this is now the second one – had nothing whatsoever to do with our recent questions and press releases regarding the embarrassing state of our heritage sites and that we exposed that? Nothing to do with that? Again, coincidence in the last few months of the lifetime of this Government and this Parliament? As matters stand, and as far as we are aware, there have not been any plans filed with the DPC, nor any mention within the vision or annual reports on this proposal. All of this supports the sceptical view that I have just shared with hon. Members that what this announcement basically boils down to is yet another PowerPoint presentation to an empty hall of what could have been done over the last 12 years but has not been done.

1820 The hon. Member must really live in a completely and utterly parallel universe. I am not surprised that the information which reaches us is that the Hon. Minister for Economic Development does not see eye to eye with him on many issues. An example exemplifies this point. How can he, on the one hand, claim that Governor’s Parade has been renovated, yet all that has

1825 been done there is the construction of a monolithic rubbish dump in what is an iconic square? Will
 1826 this be another of his enduring legacies? Is he going to use the opening of the rubbish collection
 1827 point for another of his photo opportunities that we are all getting increasingly tired of, and ask
 1828 for the placing of another gold-plated plaque with his name commemorating the occasion?

The above failings, coupled with an annual departmental cost of close to £2 million a year, as I
 1830 referred to earlier, of which over half goes to a private company, is simply not acceptable. We are
 1831 very concerned not only with the state of some of our valuable heritage sites, but the lack of
 1832 transparency and value for money when it comes to the contractual arrangements entered into
 1833 with a company which runs sites such as the Moorish Castle, the Stay Behind Cave, the Museum
 1834 and Parson’s Lodge. The Hon. Sir Joe Bossano challenged us to state where savings could be made.
 1835 Well, this is one of them. This company is costing the taxpayer in excess – in answers provided by
 1836 the Minister in this House – of £1 million a year and, as far as we know, is subjected to little, if
 1837 anything, in the way of performance indicators. If we are contractually able to do so, I can tell
 1838 Members of this House that we will make this contract publicly available and hold the service
 1839 provider to account in terms of performance *as a minimum*. We saw the hysterical reaction by
 1840 various Members on the other side, including the Chief Minister, to our questioning in this area,
 1841 a reaction that makes us even more concerned – it does not assuage our concerns, it makes us
 1842 even more concerned – as any calls for transparency were not only sidestepped, but challenged
 1843 with the riposte that all I know to do is to attack, attack and attack. We are not attacking. We are
 1844 simply asking legitimate questions which go to the heart of how our valuable taxpayers’ money is
 1845 being misspent. We shall continue to do so until, in the not-too-distant future, we are hopefully
 1846 given the opportunity to do something about that on the other side of the House.

There is an evident lack of strategy and co-ordination between Ministries, as I referred to
 1847 earlier. It is also self-evident that there needs to be a complete overhaul as to how our heritage
 1848 and tourism product is managed. We shall work with the Heritage Trust and other interested
 1849 parties to ensure that resources are properly and adequately focused to place heritage right bang
 1850 in the centre of Gibraltar’s tourist offering. This will happen immediately after getting into office.
 (A Member: Hear, hear.)

I am very conscious that this, I am afraid, is going to hurt the Minister for Heritage’s
 1851 oversensitive ego, because *el muchacho no tiene abuela*, but while he arrogantly claims
 1852 (*Interjection*) to be an expert on whatever he does and touches, I need to tell him that he has
 1853 demonstrated a lack of understanding of what urban renewal or regeneration should, in fact,
 1854 entail. Whilst the restoration of a historic building is commendable, it does not of itself constitute
 1855 urban renewal if it does not also address environmental, economic and social needs. Urban
 1856 regeneration schemes improve infrastructure such as utility services, schools and public spaces,
 1857 and incentives such as grants or tax allowances for fiscal or fiscal measures which can be applied
 1858 in identified districts for the creation of facilities or improvements to properties, for example. He
 1859 has done none of this. These things all form part of an ambitious range of initiatives which can
 1860 lead to urban regeneration of an area. That is urban regeneration. For this Government to state
 1861 that Governor’s Parade, the Moorish Castle, the conversion of St Bernard’s and Police Barracks
 1862 are success stories in this field is actually an admission of guilt on their part. Why has the Upper
 1863 Town been ignored for so long? Historic buildings are not even rendered correctly, such is the
 1864 insensitive cowboy plastering of concrete on the building up Prince Edward’s Road Road. Shame
 1865 on them! (*Interjections*)

No one can surely deny the focus and energy that existed in this area when we were last in
 1866 office. We are now going to go back to not 1996, we are going to go back to 1996 all the way
 1867 through to 2011 because testament to this are urban renewal schemes such as the beautification
 1868 of Main Street and all of its associated side streets, including Irish Town. This created a more
 1869 attractive shopping experience and the removal of traffic from the heart of town. These
 1870 represented real and tangible environmental improvements. The conversion of Grand Casemates
 1871 Square from a car park to a venue which is now thriving with restaurants and social events is
 1872 another example. The GSD’s urban regeneration scheme extended to our city walls with the
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removal of structures such as the old power station to reveal the King's Bastion, the opening up of Chatham Counterguard, the demolition of structures upon its fortifications, a policy which has sadly been reversed. We started the conversion of the ex-St Bernard's School, provided underground car parking and other improvements at Governor's Parade, regenerated Castle Street and refurbished numerous historic properties for first-time buyers. We also provided a women's halfway house and a cancer care facility at South Barrack Road. All of these improved not only the urban but also our social fabric and lifestyle generally. *That* is urban renewal. *That* is a legacy to be proud of. *That* is a record to be proud of. (**A Member:** Hear, hear.) These are the outstanding examples of urban renewal policies and strategies which we can hold as a proud legacy, throwing the Minister's words back at him. The evidence is out there for all to see. Conversely, what is the best that the hon. Member has come up with? Press releases announcing the placing of interpretation panels. Our vision for the coming years will not consist of a published document or new plaques, but instead will be performance driven and based on our solid track record and performance.

Mr Speaker, here we are once again, yet another year without an updated comprehensive development plan, which is now four years overdue. Yes, we have heard Ministers talk about plans, visions and strategies, and we are all very familiar with photographs of ministerial committee meetings, trips and working groups. However, the reality is that this administration has not only failed to deliver a new development plan, but has not even been able to provide a local area plan within the existing one. Policies and designs for areas such as Rosia or Devil's Tower Road remain vague, non-existent or dated, with the threat of urban sprawl and insensitive overdevelopment now impossible to ignore. We have heard the clarion call by the Heritage Trust and the ESG – and rightly so – for an updated plan. They are members of the DPC. There has been fierce criticism in particular with regard to Devil's Tower Road.

The result of this lack of strategy and direction is obvious to all except the hon. Members opposite, it seems. Let's take the airport tunnel project, for example. Was this not an opportunity to improve our land entrance, which could have been a shopfront to the Rock? Instead, we have makeshift structures, concrete barriers, holding and portacabins. Welcome to Gibraltar, indeed – that is if you can find your way around. But the lack of planning is not limited to this area. The entrance along Eastern Beach and the roundabout – the roundabout cost in excess of £700,000 to construct – has not been completed either or prepared for this year's summer season. This does not even require a development plan. I would like to believe that it is at least within the hon. Member's capabilities to have envisaged more or less when summer begins. What level of incompetence has overtaken the Government that they have been incapable of completing the works at Eastern Beach in time for summer? The Minister yesterday reported to the House that there are some works still to do. The reality is that the beach is littered with concrete, which I am told is having an adverse health effect on children. It is plainly obvious that there is simply no cohesive thinking. Government states that it encourages a healthy lifestyle, yet builds sports facilities, for example, at the furthest point from our residential areas and schools, areas which lack basic infrastructure such as pavements, therefore encouraging the use of vehicles. Can we really be surprised when sports days become a disaster as parents try to drop off their children? (*Interjection*) Or are we surprised when competitive sports cannot be played during most of the year at Lathbury sports facilities, as the area is too windy? (*Interjection*) The name Windmill Hill should have provided a tantalising clue.

The arrogance and hubris among Members opposite simply knows no bounds. Instead of pretending to lead the world on sustainability and climate change, why don't we start with the basics? Why don't we at least try to get solar panels that do not wreck our new facilities, for example? We now have a proposed aquarium at the Victualling Yard, which many are already seeing as an election gimmick and nothing more than that, and it will not materialise; and a residential development in the bay below. How is this area serviced to take such capacity? How will it impact our environment and residents for years to come? How will visitors get there? These are legitimate questions to which we do not have answers. What is to become of the Rooke site?

1930 Have the best proposals been considered, or have we once again sold to the highest bidder without catering for our local current and future population? This is a Government which is capable of allowing government assets such as the ex-Social Security building at Governor's Parade to lie empty, yet rent government office space from the private sector at places such as the Bassadone building at New Harbours. (*Interjection*) It is an utterly shameful waste of government resources that this should be happening. Why did the Government not foresee the need for office space in the first place? Then we have, for example, the Eastside development with a token amount of affordable residential units – I think it is 100 – without any schools, rented accommodation or social and recreational areas; a wasted opportunity in many respects.

1935 What I have set out is but a brief synopsis of the many critical issues that plague us. This is why a new development plan is essential. The Government has failed to deliver one and their decisions will weigh on the shoulders of current and future generations.

1940 Last year I said that housing continued to be a pressing social issue and explained how it is one of the main areas in respect of which people come to see us. The number of applicants currently on the housing waiting list up to 31st May 2023, which is the information that we have online, stands at 852, which is a higher number than that which I referred to last year. This is, quite frankly, staggeringly and unacceptably high. The Government tells us that it is convinced that this figure will come down significantly and will deal with the issue when the affordable homes come on stream by, as I have understood it, a cascading effect which results from the de-clogging of government rental tenants moving from their current homes to their privately purchased flats. We on this side of the House are not so sure. We disagree with the Government's position and say that we need to cater for the social housing needs, which the parties opposite appear to have abandoned as a matter of government policy.

1950 Fundamental to all of this is the need to tackle the administration of the housing problem – the housing issue, as I will call it. The Minister for Housing states that he is working on a wholesale review of the Housing Act rules and policies, yet nothing materialises. I need to remind Members that they have been in office for a very long time. They have had the privilege of governing this place for three consecutive terms, which is *much* more than other parties in other democracies get, and here we are in the dying days of this Parliament, and despite promises we are none the wiser as to when these documents are going to be produced.

1955 All of this is happening when people are in dire need of social housing. The needs vary, but they are nevertheless real and in many cases shocking and, quite frankly, heart breaking. The Leader of the Opposition and I experienced it at first hand and I know that the Minister for Housing also did when we were invited by Action for Housing on a visit to various properties in town. The squalor and extreme deprivation that so many of what were, in the main, elderly citizens live in is, to put it in the most diplomatic terms I can think of, wholly and utterly unacceptable. We appreciate and are very conscious of the fact that many of these individuals are caught in a vicious circle, in the sense that they cannot afford to pay market rents and therefore pay what are, from a landlord's point of view, meagre statutory rents, but then the landlord is unable to refurbish what are old but beautiful buildings, due to a lack of funds. We need to break the back of this and start a process whereby the administration of the housing list is handled in a more efficient and effective manner, also by reviewing amendments to our laws to liberate landlords' ability to spend money on their properties and obtain returns, and introduce the policy, that we announced some time ago, of means testing.

1970 On the affordable housing front, what we have witnessed is a litany of mismanagement and delay. As we have said, the Government cannot be allowed to rely on Brexit and COVID in order to absolve itself completely of responsibility in this area. The facts and chronology speak for themselves. As at the 2015 election – that is a good eight years ago – the GSLP Liberals had announced the launch of Hassan Centenary Terraces and Bob Peliza Mews, promising to deliver those projects within that term of office. They then repeated the promise again in September 2017, this being 15 months after Brexit, and citing completion dates for the first phase of Hassan Centenary Terraces for February 2020, which was a month before the advent of the COVID

1980 lockdowns. In the run up to the October 2019 election – another election – the Government
 continued to give the impression that everything was on track and that there were no delays to
 the completion of these developments, when it was not the case. On Chatham Views they said
 that it would commence in the last quarter of 2019. Many of these dates were after Brexit, before
 COVID, and clearly used for electoral and political gain. It beggars belief that in January 2020 the
 1985 Government was still announcing that construction of Hassan Centenary would begin shortly,
 when they had previously promised completion of the first phase by February 2020. This last date
 was, once again, a month before COVID hit. With Chatham Views, construction was expected to
 have started in the last quarter of 2019 – again, months before COVID. All the developments are
 now the subject of substantial delays, not to mention, in the case of Hassan Centenary, an
 1990 overspend of £30 million and lack of sufficient parking for phase one purchases due to the delay
 of the construction of phase two. I invite the Hon. the Chief Minister to update us with the latest
 overspend figure in his reply, as we understand on this side of the House that it is now
 considerably higher than the £30 million figure he provided to the Hon. Leader of Opposition.

1995 These are all facts and it ill behoves the Chief Minister to feign being upset when we point this
 out to him. What he should be doing is acknowledging and apologising to the long-suffering
 Gibraltarian public, who will judge him and his Government on this record when the time comes
 to cast their vote at the ballot box. The last thing he should be doing is to be so dismissive of the
 delay with the words, as he said during the course of the introduction to this debate, that some
 delay ... ‘I get it.’ We have spoken on this side of the House of a lost generation of mainly young
 2000 Gibraltarians who are currently being priced out of the local housing market with not even the
 prospect of obtaining a flat in the medium term. We will all, their political representatives, be
 judged by them if we do not offer them a way forward.

The Chief Minister says that his gut tells him he will win the next election. I need to tell him
 that there is less of a gut, so maybe he should not be relying on it anymore. But surely he realises
 2005 that the herd is leaving him and that when the herd leaves, it leaves. I saw his rather sad photo of
 his solitary coffee mug at the Galeta Social Club a few weeks ago. I am told that he had a very poor
 response. I also heard of him being booed at a prize-giving ceremony recently. Not one day goes
 by – and I am sure I speak on behalf of all Members on this side of the House – without people
 expressing the desire for change. They are fed up of him and his Government. I know that deep
 2010 down – I know him well – these things hurt him. I think he also knows that experiences like these
 are something of a bellwether of the prevailing political mood. I know, deep down in my gut, that
 he is nervous.

Hon. Chief Minister: Never been much [*inaudible*]

2015

Hon. D J Bossino: That’s true! Mr Isola will not like this, but someone told me recently how
 tired and spent they look, what a motley crew. Time, then, to move.

Mr Isola’s contribution, just to ponder on that for a second, was an exercise in attacking the
 Leader of the Opposition and the Opposition itself. No doubt Mr Licudi will do the same. In effect,
 2020 with what Mr Isola did, what Mr Licudi, the hon. backbencher will do, and then what the Hon.
 Chief Minister is entitled to do, the Government will have three rights of reply. We have had it
 before.

Mr Isola spent *40 minutes* delivering what was clear will be, according to them, the main
 2025 battling ground of the election: Brexit and fear. Where was the reply to the point made by the
 Leader of the Opposition about the under-forecast of the health and care budgets, which are his
 responsibility, the effect of which would have made the tiny supposed surplus disappear almost
 as quickly as the support they once had? He had nothing whatsoever to say about Gibraltar’s grey
 listing, nothing whatsoever; and even in his speech, which he then provided to the press, it is not
 there. There is not a handout. There is nothing. He said nothing because he knows we are right
 2030 and he has no response. The only answer is ‘Don’t change us now, because we have Brexit.’ Fear,
 fear, fear. But I’ll tell you what: this fills us with confidence because this shows that we are winning

2035 the argument. This shows that they recognise that they are so weak in all other areas that they have to resort to Project Fear. We will meet the Brexit point head on, but we will not allow them to take the argument to the territory they feel most comfortable with and ignore the various serious concerns people have in relation to our state of public finances, lack of housing, the constant grime on the streets, etc. We will remind the electorate of their broken promises over the last 12 years. And yes, we will attack, attack and attack, so that we can turn this place around and direct it to an honest, transparent and clean future once and for all. (**A Member:** Hear, hear.) (*Banging on desks*)

2040 Deploying the Hon. Mr Isola in what are inelegant references to us by suggesting that we do not have a clue ... He came out with those words, that we do not have a clue, that we do not understand diplomacy and that the Gibraltarian public will understand this and re-elect them into office because of that. This, from a man who really understands the Gibraltarian public. Mr Isola really understands the Gibraltarian public. This is a man who did not even know what was south of the Piazza before he stood for election for the first time. Quite apart from the fact that we do have a competent team to lead the negotiations to a final conclusion, did the Hon. the Chief Minister himself not give evidence to the European Scrutiny Committee on 5th July, only last Wednesday, to the effect that we are 'close to a treaty'? Are we not already nearly there, in any event? Do they not persistently extol the virtues of the public servants, the team who have assisted them in the negotiations? Do these individuals – the Attorney General etc. – suddenly disappear when we walk into No. 6? Is that what happens? Or are they impliedly critical of the officials dealing with the negotiations and it can only be them and honourable the Chief Minister and Deputy Chief Minister to politically lead the team? (*Interjection*)

2055 In any event, is this A-team of supreme negotiators that the world has ever seen not giving out two distinct messages? We have had it today. We heard it from the Minister for Economic Development. He said a lot. How many hours? Two and a half hours? (**A Member:** Yes.) I think you nearly beat him. But he came up with massive headlines. He came up with two or three massive headlines – or clangers, I think, for them, (**A Member:** Gaffes.) gaffes, indeed – for the governing parties. But I will dwell on one because it is the point that I am dealing with now, and I am sure the Hon. Mr Feetham and Mr Phillips will deal with some of them as well in their contributions. (*Interjections*) This is what he had to say:

The only deal that can be achieved, as has been obvious and publicly stated on many occasions since December 2020, is a deal that has a maximum period of four years, because none of us are willing to accept a Spanish presence in Gibraltar as the price for a deal. Spain has agreed to request from the EU that Spain's Schengen obligations under any deal would be carried out on Spain's behalf by Frontex for an implementation period of four years, at the end of which Frontex would be replaced by Spanish officials or the deal would be terminated. So the deal will be terminated. As I told the UN seminar in Indonesia in May, that is the only option as far as Gibraltarians are concerned: the deal is terminated in year 4.

That is what the Hon. Sir Joe Bossano said. What, on the other hand, did the leader of his Government say? He said, in the committee I referred to earlier, in relation to a question from Mr Greg Smith in relation to business interests:

We can only think of the opportunity costs of not having done these arrangements

2065 – i.e. the Schengen arrangements –

Of course, if we do these arrangements and get beyond the four-year horizon,

– that is what he wants, he wants to go beyond the four-year horizon –

then, as the whole thing hardens, the opportunities for business on both sides of the frontier are huge.

He talks again about shared prosperity:

It is worth continuing to work very hard to have this area of shared prosperity. That must only mean greater prosperity than what we have today, greater opportunities for businesses in Gibraltar, [...] greater opportunities for the businesses around Gibraltar ...

He says, 'I am ambitious to try to achieve more' beyond the four years. That is what he was saying. He says:

What we have found in our Spanish counterparts is that they too are ambitious to try to achieve more.

2070 And he talks about the 'opportunity to deliver a treaty that can bring about this additional prosperity' once again. We need to understand from the Government why, on the face of it, their aspirations are totally different.

Hon. Chief Minister: They are not.

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Hon. D J Bossino: What we had from Sir Joe Bossano is completely different to what the Hon. the Chief Minister was saying to the committee in the House of Commons. It is completely different. Sir Joe was very clear: after four years, it is over. The Hon. the Chief Minister is saying something completely different. And if he is not saying something completely different – he is getting excited again – all he needs to do is clarify the position to the people of Gibraltar so they understand what they are voting for.

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Hon. Chief Minister: Yes, [*inaudible*] can understand that.

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Hon. D J Bossino: But I must say, Mr Speaker, that I agree with the Hon. Mr Isola in one respect. I do agree with him. He said that Gibraltar deserves a better Opposition, (**Hon. Chief Minister:** Hear, hear.) and he is right. I think that the hon. Members opposite would do a wonderful job. It is obvious that the gentlemen and lady opposite have run out of ideas. They have run out of steam. After having thrown money around as if it were dishwater, they have run out of money. There is simply no more petrol left in the tank. It is time for a new and fresh approach. It is time for the GSD.

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A Member: Hear, hear. (*Banging on desks*)

Adjournment

Chief Minister (Hon. F R Picardo) Mr Speaker, I suppose it is because of the length of the session, but I am starting to fall asleep, so I wonder whether it might be a good idea to adjourn the session now until tomorrow at 11 a.m.

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Thank you.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 14th July at 11 a.m.

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I put the question, which is that this House do now adjourn to Friday, 14th July at 11 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 14th July at 11 a.m.

The House adjourned at 9.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.01 a.m. – 12.10 p.m.

Gibraltar, Friday, 14th July 2023

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The Gibraltar Parliament

The Parliament met at 11.01 a.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Appropriation Bill 2023 – Second Reading – Debate continued

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may, just for a moment, inform the House that I may have to step out for five or 10 minutes to take an important call. I mean no disrespect to the Minister in doing so. I try to listen to all speeches by all Members during the course of this debate, but I may just have to step out for five minutes during the course of this address.

Clerk: Meeting of Parliament – Friday, 14th July 2023. We continue with the Second Reading of the Appropriation Bill 2023.

Mr Speaker: The Hon. Samantha Sacramento.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, you were with us in the summer of 2012 when I delivered my first Budget speech. Back then I was 35 years old, and today it is a great privilege and with deep responsibility that I deliver my 11th address. We were all reminded by the Chief Minister in his intervention on Tuesday that our time here is, indeed, a privilege and ought not to be taken for granted. We will soon contest a General Election once again, and it is with great respect that I say that tomorrow is never promised. It is on this basis that I wanted to take this opportunity to look back and recognise our achievements in our almost 12 years in government, because despite all the negativity of those opposite, try as they might, they cannot and will not rewrite history.

There is no denying that we have changed the landscape and the feel of Gibraltar for the better. Only two days ago I saw a post on social media where there was nothing but praise for our Commonwealth Park, the vision of my good friend Minister John Cortes, which he made a reality and something that is now very much part of our lives and easy to take for granted, in the same way that his implementation of the smoking ban is something that now, 11 years later, is so normal for everyone that it is inconceivable to think otherwise. I say this as but two examples to illustrate that over the course of the almost 12 years that we have been in government we have achieved many great things and these are all too easy to forget.

While I simply cannot list all our achievements and accomplishments over the last 12 years, as there are too many, it saddens me greatly that the Members opposite try to diminish and belittle our efforts, particularly when they try to paint COVID and Brexit as excuses, as if anyone would believe that. They make personal insults. The Leader of the Opposition called us jaded and spent. Mr Bossino called us jaded and tired. We *were* tired. During 2020 we were literally physically exhausted because of the battles that we were fighting, but we still persevered because we had no choice. I am glad that the Opposition supported us at the time, but they were not the ones steering the ship. They have absolutely no idea of how much work we had to do. When you are physically tired, you rest and carry on, and our dedication to continue to work for Gibraltar is what

spurs us on. I can assure the Members opposite that we have more dynamic and vibrant ideas and the drive and ambition to deliver them. The hours we worked were unimaginable, the Chief
40 Minister and the Deputy Chief Minister in particular ensuring that Gibraltar was safeguarded in the Brexit negotiations, which coincided with COVID. Mr Clinton, in one of his outbursts, got it completely right when he said that Mr Picardo was ridiculous. Mr Picardo *is* ridiculous: ridiculously strong in fighting for Gibraltar, with our backing. It saddens me that the Members opposite stoop to such ridiculous levels, no wonder people do not want to engage with Parliament after such
45 petty insults of the people who work tirelessly to put Gibraltar first. It really is not becoming of this place.

COVID was a serious global event and can be all too easily forgotten. For those of us leading on it, we were literally fighting a war in the trenches – though actually, in our case, we were in the bunker – for the majority of 2020 and part of 2021 to keep Gibraltar safe. I will never be able to
50 properly express my gratitude to those who went over and above the call of duty during this time. Among the many things that COVID took from us, including our piece of mind, it stole from us the time to deliver our manifesto in four years, but that has just meant we have worked doubly hard to deliver as much as we can in two years.

Mr Speaker, before I turn to my responsibilities for individual departments, I would like to
55 commence by making reference to two important overarching strategies that are multi-faceted and multi-agency. They have been many years in the making and I can confidently say that they have matured and come to fruition, and as a result they will make a meaningful difference. The first is domestic abuse, which hon. Members will be aware has been a flagship policy of mine, to work towards ending domestic abuse in Gibraltar.

Domestic abuse is a pervasive problem that affects many people in Gibraltar, including
60 children. It is heinous crime that destroys lives and tears families apart. As such, it is a problem that requires meaningful and co-ordinated action. This Government has been committed to ensuring that all necessary steps to tackle this issue head on are taken. Our ambitious goal is to eradicate domestic abuse from Gibraltar by intervening at every level, with children to help them
65 recover, with victims to offer support and empowerment, and with perpetrators to hold them to account for their actions and offer help to change their behaviour. Whereas this has been a focus for many years, the work was recalibrated last year, once the COVID demands permitted me to do so.

Over the past year I have spearheaded a new Domestic Abuse Strategy, which is aligned to the
70 Domestic Abuse Act passed in this House in January this year. The strategy is titled *Breaking the Cycle* and its purpose is to do just that, break the cycle of abuse. At this juncture, I wish to thank the Hon. Mr Feetham for his political maturity, as he has commended my work on domestic abuse both in this House and on a *Viewpoint* programme, and for this recognition I am grateful. In order to make this goal a reality, the first step was to update our legislation through the new Domestic
75 Abuse Act. This Act strengthens the legal framework surrounding domestic abuse, and in particular moves our legislation on to reflect modern understanding by creating a new offence around patterns of controlling or coercive behaviour as well as that of non-fatal strangulation. This new offence covers such behaviour when it occurs during a relationship between intimate
80 partners, former partners or family members. This sends a clear message that this form of domestic abuse constitutes a serious offence and provides better protection to victims experiencing repeated or continuous abuse. We must all recognise the harm caused by coercion or control, the cumulative impact on the victim and that a repeated pattern of abuse can be more injurious and harmful than a single incident of violence. Updating our legislation is but the first step in this strategy and in many ways was the easiest step.

Tackling domestic abuse requires a multi-disciplinary approach, and as such, in October 2022 I
85 set up a Strategic Domestic Abuse Partnership. This high-level partnership, our Gold partnership, consists of the most senior managers from all appropriate government departments and agencies, including the Royal Gibraltar Police, the Care Agency, the Department of Education, the Housing Department, the Government Law Offices, the GHA, Public Health, Human Resources, the Director

90 of Public Prosecutions, the Gibraltar Courts Service, the Ministry for Justice and the Ministry for
Equality. The strategic lead for this working group is the Ministry for Justice. In order to support
the Gold Partnership, I have also created three inter-agency sub-groups made up of operational
staff. The sub-groups are Prevention, Support and Justice, and Protection. The sub-group
95 members are very active in ensuring the action plan from the strategy becomes a reality. Through
this holistic partnership I have ensured that all relevant agencies and departments have a
domestic abuse policy in place.

On 25th November 2022, the United Nations International Day for the Elimination of Violence
against Women and Girls, I held Gibraltar's first national conference on domestic abuse. This
conference had internationally renowned keynote speakers and was attended by over 150 public
100 servants. The feedback from the conference was overwhelmingly positive. This conference was
inspirational and very much a catalyst for the change and progress that we have since seen. The
cost of the conference itself was met by Peninsular and I am truly grateful for their generosity and
support. The conference also marked the introduction of Operation Encompass to Gibraltar, as
two of its founding members gave presentations on the scheme. Operation Encompass is a police
105 and education early information sharing partnership that enables schools to offer immediate
support for children and young people experiencing domestic abuse. Witnessing domestic abuse
is really distressing for a child or young person who often sees the abuse, hears it from another
room, sees a parent's injuries or distress afterwards or can be physically hurt by trying to stop the
abuse. This programme will enable children to be offered early support, and the new Act includes
110 provision to facilitate the necessary sharing of information in this respect. Training on this has
been ongoing, with over 100 police officers and teachers receiving training last November from
the scheme founders and further training has taken place in May and June of this year ahead of
the legislation being commenced. In order to break the cycle, it is important for young people to
understand what a healthy relationship looks like and also the consequences of abuse, either as
115 victim or a perpetrator. The latest report suggests that, although the number of women affected
by domestic abuse remains largely unchanged since 2013, violence now starts at a younger age.
It is therefore imperative that we educate our young people on how to have healthy relationships.

Much more has been done setting the groundwork for the strategy ahead of the
commencement of the new Act. I will set out some examples of this, as sometimes it is easy for
120 us to think that passing an Act through this Parliament will solve a problem. As I have mentioned
earlier on many occasions, this is but the beginning and much further groundwork and training is
required to make the words and thoughts in our legislation a reality. This year, for example, I
commissioned and funded Childline, in collaboration with the NSPCC and the Care Agency, to
develop and deliver a therapeutic recovery programme for children who have lived experience of
125 domestic abuse. I also commissioned the University of Gibraltar to develop a victim survey to
inform our strategy and ensure that the victim's voice is central to everything we do. The training
that has been rolled out since then can only be described as prolific and has been offered to all
stakeholder departments, ranging from generic awareness to sector-specific training. I have
engaged Safe Lives, a UK charity, to deliver training on the development of a multi-agency risk
130 assessment conference. This is now operational and involves staff from the various agencies
working together to develop a safety plan for victims of domestic abuse. Rachel Williams, a
survivor of domestic abuse and attempted murder in the UK, deserves a special mention in our
work. She has also been engaged to run a number of events, one of which was a recent public
event, an event for young people and four workshops for public servants, including specifically a
135 workshop for the GHA GPs. She has also led workshops with victims and survivors of domestic
abuse. We are also working on developing our therapeutic pathways to empower victims of
domestic abuse, and our therapeutic support also involves work with perpetrators.

The Government and Gibraltar as a whole should never be complacent when it comes to
domestic abuse. While I am proud of what has been achieved by our Government in breaking the
140 cycle, we cannot stop here. I reiterate our commitment to tackling domestic abuse and making a
real difference to the lives of victims and survivors of it in Gibraltar.

On a final note, I was honoured to be invited to Buckingham Palace in November of last year for the first event hosted by the then Queen Consort in recognition of work done on domestic abuse. That was a real privilege and one of those moments that you know you will always remember.

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Mr Speaker, an overlapping area as the Minister with responsibility for children and safeguarding is that of child protection. It may sometimes be seen as a cliché to say that children are our future, but that does not make it any less true. It is all of our responsibility to ensure that Gibraltar is a safe and secure environment for them to grow up in. Child protection is not just a legal obligation under the Children Act, but a moral one as well. It is our duty to protect children from all forms of abuse, neglect and exploitation. As a society, we cannot turn a blind eye. We must take proactive measures to prevent child abuse and protect our children. Much work has been done over the past year to ensure children are safe and protected. However, one cannot rely solely on the Government and its agencies to protect our children. It is the responsibility of everyone to be vigilant and report any suspected cases of child abuse. It is my vision to create a culture of awareness and education where parents, teachers and caregivers are trained to recognise the signs of abuse and take appropriate action.

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Having agencies work together and communicate effectively is essential for good child protection practice. My friend Minister Linares spoke about this and work done by the GSLA in this respect. To that end, I have invested in development days for the multi-agency Child Protection Committee which took place in November 2022 and in March 2023. These were facilitated by a recently retired UK director of children services who has extensive experience in this area of work. As a result of these development days, the committee set three priorities for training and development during the next year. These are children impacted by domestic abuse, children with a disability, and safer recruitment. The Child Protection Committee has been very busy this year. There has been more child protection training than ever being delivered to government agencies and to charities and religious organisations. This training is well established for all who work with children and young people. The training programme has been reviewed and updated and will be further updated this year to take account of the Committee's priorities.

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In order to ensure safer recruitment, I have commissioned the development of a framework to enable employers and agencies, including the voluntary sector, to manage allegations against persons in a position of trust. This framework will ensure a clear process in order to protect children, employees and organisations. I have also commissioned an updated inter-agency child protection policy and procedures for all agencies dealing with children, and these will be implemented throughout the coming year.

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Mr Speaker, turning to the departments that I am responsible for, I will commence with my responsibility as Minister for Equality. During this administration's three terms of office, it has been an absolute privilege to hold a number of portfolios. Of all these portfolios, the Equality portfolio has been the one that I have held from the very first day. Equality is a cornerstone of our Government and it was a great honour to be Gibraltar's first Minister for Equality in 2011. It is a responsibility that I have always been, and continue to be, extremely proud of. 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 hugely gratifying to lead a Ministry which is pioneering and groundbreaking in its philosophy, vision, policies and, of course, most significantly, legislation. I make this point proudly as I am concerned that this may not be the case should the Members opposite be in government. None of this was achieved until we embarked on the equality journey. Our legislation on such as gay marriage, abortion and surrogacy has not been supported by Mr Bossino. Worse still, he has indicated that abortion in particular could well be reversed. Well, let's hope not only that the GSD do not win the next election, but that Mr Bossino is not the leader, as his views, which are more akin to Vox and could risk us looking more like Uganda than Gibraltar, would do us no favours. These regressive views were one of the reasons given by the hon. Lady opposite in her press conference at her resignation as to why there could be no merger between Together Gibraltar and the GSD.

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195 Mr Speaker, in the almost 12 years since its inception, the Ministry for Equality has made
significant strides to ensure that gay rights are properly protected in legislation, and it is through
our awareness campaigns and community engagement that these are understood and embraced.
Given that June is Pride month and it has just come to an end, I think it is appropriate that we
should begin with LGBTQ+ rights. The development of LGBTQ+ rights since we have been in office
has been remarkable and the cultural shift these legislative changes have effected are supremely
200 apparent from last year's and this year's successful Pride events, making it a total of three Pride
events. Not only were events, by their very nature, diverse and inclusive, but they were also
colourful and joyful celebrations. Pride is a pertinent reminder to everyone that members of the
LGBTQ+ community have a right to visibility and the right to an equitable place and standing in
our community. I would like to take this opportunity to congratulate the LGBTQ+ community, who
205 have worked so hard to mark Pride so wonderfully.

When I look back now, it is hard to believe that the first time that LGBTQ+ rights were referred
to was in my very first Budget speech in 2012 and that the first time that gay rights were properly
achieved in this House was in 2014. The Civil Partnership Bill, which was the first Bill I ever moved
in this Parliament, was a landmark piece of legislation. For the first time in Gibraltar's history, this
210 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. Additionally, we legislated to outlaw homophobic hate crime and hate
speech in 2013. Such crimes are now, thanks to us, aggravated offences. In July 2015 and in
recognition of our transgender community, we made provision to extend protection from
215 discrimination for individuals who have undergone gender reassignment. The passing of all this
legislation has demonstrated our resolute and steadfast commitment to equal rights for all
members of our community, regardless of their sexual orientation or gender reassignment.

Whilst we have ensured the 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
220 transphobia. We mark Pride in powerfully visual ways, as awareness is key. We do this by flying
the rainbow flag in prominent places throughout Gibraltar, illuminating the Moorish Castle in
rainbow colours and supporting the Pride parade. These visual reminders send a strong message
to everyone that we will continue to mark and support Pride because it is the right thing to do.
We will continue to mark Pride month because there is no room or place in Gibraltar for hate. We
225 will continue to mark Pride month because in an equitable and inclusive Gibraltar we are all of
equal value and worth and because we are all entitled to full respect at all times. We will continue
to mark Pride month because it is imperative that everyone lives true and authentic lives free from
the fear of negative or hostile reactions from those around them, and this is how it should be in
Gibraltar.

230 Gender equality is another important strand of my equality portfolio. Gender equality is a
necessary component of a modern and progressive society and it is imperative in our pursuit of
social justice. A central strand of the Gender Equality Strategy is the economic empowerment of
women. One of the key initiatives of the Gender Equality Strategy is the Women's Mentorship
Programme. We recently completed the fourth cycle of this programme, and feedback from all
235 participants, both mentors and mentees alike, was extremely positive once again. I am very proud
of the continued success and impact of the Women's Mentorship Programme. Its aims are hugely
ambitious and varied. The programme's *raison d'être* is, in the first instance, to help women to
develop personal and professional skills which will help them overcome certain barriers they may
face in the workplace. In the mid to long term, the programme aims to address the
240 underrepresentation of women in positions of leadership and management. We know that a more
gender-balanced workforce is a key to success for organisations and businesses but for national
economies, too. Therefore, ensuring that we maximise the talents and skills of both women and
men in equal measure is a legitimate and necessary objective that we can all support and, more
importantly, we can all benefit from. The fourth cycle of the Women's Mentorship Programme
245 came to a close at the end of May and I am very pleased to say that there was a very positive

uptake of the programme by diverse professionals across the sectors. In total, the number of participants since the pilot cycle in 2019 has been 205. This means that since its inception the Women's Mentorship Programme has been able to provide support and advice from established professionals to a total of 104 mentees. The Women's Mentorship Programme offers women an invaluable opportunity for personal and professional growth. I am delighted to announce that the next cycle of the programme will commence after the summer, and I would like to urge anyone interested in participating in it, either as a mentor or mentee, to contact my team at the Ministry for Equality and register for the next cycle. I would also like to take this opportunity to thank the mentors, many of whom are repeat mentors, for giving their time and expertise and for giving back to the community.

International Women's Day is another important strand of the Gender Equality Strategy in that it challenges restrictive socio-cultural norms that prevent individuals from leading full and rich lives. The Ministry for Equality's celebration of International Women's Day this year with the event 'Where are the women of Gibraltar?' generated a conversation around the representation of women both historically and in the present. The event, which was oversubscribed and generated an engaging discussion at the end, shows that there is a clear appetite for these kinds of events. The event was an opportunity to reflect on what more can be done to amplify the voices of women and raise further women's visibility to ensure that we continue working towards achieving gender parity. Perhaps the most satisfying aspect of International Women's Day this year is the demonstration of how far we have come. In addition to my own event, I was invited to a record 12 other events. Who would have thought, when we first started to mark International Women's Day in 2012, that it would be embraced so successfully across the sectors?

Mr Speaker, as you well know, nowhere is the underrepresentation of women starker than in politics and parliamentary life. The lack of gender parity in this House is an issue decried by all and one which we can all agree urgently needs to be addressed. As you are aware from my involvement in the Commonwealth Women Parliamentarians (CWP) of the CPA, I have been a member of our regional steering committee since its inception. In 2020, among everything else that was going on, I was elected the chair of our region. This led me to organise two regional CWP conferences. The one in 2021 was a virtual one, and in October 2022 the conference was in person and we welcomed some 30 women Parliamentarians from across our region, as well as the international chair, for a three-day event. Having the opportunity of having so many women Members of Parliaments in Gibraltar, I wanted women here to take the benefit, so through the Ministry for Equality I also organised an outreach session to enable women who may be interested in political life to meet parliamentarians from Gibraltar and other countries to learn first-hand from their experiences. It was well attended and attendees were able to hear from a number of MPs and also actively engage them in conversation during the question and answer session at the end of the event and the networking opportunity afterwards. I know that for many of the women, particularly the younger women present, it was an inspiring event which left a vivid impression on them.

Finally on the note of women in Parliament, I am saddened to hear that the lady opposite has chosen to leave this House. It is a pity that there will be one less woman in Parliament given the huge necessity for diversity and the need for empowered women who are willing to take a stand and make a change. I sincerely hope that more women will embrace the opportunity at the next election and that we see a greater representation of women in this House the next time.

Mr Speaker, I would now like to direct your attention to the work the Ministry for Equality has done on disability. The Ministry for Equality is the pivot in our Government for driving this important agenda and we oversee the progress and delivery of the Disability Act throughout the public sector. Like the other examples that I gave earlier, so much progress has been made on this front that it is easy to forget the tremendous investment since December 2011 and how things were before then. Though there is always more work to be done and we always want to do more, it has to be said that no Government has done more for people with disabilities in Gibraltar since this Government created the Ministry for Equality in 2011.

300 You may remember, Mr Speaker, in my last Budget speech I mentioned the work done by the
Ministry for Equality and the Ministry for Justice in collating the necessary information and
evidence in order to progress the extension of the UN Convention on the Rights of Persons with
Disabilities in Gibraltar. This has been a long and arduous task, a tremendous piece of work, and I
am happy to say that we are reaching the end of that process and will soon be able to submit our
findings to the UK. The next step will be for the UK to review Gibraltar's position, and we hope
that they will start the process of extending the Convention to us.

305 I spoke last year of our intention to enact sections 13 and 14 of the Disability Act. Since the
commencement of the Disability Act, the Ministry for Equality has provided information and
training to both the public and private sector and continues to do so in order to ensure that
everyone understands why this change is important and why it is important to be as inclusive as
we can as we move to this very shortly. Since his 2019 Budget speech, the Chief Minister has
310 continued to provide tax relief for businesses that have spent money on adapting or modifying
their premises to make them accessible. In January this year, I met with the Chamber of
Commerce, the Gibraltar Federation of Small Businesses and the Gibraltar Catering Association in
order to discuss the changes to the Disability Act that were coming. Two months later, the Ministry
for Equality organised a seminar, open to the private sector, on how business premises can be
315 made more accessible in light of the legislative changes that are about to be commenced.

One of the key projects undertaken by the Ministry for Equality was the introduction of the
Disability Information Card. The main purpose of this card is as a communication tool that enables
the holder to discretely communicate their disability or accessibility requirements to another
person. There are currently over 200 active cards in circulation, so over 200 people are now more
320 confident in communicating their needs outside their normal social circle.

Another project commenced by the Ministry for Equality in 2019 was the launch of the RADAR
Key Scheme. The first RADAR lock was fitted in the accessible public toilet by Market Place. Since
then, a number of RADAR locks have been fitted by the Ministry for the Environment in accessible
toilets around Gibraltar. The same RADAR key issued by the Ministry for Equality can open any of
325 these toilets, thus enabling any user to use an accessible toilet at any time during the day or night.
Over a hundred residents have, to date, successfully applied for a RADAR key. I would like to thank
the Ministry for the Environment for so readily embracing this project and for continuing to invest
in this scheme by installing RADAR locks in other accessible public toilets. We started with one
RADAR lock. There are currently five accessible toilets with RADAR locks installed and I have been
330 advised that at least three further public toilets have been identified for the installation of this
lock. I would like to add that these locks are the same as the ones in the UK, so not only are we
investing in accessible tourism from the UK, we are also enabling anyone from Gibraltar travelling
to the UK with the required tool to access accessible toilets there.

In order to further promote inclusion and accessibility, the Ministry for Equality has been
335 engaged in a number of areas. One such strand is access to information for the deaf and hard of
hearing. You may remember, Mr Speaker, the publication of the British Sign Language Act last
year. One of my duties under this Act is to issue a report on British Sign Language (BSL) in Gibraltar
and what public authorities have done to provide and promote BSL. At the end of the first
reporting period on 30th April 2023, the Ministry for Equality prepared a questionnaire for this
340 purpose and, with the help of our Human Resources Department, shared this with all heads of
public authorities in Gibraltar. A report will be published as soon as the Ministry has been able to
extract all the necessary information. Further work has been done to promote the inclusion of
hearing loops at all public offices as part of the Government's drive to make their buildings and
services more accessible and thereby provide a more inclusive service to the community. The
345 Ministry for Equality has undertaken another exercise to ascertain the current needs of
departments, agencies and authorities for fixed and portable hearing loop facilities. This exercise
is currently ongoing. Once finalised, this Government will be able to take the necessary steps to
ensure that hearing loops are widely available at all counter services and board rooms within the

public service. We heard yesterday from the Minister for Tourism in his intervention how this had
350 been embraced by the Gibraltar Tourist Board.

Members of this House and the general public may already be well aware of my and this
Government's support for the Special Olympics. Both Special Olympics International and this
Government share the same ideals on disability and base what we do on the UN Convention on
355 the Rights of Persons with Disabilities. As you know, Mr Speaker, this Government and Special
Olympics made an announcement last year on the Global Leadership Coalition, designed to bring
together governments and agencies from around the world to forge expanded models of inclusive
education through sport for students of all abilities. I have had the absolute privilege of attending
four Special Olympics World Games with the Gibraltar delegation, so ably led by Annie Risso, and
360 I can genuinely say what excellent athletes and ambassadors they are for Gibraltar. At this year's
World Games in Berlin, I had the opportunity to attend the first Global Forum organised by Special
Olympics, culminating with the Berlin Declaration, which I supported on behalf of the
Government. This involvement gives Gibraltar the possibility of tapping into a variety of
knowledge and resources from around the world with the simple aim of enabling people with
disabilities and educating society in general through educative, sporting and health programmes.
365 We are now in the process of developing some of these programmes and I am excited at the
potential this could have; in particular, with the health programme this could be instrumental in
developing more advanced screening opportunities for people with learning disabilities or
communication barriers.

There is also a need to ensure that processes are in place so that inclusion is encompassed
370 even when it is not at the forefront of everyone's mind. We have to make sure that not only should
buildings be accessible, but the approach to these too. Consideration should also be given to
people with disabilities every time there are maintenance or road works, or any eventuality where
a building or a route taken is no longer accessible. For this reason, I have established a working
group with the aim of achieving a more accessible Gibraltar, and this will be a strategic priority of
375 the new Gibraltar Development Plan. The working group is chaired by the Head of the Ministry for
Equality, Jason Bellilo, where he meets with the heads from Technical Services, Town Planning and
Building Control and the Ministry for Traffic and Transport in order to identify current processes
and highlight any changes that may be required to develop or maintain accessible routes around
Gibraltar.

380 Finally on disability, I am happy to announce that I have established a working group to develop
a better disability register. This working group brings together the professionals in this field and
the Head of the Ministry for Equality together with the Director of Public Health and the Chief
Statistician and will advise me on how we can improve in the collection of data so that we can
better inform policies and practices going forward. When it comes to disability, there are many
385 stakeholders. Many of these stakeholders are represented by charities and their input is
invaluable in what we do as we continue to progress our disability strategies, and I thank each and
every one for their valuable input and assistance. The Ministry for Equality is a small team of four
people. It is quite remarkable that such a small team have achieved so much progress and for that
I thank them all.

390 Mr Speaker, I will turn to my responsibilities as the Minister for Justice. This has been a
challenging year for the Royal Gibraltar Police for a number of reasons. Despite this, the force has
always maintained its professionalism in protecting the public and Gibraltar throughout. The RGP
continues to strive towards meeting the existing and emerging threats posed by terrorism. There
has been significant investment in firearms equipment and ammunition, as well as considerable
395 financing towards developing firearms commanders who specialise in commanding and co-
ordinating responses to firearms incidents. Investment also continues to be made in Operation
Servator, with training provided by the City of London Police to ensure that they deter, detect and
disrupt a wide range of criminal activity while providing a reassuring presence for members of our
community and visitors to Gibraltar.

400 Investment in body-worn cameras was a focus in the previous financial year with an uplift to
the current cameras. Research has shown that the use of this technology will allow for improved
transparency, a reduction in assaults on police, swifter resolution to criminal prosecutions and
police complaints, and training opportunities. The forthcoming Budget will see further financing
with a further uplift of approximately 40 more cameras.

405 Following the recommendations in the HMICFRS report, the RGP invested in specialised
counter-corruption training for a number of officers. In the last financial year the organisation
sought to build upon its counter-corruption capabilities by engaging consultants to assist in
enhancing efficacy within this area of policing. The forthcoming year will see continued
investment in software-based products aimed at ensuring improved governance over all digital
410 devices utilised by officers of the RGP. The funding will help them to improve the RGP's
capabilities, allowing them to identify areas of corruption, thereby safeguarding and building trust
with members of the community. Dealing with high-tech crime is an increasingly demanding
business area for the RGP and it has increased its resources, thereby enabling them to tackle more
work. The RGP has invested in updated equipment and forensic software that will further enhance
415 the unit's capabilities and will continue with this programme in the forthcoming year.

The new Penalty Notices for Disorder Scheme has now been implemented and this will provide
officers a quick and effective alternative disposal method for dealing with low-level anti-social and
nuisance offending. The scheme aims to reduce the time officers spend completing paperwork,
allowing them to spend more time with the public dealing with more serious crime, while also
420 reducing the burdens placed upon the courts.

Last year saw investment in an e-learning platform which is in the process of being rolled out
across the organisation. The platform will assist in creating a culture of self-led learning and a
focus on continuous development. It is envisaged that this will drive better performance
throughout the force, and with the use of blended learning will release training resources to focus
425 on the increasing number of organisational training needs. As part of the organisational
commitment to learning and development, the RGP has continued to invest in accredited
leadership training for officers in supervisory and management roles. The last year also saw
training by the same provider on diversity, equality and inclusion across the organisation. Looking
forward, the next financial year will realise accredited training in the areas of leadership and well-
430 being for those officers who have recently been promoted in rank. I would like express my
gratitude to the brave staff at the Royal Gibraltar Police for their dedication and support and to
the Commissioner, Richard Ullger, for his leadership.

Mr Speaker, turning to the Financial and Intelligence Unit, which continues to make a
significant contribution in Gibraltar's fight against money laundering, terrorist financing and
435 proliferation financing, it has made remarkable progress and demonstrated its performance
through its recently published Annual Report and Strategic Analysis. The GFIU director highlighted
in his three-year strategic plan for 2023-2026 that the unit will build on current momentum,
shaped by its experience during the Moneyval and FATF's process. The plan, which will be the
backbone of the GFIU's digital transformation journey, promises to exploit the opportunities from
440 technological advances and work with stakeholders to ensure that the GFIU has the best
innovative solutions.

Through its sustainable outreach and engagement programme, Project Nexus, which this year
was recognised through HMGOG's Project Achievement Award, the GFIU has provided training to
hundreds of professionals both in the private and public sector, covering a broad range of topics
445 related to money laundering, terrorist financing, sanctions and proliferation financing, not only in
Gibraltar but also in other countries. For example, the GFIU delivered training in Egypt, through
the United Nations Office of Drugs and Crime, to law enforcement agencies and FIUs from the
Middle East and North African region. Additionally, the GFIU delivered training to the government
of Kazakhstan on Gibraltar's efforts to counter proliferation financing. This further showcases the
450 unit's commitment to sharing expertise and knowledge with international partners in the fight
against financial crime.

455 Since the establishment of the Financial Liaison and Intelligence Network, Gibraltar's public-private partnership, the GFIU has signed a memorandum of understanding with the UK's Joint Money Laundering Intelligence Task Force, which increases co-operation, sharing information and intelligence, providing collective knowledge and experience to make Gibraltar and the UK a hostile environment for criminals involved in serious and organised crime. This has been made possible by the GFIU's membership of the Quad Island Forum of FIUs. I thank Mr Edgar Lopez, who is exceptional in discharging his role as director, and particularly for his innovation in this department.

460 Looking at probation, now, Mr Speaker, during the past year, the Probation Service has continued to meet its commitments of service delivery to the criminal justice system, working closely with a range of stakeholders, service users, the wider community and the voluntary sector. The Probation Service prioritises delivery of services to the courts and the Prison and plays a key role in sex offender risk management in the community. The team's commitment to evidence-based practice has remained integral to working with service users to address their complex needs, and in this respect they have undertaken further training in various risk assessment tools to enhance the quality of their reports and improve the management of offenders. This includes motivational interviewing, anger management, problem-solving skills, and interventions when working with perpetrators of domestic abuse. The community service aspect of the team's responsibilities has continued by delivering an alternative sentencing option to custody to the courts and providing a positive social and environmental impact in Gibraltar. The service continues to provide support in developing pro-social thinking and attitudes whilst promoting and developing some employment skills. From 1st June 2022 to 15th June 2023 the Probation Service has received 165 requests for pre-sentence reports. In total, 71 community rehabilitation orders and youth rehabilitation orders have been issued by the courts. With regard to parole matters, the Probation Service has prepared 25 reports. Again, I am extremely proud of the hard work and determination of this small team, who regularly go above and beyond in providing an important and valuable service to the criminal justice system.

480 Looking at our Prison Service, the average number of inmates at HMP Windmill Hill for the last financial year stood at 41 prisoners per month, down from 56 the previous year. There were a total of 130 admissions during this time. The Prison's facilities continue to be well used by those in custody, the most popular activities being the gymnasium followed by educational and vocational classes. Inmates also made good use of the counsellors and programmes available to them, these being substance rehabilitation programmes delivered by the Care Agency, therapeutic interventions for sex offenders and therapeutic counselling. The Prison's voluntary drug testing scheme is proving to continue to be a success and these initiatives will better place offenders on the road to rehabilitation and successful reintegration into society, and thus reduce the rate of reoffending. I am also pleased to report that the training of prison officers has recommenced following a hiatus due to COVID. Additionally, a number of upcoming UK specialist courses will be attended by officers soon.

485 Turning to the Gibraltar Courts Service, as reported in previous years, there continues to be no backlog at the Magistrates Court or Supreme Court in respect of dates being provided for criminal trials and civil and family applications waiting for first hearing dates. This year, all members of the judiciary, including Justices of the Peace, attended training on domestic abuse. This training was organised by my office and was delivered by two trainers from the Judicial College in England. The training was very well received by the judiciary, as communicated to me by the Chief Justice. The Government has invested in a new courts audio-visual and recording system. The works for this have now commenced. As Minister for Justice, I continue to work closely with the Chief Executive of the Gibraltar Courts Service to ensure that the courts' back-office administration is properly resourced to make certain that the level of performance and support to the judiciary, court users and the legal profession is maintained so as to continue delivering a timely and efficient justice system that is open to all. I am most grateful to Hazel Cumbo for her invaluable work and that of her team.

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505 Now the Government Law Offices. Since the last Budget speech, the Government's team of lawyers has continued to play a crucial part in delivering legal advice to the Government, shaping legislation and providing legal representation to all our law enforcement agencies. During the course of 2022 to date, the GLO has published 36 Government Bills, 28 Acts and 341 Legal Notices, of which only 15 were COVID related. After a lot of planning, last month saw the OCPL and the RGP begin a trial of the use of digital dockets in Supreme Court matters. Moving forward, the
510 intention is for the system to be used for all criminal matters at whatever stage of the criminal process. This will greatly improve information flow between OCPL and the RGP and reduces the need for physical criminal files and documents to move between locations. I thank the team for their hard work and advice.

515 I turn to my responsibility for the Fire Services. First to the Airport Fire and Rescue Service (AFRS), which continues to enhance its operational response capabilities by investing in developing its staff and resources. In this respect, a number of professional and other relevant courses have been undertaken throughout the past year. As core participant in any airfield aircraft emergency, the AFRS has an obvious primary operational response role. Beyond its continual training, it also participated in a number of multi-agency exercises, but more directly in the
520 airfield's biennial aircraft emergency live exercise. This involved working on the ground with airfield stakeholders and various other responding partner agencies, participating collaboratively at all levels and learning from this to improve and enhance the effectiveness of the response plans. The training throughout the year has consisted of First Response Emergency Care Level 4 qualification, the whole of the AFRS team undertaking the Safeguarding Children and Young Adults
525 Tier 1 training, and a senior officer attending a Chemical, Biological, Radiological and Nuclear Strategic Command course at the College of Policing in the UK jointly with a Gibraltar Fire and Rescue Service (GFRS) senior officer. Continual professional development and the maintenance of skills is central to the ethos of the AFRS, which is periodically scrutinised by inspectors from both the Defence Fire Safety Regulator and the Civil Aviation Authority. Such external reviews enable
530 the organisation to gain assurance and verification that it is performing and delivering a service in accordance with UK and internationally mandated standards, as the aviation industry allows no room for complacency. Ensuring the organisation continues to develop and widen its skills base with adequate resources and facilities is fundamental.

535 Now turning to the GFRS, this has been a year of numerous challenges for the GFRS as an organisation that prides itself on setting high standards of performance in the community. The staff have faced circumstances that have taken them to the extreme in terms of risk exposure, with the aim of resolving incidents and keeping the impact on the community as low as possible. Let's not forget the heroic efforts of the firefighters this time last year when they were called upon when the fire broke out at Power's Drive. I was with the Chief Fire Officer as events were unfolding
540 and we cannot underestimate how these firefighters run to danger to keep us safe. To this day, the GFRS is still trying to recover from the effects of the pandemic, in terms of training needs and the maintenance of their competences and frequencies in line with UK National Operational Guidance. With the ongoing growth of Gibraltar's landscape, amendments to fire safety standards and innovative fire engineering solutions, the GFRS Fire Safety team is constantly challenged and
545 does a magnificent job in the anticipation of risks, subsequently contributing to our frontline operational preparedness. They continue with their primary objective of implementing and adopting any measures or procedures necessary to ensure they maintain competence and provide the best possible level of emergency response to safeguard Gibraltar. Works have commenced to develop and modernise the internal incident reporting, human resource management and
550 dispatch/operational support systems. The main objective is to improve efficiency in emergency response and day-to-day working practices. As we work on the transfer of the ambulance dispatch from the GFRS to the GHA, there will come a number of changes in protocol; however, the GFRS fire control operators will maintain a level of knowledge in some overlapping areas in order provide resilience, if required. The GFRS continues to form a vital part of Gibraltar's ongoing
555 development as a modern and, more importantly, safe community with significant involvement

in major projects, public events and residential developments. The aim of their involvement in these projects is not only to familiarise themselves with potential risks in order to adapt SOPs, but also to ensure that new-builds comply with fire protection safety standards aimed at saving lives and assisting Fire Service operations. For the work of those who work in both of these organisations we have to be extremely grateful.

I turn now to my portfolio as Minister with responsibility for regulation. I will start with Town Planning and Building Control. The department continues to deal with large volumes of applications, having received a total of 589 applications since 2022. The DPC held a total of 12 meetings in 2022 and the DPC's sub-committee that determines more minor and less contentious applications held 24 meetings during 2022. The tender process for a new Gibraltar Development Plan and the preparation of a new plan is under way with the tender having closed on 25th May. Bids are now being assessed and once the successful bidder has been selected, work on the new plan will commence. During the course of the year, the department has been actively recruiting professional town planning and building control staff to fill various vacancies that existed. As a result, in the next couple of months the department's professional staff complement will be back up to full strength. This will ensure that the department is appropriately staffed to deal with the volume of work. The department is currently 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. This consists of updating all remaining parts to bring them in line with the UK and European standards. This will enable the Building Control staff to ensure that standards are maintained and best practices achieved and will ensure the health and safety of both the users and occupiers of the built environment. A simultaneous review of the relevant sections of the Public Health Act is also being undertaken in order to provide Gibraltar's first Building Act. The department will be working on the development of structural building codes for both seismic and wind that will take account of Gibraltar's unique geology and topography. It is important that new buildings are designed to an adequate standard to ensure that there are no catastrophic failures, such as those recently seen in the Syria/Turkey earthquakes. The Government will continue to ensure that the planning system is open and transparent and that we have an efficient and effective system of town planning and building control.

Turning to data protection, a complete holistic review of our GDPR structures and requirements was undertaken in August 2022. The review recommended that a restructure should be implemented to bring wholesale improvements and to allow for processes to be streamlined to create uniformity across all departments and authorities and remove dependency on a single individual. The restructure highlighted the need to prepare for future data challenges, especially as personal data and data in general are becoming a prominent feature in everyday life. In November 2022 I appointed a new data protection officer, Mr Michael Crome, to work independently as the public sector's data protection officer to implement these wholesale changes, having had this role embedded within the Gibraltar Law Office prior to that. Since this appointment, we have produced a new user-friendly data protection policy, together with mandatory training packages aimed at providing our employees with the right tools to be able to discharge their duties relating to the handling of personal data safely. We have introduced a number of other policies and procedures to assist data controllers to deal with the sharing of data, data breaches, subject access requests and data protection impact assessments. A full compliance programme has now been designed, and individual data controllers are being assessed by our data protection officers to ensure that they adhere to their legal obligations within the Data Protection Act and GDPR. The next phase of the restructure will be to appoint data protection champions embedded into departments to enhance the level of compliance. I thank Mr Crome for his innovation since taking over this responsibility. The Gibraltar Regulatory Authority continues to regulate their statutory areas of responsibility. These are data protection, broadcasting, cyber security compliance, higher education, electronic and radio communications, postal services and competition.

Turning now to the Office of Fair Trading, I will start with mention of work on the Fair Trading Bill, which is on the Agenda of this House. To ensure that the new legislation appropriately supports our business community, this has been done in consultation with the Gibraltar Federation of Small Businesses and the Chamber of Commerce, and I am grateful to my friend
610 Minister Isola, who commenced this piece of legislation, for his assistance in this regard. The new legislation will create a better framework for the OFT, ease the establishment of new businesses by simplifying the licensing process, better protect Gibraltar consumers and allow the OFT to set trading standards.

615 I shall move on to each of the OFT's core responsibilities, starting with business licensing. The authority has now issued 386 new licences over the course of the last financial year. This is a positive indicator that Gibraltar continues to be an active and resilient business community despite Brexit-related uncertainties. A total of 846 business licence application notices were published over the same period. On average, the OFT therefore processed over 16 applications a
620 week, with a maximum of 31 applications in a single week. The OFT is currently in the advanced stages of testing a new software package. Once fully developed, it will permit the licensing team to process these consistently high numbers of applications quicker and more efficiently and allow it to deliver an improved service to the business community.

Turning to consumer protection, the OFT's Consumer Protection team processed a substantial
625 381 complaints from Gibraltar consumers during the past financial year. Of these, 60 led to investigations.

Finally, I refer to the OFT's anti-money laundering and counter-terrorism financing supervisory role. The AML team has dedicated significant efforts to contributing to Gibraltar's ongoing review by the FATF following the Moneyval Mutual Evaluation Report in 2019. This has involved face-to-
630 face meetings in Paris with the FATF, where the OFT's supervisory role has been assessed for effectiveness. The OFT has continued with its onsite visit programme for real estate agents and high-value goods dealers, carrying out 18 visits on a risk-based basis. These have resulted in nine fines for breaches of AML/CFT legal obligations amounting to £11,400.

Now moving on to Civil Contingencies, after three years of battling through the COVID-19
635 pandemic, 2023 feels to be the year that we have finally returned to normality. The World Health Organization's determination in May of this year that COVID-19 is now an established and ongoing health issue which no longer constitutes a public health emergency of international concern is very welcome news. That said, we have had a few potential scares in the last 12 months where we have seen new variants emerge, such as the Kraken variant, which was detected in Gibraltar
640 in January 2023, and, more worryingly, China's decision to open its borders, with the inherent risk that unknown variants of concern could enter into circulation. In response, the Government, like most of the rest of Europe, promptly reintroduced travel restrictions as a preventative measure, but after closely monitoring developments we were delighted to be able to progressively scale back from a heightened posture. Certainly, doing away with the last of the COVID-19 emergency
645 regulations on 17th March this year, after an uninterrupted period of 1,130 days of active emergency regulations, felt like a hugely significant milestone and the start of a new phase in our lives.

While the last 12 months has been largely positive – Mr Speaker, please excuse the pun – on the COVID-19 front, it has, however, reminded us of the importance of being fully prepared to
650 deal with every eventuality. Indeed, the Office of Civil Contingencies, together with our emergency services and other responding agencies, has again been put to the test as Gibraltar has been required to respond to an unprecedented number of back-to-back emergencies, with some of these major incidents taking place concurrently. Separate strategic co-ordinating groups were activated to manage the response to incidents such as the escalating monkeypox global outbreak
655 first detected in Gibraltar on 31st May 2022, the fire in Power's Drive Tunnel and the subsequent damage to our water's critical national infrastructure and very significant disruption to our water supplies, and then the collision at sea of the *OS35* and *Adam* LNG vessels that could have potentially resulted in a major environmental disaster for the region. I applaud the efforts and

660 professionalism of everyone involved in keeping Gibraltar safe through what has been a very difficult and challenging time.

665 Aside from the recent events that have directly impacted on our community, it is evidently clear that we live in an increasingly volatile world in which we have recently witnessed the devastating impacts of the COVID-19 pandemic, the war in Ukraine, cybersecurity challenges and climate change. The threat picture continues to evolve and it is therefore increasingly important that Gibraltar continues to regularly monitor emerging risks and threats to ensure that we remain best prepared for any and every eventuality. In this respect, the Office of Civil Contingencies, through the construct of the Gibraltar Contingency Council, has continued to work very closely with the emergency services and other first responders. In the last few years we have seen at first hand that we are not cocooned from the potential of harm and, despite our best efforts, bad things can happen and will happen from time to time. It is for this reason that we will continue to develop our capabilities, build on our foundations and strengthen our resilience so that we can better prevent, mitigate, respond to and recover from the numerous risks we face. The work that the Office of Civil Contingencies co-ordinates in conjunction with other partners in the field of emergency preparedness, resilience and response is key to us as we strive to protect our national security and become more resilient through the optimised use of all our capabilities.

675 Except for the conduct of operations, training is a most important activity, as success is dependent on high-quality and realistic training. Being ready for response operations is what drives the training requirements, and our emergency services and other first responders must continue to train to attain the highest of standards at the individual, organisational and multi-agency levels. The ability of different organisations to work together is a must and it is for this reason that multi-agency interoperability training lies at the heart of what we do. Throughout the past year, the Office of Civil Contingencies has, through the establishment of exercise planning groups, led, planned, organised and conducted a series of complex multi-agency training events and exercises to practise and test a number of Gibraltar's major response plans. In the last nine months alone, such multi-agency live exercises have included the testing of response plans to a marauding terrorist attack, a radiation emergency, aircraft post-crash management and the new Kingsway Tunnel. Additionally, Civil Contingencies have co-ordinated and delivered a number of table-top exercises and multi-agency command training events. In the last month, the office has facilitated training on event safety for both event organisers and members of the Safety Advisory Group. It has also engaged with the UK's Counter Terrorism Policing National CBRN Centre to facilitate the delivery of operational and tactical command training for chemical, biological, radiological and nuclear incidents.

695 The Office of Civil Contingencies has played and continues to play an instrumental part in the preparedness and response to civil contingencies. The department's contribution in this field has been and continues to be hugely significant. The small team of three at the Office of Civil Contingencies is fiercely committed to its core role and works incredibly hard, in partnership with other stakeholders, to develop existing and future capabilities and ensure that Gibraltar is prepared to deal with any risk manifesting itself, however unpredictable it may be. I am grateful to the team at Civil Contingencies, and knowing their dedication as I do, I feel that Gibraltar is in safer hands if we have to call upon them.

700 Mr Speaker, while of course I have every confidence that we will win the next election, I will end my Budget intervention where I started, on the basis that tomorrow is never promised and being here is a privilege. I am proud of all our achievements, in particular making Gibraltar a more accepting and inclusive place and our work on LGBTQ+ rights – our work for women, surrogacy and abortion are all legacy projects that we should all be very proud of – but particularly how the Chief Minister and the Deputy Chief Minister have led on Brexit, how we led on COVID – and I thank Minister Isola for recognising my leadership in his intervention yesterday – and the GHA's Reset, Restart and Recover programme that I commenced. The list is endless and demonstrates that we are a Government that cares and a Government that gets things done, a Government for which social justice is important and a Government that has given everything it can to the people

of Gibraltar. I have to thank my ministerial colleagues. For the last 12 years we have been a great team, a team of hard workers and a team of good friends.

715 Finally, I thank the staff in my office for their continuous support and all the work they do because they realise how important what we have to deliver is. And of course, Mr Speaker, my thanks to you, the Clerk of the Parliament and the staff.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Mr Speaker, with thanks to the hon. Lady for that speech, I move that the House should now adjourn to 3.30 this afternoon.

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Mr Speaker: The House will now adjourn to 3.30 this afternoon.

The House adjourned at 12.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.31 p.m. – 6.07 p.m.

Gibraltar, Friday, 14th July 2023

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The Gibraltar Parliament

The Parliament met at 3.31 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*]

Appropriation Bill 2023 – Second Reading – Debate continued

Mr Speaker: The Hon. Elliott Phillips.

Hon. E J Phillips: The Appropriation Bill, Mr Speaker, or the Budget, as it is commonly known,
5 seeks to debate the Book and ultimately an approval of the estimates of government revenue and
expenditure for the upcoming year. It will be of no surprise to Members opposite, or indeed the
public, that we will vote against the Bill, not because of some shallow argument hon. Members
have deployed opposite concerning not paying civil servants' salaries, but for substantive reasons
set out in the erudite contributions of the Leader of the Opposition, Mr Clinton, Mr Bossino and
10 Mr Reyes. Of course I look forward to the contribution of the hon. Lady on this side of the House
because it will be her last and she will be sorely missed by all Members of this House. (**Hon. K
Azopardi:** For now.) For now, Mr Speaker, yes. The Leader of the Opposition corrects me. She may
well return, but that is for her and, no doubt, for another Parliament. We will also, no doubt, be
treated to the skilful unpacking of the arguments deployed by the Leader of the House and the
15 Hon. Father of the House by my learned and hon. Friend Mr Feetham in his excellent cross-
examination of the real issues that are confined to this community. We will need the popcorn for
that one.

Mr Speaker, the Budget should be more than just the numbers. It is a Book which should allow
our people the opportunity to have their say on the way in which *their* money is spent on *their*
20 behalf and how this community is governed. The Budget this year comes very close to the start of
campaigning for the General Election, and therefore, whilst this has turned out to be a state of
the nation address, it is an opportunity to reflect on the Government's hopeless record on the
domestic agenda, which I will address – welcome, Mr Isola – in respect of health, the environment
and transport.

25 The Book, as we all know, does not reveal the true picture. It reflects half of the story and it is
a product of the way the GSLP puts up smoke and mirrors and a decade-long campaign to
denigrate the Opposition and our democratic institutions. We remain without a Public Accounts
Committee, which would go some way in attempting to restore public confidence and scrutiny of
how the Government spends the people's money. But the GSLP do not want oversight. They do
30 not want transparency. They do not want supervision by our democratic institutions. Instead, they
want unrestrained spending power of the people's money without recourse to this House and,
more importantly, to the people, and that is the difference between the GSLP and the GSD.
(*Interjection*) We are committed to oversight, we are committed to transparency and we are
committed to supervision, and they hide in shadowy corners playing monopoly with the people's
35 money. While Picardo plays, the people pay. (**Several Members:** Hear, hear.) (*Banging on desk*)
Let's just hope Mr Picardo does not land on the 'Go to Jail' tile. We will not vote for a Budget which
seeks to blind –

Mr Speaker: That is unacceptable. (*Interjection by Hon. E J Phillips*) No. The imputation was there. It has to be withdrawn and an apology given.

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Hon. E J Phillips: I will withdraw the 'Go to Jail' bit.

A Member: And an apology.

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Hon. E J Phillips: I apologise to the Chief Minister. There is plenty more to come, no doubt.

We will, no doubt, not vote for the Budget, which seeks to blind the public from the truth as to the state of our public finances. The people deserve to know the size of the financial hole, and we have told them it is £1.9 billion, created by all of them, not anyone else. No amount of spin or deflection is going to change that.

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I know the Hon. Mr Isola yesterday, or the day before – whenever it was, I cannot remember – wanted to refer to 1996 like it was yesterday, because that is all he has left in the tank. People are living in 2023. After 12 years of a GSLP administration, it wears a little thin, and frankly it is quite pathetic. Through hard, determined work, the GSD have won the public finances debate, and they, in turn, have lost the trust (*Interjection*) and confidence of the people of this community. Simply, the people do not believe in their lead spokesman, Mr Picardo, any more.

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This is not the Government's money, it is the people's money, and those on that side of the House have a duty to ensure that the public's money is spent prudently, wisely and with regard to the principles of good government. Our job is to scrutinise and, if necessary, vote against the Bill, as we will do again given the perilous state of our public finances, as demonstrated by the Hon. Mr Clinton in his dissection (*Interjection*) of the arguments deployed by the other side yesterday and today. I believe, and have done for some significant time now, that the people's money is being spent in breach of that duty and with little regard to those principles. In short, there has been very little alignment between the priorities of the Government and the real needs of the people of this community. Up and down Main Street and every street of our community, people decry the Government's haphazard approach to good government and spending priorities. Let us recall Line Wall Road, the debacle. Let us recall recently the unusual sign on Queensway, the 50 which was immediately returned to 40. What on earth is going on? No planning, no real thought, no agenda. Government mismanagement continues to plague our community and people know it, and they know who to blame.

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Over 12 long years on planet Picardo we have witnessed a Government embarked on a spending spree, particularly between the years of 2011 and 2015, without an appreciation of the potential curves ahead and not heeding our warnings of the potential for a perfect storm which could take the wind out of our sails. Gibraltar is a robust community, but we are not immune to what goes on outside. We consistently warned the Government of the perfect storm back when the Hon. Mr Feetham was leading the charge and we were all ridiculed by Members opposite. It was not a popular warning, but it was our duty to make the argument and warn the people of the potential problems ahead. (*Interjection*) Mr Feetham and Mr Clinton courageously conveyed warnings without thought to their political futures because they rightly stood up and called the Government out, and they have been proved absolutely right. When Mr Isola romantically – (*Interjection*) Mr Speaker, if the Chief Minister wants to call me Benny Hill – (*Interjection*)

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Mr Speaker: That is also – (*Interjection*)

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am very happy that the Government benches should keep completely silent for hon. Members, but hon. Members were not completely silent listening to us. We were talking to each other. If it was overheard, I apologise. *Benny Hill* was always a silent programme, Mr Speaker, so I cannot have meant it about the hon. Gentleman.

Hon. K Azopardi: Mr Speaker, I am certainly not offering silence when they speak.

90 **Hon. E J Phillips:** [*Inaudible*] waxed lyrical about the Hon. Chief Minister. He said the GSD could not be trusted with the public finances and the crucial Brexit negotiations. Of course, as always, he is completely wrong, Mr Speaker. I will tell him something for free: he talks about only one man being able to take us forward, but we have an army of yellow and blue men and women in the GSD ready to balance the books, reduce the debt, restore public services and get Brexit done.
 95 (*Interjections*) Compare that to a record of the one man sitting here opposite us who cannot even get the deal done before the Spanish General Election.

Mr Speaker, in 2015 and 2019 the Government embarked on a borrowing spree, mortgaging our housing estates to enable planet Picardo to expand, continuing to spend their way into the 2019 General Election. And who could forget, on election night in 2019, when the then Chief
 100 Minister-elect triumphantly announced, with staggering hypocrisy and a tacit acceptance that he had fuelled the public's appetite for entitlement, that the age of entitlement is over and the age of responsibility is upon us? In an almost Orwellian-type plot twist, the Chief Minister sought a realignment of his politics by moving directly into hard-set and longstanding GSD policy for his political survival. And then, as if butter wouldn't melt in his mouth, he told us to tighten our belts
 105 and be responsible, whilst continuing to spend and spend the people's money.

On Tuesday, he talked about his new litmus test: integrity, stability, affordability and social justice. Really? I could hear the screams of laughter when he ushered in the new rule for the management of public finances. (*Interjection*) Too little, too late, Mr Speaker. This is a man who, during his time in office, has amassed gross debt and indirect to the tune of £1.9 billion. This is
 110 not a record to be proud of. To tell people to tighten their belts whilst they enjoy millions at music festivals, champagne receptions and a Venetian palace at No. 6 would be a joke if it were not so serious. The debt will hang around the necks of our children and grandchildren for years to come, and only they are to blame. Where was the author of 'Picardo on the Principles of Public Finance' first edition in 2011 and 2015? He spent £750 million without a thought to the perfect storm
 115 scenario. Nowhere to be seen. It is all a smokescreen for winning just one more, so he can get up there with Sir Peter and Sir Joshua Hassan. But I am sorry, a fourth ain't coming. We all know it, and much more importantly, so does the public, and – let's speak to his gut – I think he knows it, too.

Mr Picardo's legacy will be a broken Health Service, no separate identifiable mental health budget, an abandonment of the 2019 green and child-friendly city, (*Interjection*) decimated public
 120 finances with a gross debt of £1.9 billion, filthy streets, filthy beaches, a concrete jungle, a broken society where the average worker is paying more in tax and the tax burden is resting heavily on the shoulders of working people, as excellently set out by Mr Clinton in his analysis with scalpel-like and forensic dissection (*Interjection by Hon. Prof. J E Cortes*) of both Mr Picardo and Sir Joe Bossano. The Minister for Environment says I have lost it. Still, 12 years later, no sewerage plant.
 125 The Minister for the Environment promised it over three manifestos and he still cannot get a sewerage plant. In a desperate attempt, he now begs for one more term in office. A vote for Mr Picardo is a vote for more debt. A vote for Mr Picardo is a vote for more jobs for the boys. A vote for Mr Picardo is for a failure in not getting Brexit done. A vote for Mr Picardo is stifling opportunities for our young people. The people who broke the system cannot be the ones to put
 130 it back together again.

On Tuesday we were treated to another golden gem: in less time than most of the rest of the world we have reduced our deficit and we are re-establishing financial stability sooner than most other nations on the planet. Is the hon. Gentleman serious? This was a funny one – I have never
 135 heard this one before, it is a new one for me: 'Ratio in our school classes better than Eton College.' That was a bit leftfield, I thought, to be honest with you. I think Eton has a ratio of 8:1. I do not know. He did not do the analysis for us, but I am sure he will do it in his reply. Our GDP: £2.74 billion forecast, representing 7.5% growth. Net debt has fallen by 22.4% of GDP, lower than the UK and most of the European countries. Oh, and my favourite, Mr Speaker: GDP per capita is
 140 £80,000 per person.

145 **Hon. Chief Minister:** Point of order, Mr Speaker. I did not claim, as the hon. Gentleman has purported to reply to, that the class sizes in our schools were better than Eton. I said that the class sizes in our LSF are better than Eton. In our LSF they are 2:1. *(Interjection by Hon. E J Phillips)* Yes, you were not here. *(Interjection by Hon. E J Phillips)* Mr Speaker, the hon. Gentleman was not here to hear what I said. If he has read what I said – *(Interjections)* No, maybe – *(Interjection)* No. He needs to check against delivery. My written speech is one thing. He is addressing what I said in this House and I said the LSFs in this House – 2:1 in Gibraltar.

150 **Hon. E J Phillips:** Mr Speaker, we will reflect on that comment, but I was reading from the script that was disseminated to the rest of this community. The rest of this community saw it, so if he is now correcting what has been sent out by his office, he needs to correct his office and sort it out afterwards. But let me take that point a bit further. I am quite happy to check it and come back to him. I am sure he will correct me in his reply, anyway, as he has probably done on his feet now.

155 My favourite, of course: GDP per capita is £80,000 per person, making us the third most affluent country in the world behind Luxembourg and Norway. So to recap, on planet Picardo we are fast approaching a surplus, we are one of the three richest countries in the world, and we are emerging stronger than ever before, to use his words. Is he for real? They say that men are from Mars and women from Venus, but I think Mr Picardo is from another galaxy. The third most
160 affluent country in the world. Does he actually think that people believe that?

Mr Speaker: Would you give way, because –?

165 **Hon. Chief Minister:** Mr Speaker, I am very grateful.

Mr Speaker: I think the Chief Minister has a clarification here. For the purposes of what you were saying, maybe you would like to listen it.

170 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman said that he read in the speech that has been disseminated to this community the reference to classrooms. Well, Mr Speaker, in the speech that has been disseminated to the community, in paragraph 130, where the reference to Eton is, it says:

I remember a Gibraltar where there was only one LSF and it was not well resourced.

Now I see a Gibraltar with better LSF facilities than most countries in Europe and with a better pupil to teacher ratio than anywhere else.

The ratio is better than classes at Eton, Mr Speaker.

175 It is directly a reference to the LSFs, Mr Speaker, so I would be grateful if the hon. Gentleman would accept that neither I nor my office have made any reference to classrooms other than LSF classrooms having a better ratio than Eton. So whether he was here to hear it or whether he read it later – and he told me he was not here because he was away *(Interjection)* making money – both of those ... That is what he said from a sedentary position. Whether he has read it or whether he has heard it, that is what I said in my speech and what we disseminated to the community, which puts all of the rest of the bluster into some sort of context as well, if I may say so.

180 **Hon. E J Phillips:** I think, Mr Speaker –

185 **Mr Speaker:** *[Inaudible]* he could have given way. The Hon. Chief Minister could have asked the Member to give way, but he chose to raise a point of order, and that is perfectly acceptable if information has been given incorrectly.

Hon. E J Phillips: Mr Speaker, just so that we can move on from this point completely, that is how I read it and that is how I presented it. If I am wrong, then I am wrong, but one thing he should not say from the position when he was having a sedentary exchange with me about making
190 money ... What I was doing, in fact, was making money for this community and developing business opportunities for this community, which I think all of us should be doing when we are on marketing trips abroad. I think we all do that – I think even the Hon. Mr Isola does that as well – for this community, to make sure that we thrive, and that is what we are all doing, so let’s put that in context as well.

195 We are described as the third richest country in the world. Well, tell that to the patients in our hospitals waiting for operations, tell that to the hundreds of people on the housing waiting list and tell that to the thousands waiting for delayed homes. Tell that to the parents who have not seen a dentist in years and tell that to young people stuck in dead-end jobs with no opportunity. And tell that – again, that we are the world’s third richest country – to those with disabilities who
200 are desperately in need of an allowance. Tell that to ordinary working families struggling to pay their mortgages and make ends meet. There is planet Picardo and there is planet everyone else. Whilst Mr Picardo plays, the people pay.

Mr Picardo has alienated vast swathes of working people who have now woken up with a double espresso shot, relying on us to put the ship back on track and sail her into a positive and
205 progressive future come the next election, and we will not let them down. At the next election there may well be two choices: a tired, financially feckless, uncaring GSLP Liberal administration which ran out of steam and ideas long ago; and a renewed, reinvigorated (*Laughter*) and regenerated GSD ready to work harder and smarter to restore fairness, good government and democracy, a diverse, determined GSD dead set on bringing back real economic growth, investing
210 innovation and balancing the books. The Chief Minister, on the other hand, now stands alone in the barren economic wasteland of tired ideas, spinning in his own dogma.

The combined impact of Brexit and COVID appears to have left deep lacerations on the Government, from which they are struggling to heal. It is easy to use Brexit and COVID as an excuse for all our woes, and boy did they lay it on thick and attempt to simply brush aside the neglected
215 domestic agenda. The big issue of the day, our future relationship with the EU, remains unresolved, and despite positive mood music from the Chief Minister, there is no end in sight, which is providing for a real lack of confidence in the Government’s ability to get the job done. As we approach the General Election, it seems reasonably clear that the Chief Minister wishes to focus on the Brexit journey so far and ask our people to trust him one more time as the only
220 person who is able to get this historic deal across the line. It would, in my respectful view, be a grave miscalculation on the part of the Chief Minister. Here, I am giving advice. If he attempts to revisit old ground and tries to turn this into yet another Brexit election, our people will simply not stand for it and we will not stand for it. The people will not be fooled a second time, (*Interjection*) and trotting out the same old debate one more time is not going to work. Focusing the election
225 on Brexit will focus on his failures in getting the job done.

As an aside, yesterday I listened with interest to the Deputy Chief Minister, whom I have always respected, Mr Speaker, and even he yesterday seemed totally disconnected when he was orbiting planet Picardo. As I sat there listening to the Deputy Chief Minister describe the Aldwych pedestrianisation, I thought to myself, ‘Has the DMC seen the state of our roads?’ The Aldwych?
230 It has been there for 800 years. I think we need to concern ourselves with what goes on here rather than the Aldwych in London. Perhaps we need a little focus on our roads. (*Interjections*)

Mr Speaker, I believe that our people have lost trust and confidence in the Chief Minister’s ability to get Brexit done. It is astonishing that in all this time he has failed to get the job done, and what sticks in the gullet, actually, for the people of this community, and indeed Members
235 opposite here, is the lack of respect he has had for us in this process. I must say that when summonsed to appear before the House of Commons Select Committee to be grilled on the reason why he has not got Brexit done – and, curiously, praising all British prime ministers and foreign secretaries – he gives us, the people’s representatives, snippets of progress reports in this

House. I think it is embarrassing that our Chief Minister trots off to London to be cross-examined
240 on his inability to get the job done whilst in this House he fails to provide us with the opportunity
to quiz him, scrutinise him on matters that affect us, our people, Gibraltar, not politicians sat 1,500
miles away in Westminster. The voice of the not so silent majority should be ringing in the Chief
Minister's ears, and any attempt by the Chief Minister not to allow for those issues to be fully
debated will leave the distinct impression that he is no longer capable of doing the job he started
245 back in 2011. Not one day passes where I do not hear complaint about the state of our roads, our
air quality, long hospital waiting lists, patients waiting for operations, failing to ensure our kids are
seen by dentists, poor planning leading to an unrecognisable Gibraltar and a lack of real
opportunity for our young people to thrive.

I am a staunch defender of Gibraltar – as we all are in this House, I hope – and wearing a
250 different hat, I promote Gibraltar with vigour and in one singular, unified mantra about the
benefits of relocating wealth and business to our shores, with no reference to politics, which
divides us. But when we come back to this place, once we have done that encouraging of wealth
and business to come to our shores, we must make sure we do the very best in producing that
product, and undeniably I take the view that we do not. When we go out to sell Gib PLC to foreign
255 investors, we must ensure that we can back up what we say and that the Gibraltar proposition
does what it says on the tin. I know Members opposite have been fortunate to visit British
Overseas Territories, and they all have their unique problems and challenges, no doubt, and we
do stand amongst the British Overseas Territories, but I think Gibraltar certainly can be a premier
jurisdiction of choice for international business. I absolutely believe that, but despite the successes
260 that we have had in our community in the 1980s and 1990s I think we are not even close to
achieving our full potential, I really do. I believe there is a real malaise and complacency which can
only come from a failure of political leadership to properly partner with the private sector in a
global pitch for the investment that should be made to Gibraltar.

Our grey listing has been damaging and that has to be accepted, and the delisting is acutely
265 felt across our industries. But what are we actually doing on the PR front? What messaging is being
disseminated by the Government to the outside world to mitigate the lack of confidence? Look at
the Cayman. Despite it also failing to get off the grey list, it presented a clear, positive message
for the benefits of moving wealth to Cayman and how they can achieve white listing. In these
countries they can externalise a positive message. Why can't we? Why is this Government
270 ensuring that we are not positively promoted, and what are we doing to ensure that people who
are already here do not leave our shores?

There is no doubt that the relationship we have with the British government is a strong one
and will always be, hopefully, a strong one. Has the Chief Minister nurtured the relationship? The
answer to that question is unquestionably yes, and it would be churlish of me not to recognise the
275 work that he has done in this area. We are British Gibraltarians with our own identity amongst the
British family of nations, but we are also different. We are also geographically European, and
whilst we have benefited enormously from our relationship with Britain, it is clear that many of
us feel we have a strong connection with Europe. Our history is, of course, wrapped up with Britain
and no doubt our future will be, too; but whilst there is alignment, so too must we promote,
280 protect and preserve our unique identity and offering to the world. Britain is no longer an
administering power, and in the main, save for defence and certain aspects of foreign policy, we
conduct our own affairs. But whilst the Chief Minister worked hand in glove with the United
Kingdom in his relationship build, that has not been matched by important reforms at home in
relation to, we would say, proper governance and transparency. Other jurisdictions of a smaller
285 size are light years ahead and we need to focus on better-functioning democracy which does not
revolve around planet Picardo. We can do better and we must do better if we are going to take
Gibraltar to the next level. That is exactly what the GSD will do, and that is exactly what the GSD
will be focused on in government.

Mr Speaker, our reform Select Committees of the House have never met. That cannot be right
290 by any measure and there is no excuse for it. Over the last week we have been treated to the

shocking way in which the hon. Gentleman has deliberately dealt with the diary of these particular proceedings. It has meant that our contributions to this House are parked to the late afternoon, consistently. That is what the record will show. The vast majority of them are late. I think I am the earliest one. I have been given the benefit of an earlier slot, *(Interjection)* but the vast majority, if
295 not all of our contributions, are at the back of the day in the most important week of the political year, and that is a shame. *(Interjection)* No doubt – *(Interjection)* We are here when –

Hon. Chief Minister: It's not about that.

300 **Hon. E J Phillips:** Mr Speaker, we are on summer hours. Everyone knows it.

Hon. Chief Minister: It's not about that.

Hon. E J Phillips: Mr Speaker, I do not think people will be tuning in from the beach. *(Interjections)* It is a deliberate move, *(Interjections)* to control the audience. That is all it is, plain and simple – everyone knows it.

Moving on, the world remains in recovery from the effects of the COVID-19 pandemic and healthcare remains the biggest single item for government expenditure. Pausing there, despite us asking over the last three years about where the mental health budget is, it appears nowhere in the Book. Nowhere in the Book is there a detailed account for the provision of mental health. That
310 is really disappointing and will cause much consternation amongst the hardworking mental health volunteers within our community who want to understand the Government's financial commitment to mental health. It will be recalled that the Mental Health Situation Analysis Report of 2019, which the former Minister, the hon. Lady, sat on for two years, *(Interjection by Hon. Miss S J Sacramento)* which was very critical of the lack of a mental –
315

Mr Speaker: Please sit down.

320 **Hon. Miss S J Sacramento:** I am sorry –

Hon. E J Phillips: Am I allowed to finish?

Hon. Miss S J Sacramento: I did not sit on anything –

325 **A Member:** The Government.

Mr Speaker: A point of order –

330 **Hon. Miss S J Sacramento:** – for two years.

Mr Speaker: Please resume your seat. Let me clarify *(Interjection)* in terms of the usage of points of order. On 20th July 2021 I made a ruling which covered a number of issues in the general subject of points of order. There are two things that I would like to bring to the attention of both sides. It says here:

The Speaker of the House of Commons allows the use of Points of Order to effect a factual correction of a Member's statement. This will be permitted in this House. However, when so doing the Member shall not introduce any new matter.

What will not be permitted is the use of Points of Order when a Member who is speaking refuses to give way.

335 **Hon. E J Phillips:** Mr Speaker, the Minister, from a sedentary position and before ... I am grateful for that guidance, Mr Speaker. It is clear that our statement should be that the *Government* sat on the report for two years because, of course, Mr Balban received the report on

29th April 2019 and then there was a new Minister in place thereafter. And so it is more correct – and I am grateful for the correction by the hon. Lady – that the Government ... That is the point that we make, that from April 2019, in a period approaching two years, the report was not disclosed to the public. That is the correction, Mr Speaker. I am grateful.

It was said by the report that the mental health budget back in 2017 amounted to 6% of the overall GHA spend, which they calculated in the report to be approximately £7.2 million, I believe. Last year, when we asked the question in relation to the mental health budget, we got a figure of around £5.4 million in exchanges, but despite that, there is nothing in the Book that sets that out in any detail that helps members of our community understand what the financial commitment to mental health in this community is. What I would say – *(Interjection by Hon. A J Isola)* Mr Speaker, am I allowed to finish? *(Interjection by Hon. A J Isola)* Yes, I will give way. I will be gentlemanly.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): I am grateful, Mr Speaker, but when I answered those questions in the exchange we had in Parliament, I explained where that number had come from. I also explained that there was expenditure amongst the entirety of the GHA budget that was dedicated to mental health and I told him it is much higher than the £5 million. We exchanged that. What the hon. Member is complaining about is that it is not clearly set out in the minutiae that they would like in the Estimates, but the full amount of the mental health expenditure of course is in the Budget – not on a particular page with the number which you can refer to, but it is all in there, as it always has been. I do not understand what the issue is, Mr Speaker.

Hon. E J Phillips: Mr Speaker, that is not, with respect, a clarification. We stand by what we say in my contribution to the House in relation to the identity of a mental health budget in the Book: there is none. We stand by that position. That is not a point of clarification that he makes, and I will move on. *(Interjection)*

Where is it this year, Mr Speaker? Well, it is nowhere to be seen this year. We do not know, because obviously during Mr Isola's contribution he went off script and actually said very little indeed and devoted very little time to the most important part of healthcare: mental health care. He produced this, a little handout – prepared, no doubt, by his officials – and made only a cursory reference to those services within that speech, within that document. Not good enough, Mr Speaker. He is paid over £100,000 a year to do his job and he cannot even tell us how much the Government spends on mental health provision. Woeful. No wonder people are asking us, up and down Main Street, when we will kick this lot out. Well, the answer was given to us by the Chief Minister: the autumn.

It is clear that the GSLP Government continues to fail those afflicted with serious mental health disorders. Yesterday we saw a masterclass in misinformation and deflection by the Health Minister, Albert Isola. I know that he is truly good at that, constantly referring to the GSD of 1996. Are we being serious? Are people outside really concerned with the politics of 1996? They are worried about paying their mortgages and food prices, they are concerned about seeing a doctor and getting their kids to see a dentist. Not once did the Minister in his half-baked contribution explain yesterday why they are underbudgeting for the GHA in the sum of £23 million. Not once. He comes to this House, the Minister for Health, and does not explain that. Shocking. Our forecast outturn for 2022-23 was a sum close to £150 million, and whilst we expect to spend less during 2023-24, past figures demonstrate that we will spend the same or even more. The Government has struggled in controlling waste and the cost of healthcare within our community, and their suggestion that they will spend less on healthcare when inflation is staggeringly high is a fantasy, as the Leader of the Opposition set out in his masterclass when he was on his feet. There is no or little imagination, no innovation in healthcare. Complaints are at an all-time high and no amount of spin that we have heard from the Chief Minister or the Minister for Health is going to convince

390 the people that they have got a handle on waste within the Health Service, or indeed the finances concerning the Health Service.

In 2021 – and they will remember this because they effectively copied – we set out a positive and progressive set of proposals for the reform of our Health Service, which included the appointment of a CEO and a CFO in order to provide strategic leadership and financial supervision at the highest level. We also proposed removing the Minister for Health from the Hospital. We
395 also proposed the introduction of a Care Quality Commission that would independently monitor and audit standards of care. Save for this most important Care Quality Commission, the Minister has copied them all – and I am glad he has. I am very glad that our constructive policy has won the day and they have fully endorsed GSD health policy. I congratulate him for his efforts but I cannot congratulate him for some of the execution of his efforts – that is affording too much credit to the
400 hon. Gentleman. Whilst we welcomed, at the time, the proposals, it is clear from regular feedback sessions, which purport to allow the GHA to engage with members of the community, that it has become a political platform on which the current Minister can shield himself from criticism. There have been – wait for it – five Ministers for Health over 12 years, and the most recent rookie recruit, Mr Isola, has only been in office for 12 months. (**A Member:** A spring chicken.) A spring chicken.
405 Whilst the GSLP play musical chairs at the Health Ministry, the people pay the price for a lack of strong leadership at the top, and in an organisation which costs the taxpayer almost £150 million not one of them has the capability or the capacity to pull at the reins and lead from the front. We were told that these GHA public meetings were meant to reflect the good, the bad and the ugly within the GHA so that they could allow for a deep level of introspection and appreciation for the
410 Health Service by learning from their mistakes, but it comes as a platform for the Director General to tell us how brilliant and how magnificent our Health Service is.

A Member: And we should be grateful for it.

415 **Hon. E J Phillips:** Yes, and we should be grateful for it. Presumably those were the instructions of the Minister to ‘only set out the positives, do not tell them the bad stuff’.

Putting politics to one side and for a moment pausing there, our thoughts must go to Prof. Geoghegan and his family as they battle their way through this very cruel disease, Mr Speaker, and our thoughts on this side of the House are with him and his family.

420 Between the Hon. Mr Clinton and I, we have attended every single GHA public meeting and it has all become a quarterly party political broadcast by the DG on behalf of the Government. That must change, Mr Speaker. How far removed is that from reality? Not one day goes by without a complaint about cancelled or delayed operations, children being able to see the dentist, prescriptions or a Health Service in crisis, but we are told in this House by the Minister for Health,
425 ‘Blame the people, they cancel the appointments.’ That is the language coming out from the Government: blame the people. On planet Picardo – and his consummate salesman, Mr Isola – the GSLP are never wrong. There is always someone else to blame. Sorry, Mr Speaker, I am in error. There was one recorded apology, and that was the Line Wall Road disaster by the other rookie in the room when he was promptly removed to another Ministry. On the question of health,
430 it was said by them that it was the people themselves who were to blame. As Picardo and Isola play politics, the people pay.

On Monday we were told that the GHA would spend £129 million. In other words, £23 million less than last year. How is that even possible? Everything is more expensive. Not once did they explain this in their contribution. Is it the great massage of the numbers? Every year, the GHA
435 budget is blown and this year will be no exception. So whilst they report a surplus, how are they going to magically cut the GHA budget? I hope they have told the doctors, the nurses and our healthcare workers that despite reporting a surplus, or projected surplus, he will be cutting services. I wonder how they feel about that, when morale is at an all-time low. The GSLP will cut visiting consultants by £700,000. The GSLP will cut the drugs and pharmaceuticals budget by
440 £2 million. They will cut prescriptions by £2 million. They will cut sponsored patients by £3 million.

They will cut medical surgical appliances by £1 million. They will cut office equipment in the GHA by a staggering 85% of what they spent last year. They will cut supported living in the community by £1 million. On planet Picardo, things must be cheaper. Much cheapness, like a cheap, second hand car salesman, but when we take the car out of Pici's prize showroom after being sold the car by Uncle Bertie, we will soon discover that it does not have any wheels on it. As Mr Picardo plays politics, it is the people and our healthcare professionals who will pay the price further down the road. Is he honestly saying that the cost to send someone to the UK or Spain for treatment is cheaper? Does medical equipment somehow cost less these days? Everything has gone up, but on Picardo's planet he estimates spending less on healthcare when healthcare is going up each day. It does not make any sense whatsoever. It is, as the Leader of the Opposition has said, a work of fiction and no one should believe an ounce of what he has said in this House.

Mr Speaker, the people and the GSD will set the 2023 agenda for the election and we will send a clear, unambiguous message that a GSD Government, just as it did in 1996, will engage in a radical, positive reorganisation of our Health Service and we will leave no stone unturned when we open up the health Book. The GSLP have forgotten where they come from and they are now known, as I have said before, as being the party of rich developers and champagne socialists. We are now seeing the results of a decade of political interference and mismanagement of the GHA, which has led to low morale and is affecting services to patients and families. From day one of our administration we will work tirelessly to restore public confidence in our GHA, which has been damaged by this Government and a decade-long mismanagement of our Health Service. That is our promise to the people.

Mr Speaker, as for the environment, they discarded their green and child-friendly city as soon as they were re-elected back in 2019. Well, that is commitment. *El Jardinero* really needs to try harder, I think. The only thing green about him is the number of green Bills that are produced in this House – reams of new laws without the slightest idea of providing our law enforcement agencies with the tools to enforce the law of our land and at sea. We continue, as I have said – as he invited me to bait him – to pump raw sewage into our seas despite the commitment being promised over a decade ago. Despite laws preventing black smoke emissions, we continue to allow ships to discharge noxious fumes into the bay. Twelve years of failure. Damage to our waters by lack of a sewerage plant. The Professor says he is disappointed. I think it is a bit more than that. He should be ashamed of himself. 'Don't worry,' he said on *Viewpoint* – do we all remember this? – 'Mr Phillips is wrong. He's always wrong about everything.' It just simply floats away. Corporations in the United Kingdom – Thames Water, for instance – have been slammed for depositing raw sewage into rivers in England, and our Minister for the Environment, (*Interjection*) has allowed, for 12 years, raw effluent to go into our seas. Shame on him! I really do think our community wants to see *him* float away at the next election and tend to his geraniums, or whatever he wants to do – but perhaps we might allow him to look after Commonwealth Park once he is dismissed by the public. How can he honestly pretend (*Interjection*) to be the guardian of the environment when our laws are breached and ignored in relation to fishing? Wonders cease to amaze.

This is a classic, this one. We will, before the next election, no doubt see him at the top of the Rock delivering a soliloquy expressing regret for not having done enough, in a below-average performance begging the people to re-elect him. That was a charm. I would love to see that video go out again. At the end of the day, all the public will see is an average actor, a part-time gardener and a half-baked commitment to green Gibraltar. (*Interjection*) One example of how short-sighted he is ... One of the ideas that we have been trailing is when we are producing these buildings in our community and when we are laying new turf and new ground and roads, why can't we incorporate some form of irrigation system that irrigates our plants? No. What the GSLP do is send out smelly, diesel bowsers that are watering our plants. You cannot make this stuff up. Diesel bowsers trundling across our streets into ... I see it every morning. And so they are watering plants to make Gibraltar look greener and they are pumping out diesel at the back. Come on! Green credentials? You could not make it up. That is his legacy: children's parks surrounded by polluting

vehicles, poor air quality, massive levels of respiratory disease and asthma, allowing fleets of commercial vehicles to pollute our town with no real incentive to persuade those businesses to switch to EV. But hang on, EV hybrid is the GSLP policy. We hear this morning from the learned Minister for Transport that conversion to EV and hybrid is not the answer. So what is the policy? Is it green? Is it the ideas of the cycling Minister? What are they, Mr Speaker? Over 45,000 registered vehicles on our streets, and we are not making any inroads into removing these polluting vehicles. Dirty streets. Come on, we all know our streets are filthy – let's get a grip – and, of course, the raw sewage. But the Professor's legacy is filling up our statute book with laws, with toothless measures and a real lack of support for the men and women upholding those laws in our community, with no training. When we raise the issue and call out his legacy for what he does, he blames others: 'Oh, it's the people who pollute and dirty the streets. We are cleaning them, but everyone else is to blame.' The GSLP is never to blame. No vision. At least the Hon. the Father of the House, Sir Joe Bossano, understood the gravity of the situation and what we can do, and that has to be respected.

Mr Speaker, the Minister for Transport set out his vision yesterday with passion, and I do not think anyone in or outside this House will disagree that we need to make changes to improve our quality of life and health in our community by reducing overreliance on the car. I think everyone accepts that. We have offered our in-principle agreement to his vision and we have reserved, as we have always done, and which I think he accepts as well, the execution of the Active Travel Strategy, and I am sure that he and I will liaise – hopefully before the next election, but maybe not. The problem we have with the Minister's plan is that it does not enjoy the support of all the hon. Gentlemen and Lady across the floor of the House. I really do think that he should not use a sledgehammer to crack this nut. He has consistently declared a war on cars, but I encourage him not to do so. I think he needs to win the hearts and minds of people. He knows that in this business there are no quick wins in Gibraltar. Car use is in our DNA and it will take time to change that. I understand we are going to change it, but it takes time. You cannot force it down people's throats, as the Hon. Minister tries to do. He speaks of choice, allowing people to choose how they move around our city, but all of his actions so far have seen the vulnerable, the elderly and the disabled struggle to move around our city. How does he expect the young, the old and the mobility challenged to walk our streets when they are in such a state of disrepair? Come on, seriously. Badly organised pavements, potholes and trip hazards are just a few of the daily challenges presented to people, and by driving this single-minded attitude and love for cycling, he is neglecting those people. Change will happen and I am with him, but it takes time. He claims to be the Minister for Urban Mobility rather than Transport, but his ideology, unfortunately, is not matched by the financial commitment to put that in place and the innovative infrastructure that should make walking around our community a pleasure. I admire his passion for cycling, but forcing it down the throats of those who, for whatever reason, do not choose the bicycle is not right. His one-man crusade against the car has not worked. He needs to be more collaborative and considerate in his approach to encourage buy-in, and in that regard he has failed to bring those people along with him, but he can. It will take time, and I acknowledge that. Whilst the Minister is right to set those high expectations, I think he needs to temper that ambition and be realistic. I am confident that in time he will get there, but bold, drastic changes can be painful, particularly for the older generation and those with mobility issues. I have dozens of complaints about traffic, mainly about the inequality. Yesterday, he declared that replacing the combustion engine with EV or hybrid is not the answer. It is a confused message because the Government has encouraged our community to buy EV and hybrid. The Minister says one thing and the rest of the team say another. It is disjointed, it is confused, and I would encourage him to reflect on his policy.

In conclusion, Mr Speaker, it is clear to our community that the pendulum has swung, and clutching on to power in the last throes of the Picardo empire is inelegant and is not in the interests of the people who put them there in 2011. The time has come for him to leave this place, issue the writs and dissolve the House. *(Banging on desks)*

545 **A Member:** Hear, hear.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: [*Inaudible*] that I finish my speech. (*Interjection*)

550 Mr Speaker, for the sixth successive year I have been asked to round up on behalf of the Opposition by my hon. Friend, the Leader of the Opposition. It is the reason why I have been typing away, as you rightly observed yesterday. There is much to say.

Together with my hon. Friend Mr Reyes, I am the longest-serving Member on this side of the House. On the way here this morning a young lawyer said to me, *mi padre me dice*, '*Que mayor está Danny.*' Being the polite fellow that I am, I wished him well whilst repeating to myself, through 555 gritted teeth, the immortal words of Minister Bossano when he challenged me to meet him outside this House: 'You may be younger and stronger than me, but I can still take you.' (*Interjection and laughter*) The same words that bubble through my mind and that I might repeat to the young Turks within my party if I were so inclined, but alas, the fire does not burn within the belly the way it used to. Others from that side have served longer than me, but for me, 23 years 560 in frontline politics is half my life and it has been a huge privilege, from representing Gibraltar at the United Nations to forming part of the delegation that negotiated a new Constitution with the United Kingdom, to being Leader of the Opposition. Others who may have faced the same circumstances that I faced in 2011 and also in 2019 may have bailed out, and I am proud that I did 565 not do so myself. (*Banging on desk*)

As we close another parliamentary term, I want to thank everyone who has shared that political journey with me – from you, Mr Speaker, to past Speakers and members of staff who have been phenomenally helpful to me. I also thank my ministerial colleagues and shadow 570 ministerial colleagues, and I want to say that I feel immensely proud that I was, in some small way, a catalyst for Mr Clinton and Mr Phillips to become MPs, and indeed the hon. Lady to my left. I want to say to her that she has done very well indeed and there is no shame in taking a break from politics.

I also want to thank all those Members opposite who responded over the years to my requests for assistance on behalf of constituents, but in particular, on a personal level – and I had written 575 this speech before someone told me that the hon. Lady had been kind to me during her own speech, so this is not a quid pro quo – the hon. Lady opposite for the positive impact that she has had on people like my niece in relation to the surrogacy issue, which was so important to her as someone affected by womb cancer at 17 years of age, but also many others who, for different reasons, cannot bear children naturally. (*Banging on desks*) She also deserves credit in other ways. 580 Some of my closest family members are gay and they can now marry in their homeland. For my part – and I speak only for myself – that is hugely important and I agree with her that it has been transformative, even though I may have huge concerns about some of the direction of travel internationally. I also want to take this opportunity to make this point, that as long as my hon. and learned Friend Mr Azopardi remains Leader of the Opposition and leader of the party, there is no 585 turning back on those reforms. (**A Member:** Hear, hear.) (*Banging on desk*)

I also wish all Members the best of luck for the future, including, and despite the political barbs at the beginning and during the course of this speech, my main political opponent over the last 22 years, the Chief Minister. He may not be elegant, but I would like to think that I am, in some 590 small way. My best was not good enough, but I know I gave him some sleepless nights along the way, and I have to say I take comfort from that. (*Laughter and banging on desk*)

I am afraid that is where the pleasantries end, Mr Speaker. (*Laughter, interjections and banging on desks*) Every year since 2012 we have criticised the Government for systematically destroying the ability of Parliament to properly scrutinise our public finances in any meaningful way, but this annual debate more than any other has, over the last 12 years, epitomised the deep political and 595 philosophical divide between this side of the House and that, a divide that extends not just to the public finances of Gibraltar but what kind of future we want for this community, the type of

600 politics that should shape that future and the way we should be doing things when entrusted with the affairs of this community: honesty versus political dishonesty, prudence versus recklessness, transparency versus opaqueness, and accountability versus abuse of power. Whilst we advocate for prudent management of the public finances to protect the future of this community, they have stood for spending today without care for tomorrow. Whilst we warned about the culture of entitlement, they fed it. Whilst we warned of curves up ahead, they continued to drive like a juggernaut out of control. Whilst we recognised and warned that it is the less well-off who will ultimately pay the price for their mismanagement, they were content to put the future of those same people at risk for short-term electoral gain.

605 Yes, there is a divide between this side of the House and that, Mr Speaker. It is a political chasm, it could not be clearer, and the people of Gibraltar at the next General Election will have that very clear choice: do you want a government for all, or just a privileged few? Do you want a government that thinks it can get away with any abuse of power? A government that is visibly tired, whose shelf life is past its sell-by date? A government that clings to power, thinking that people have the memory of goldfish? A government that has so moved away from its core values that when the Chief Minister decries keyboard warriors with no sense of reality, the fact is that the majority are former activists of his own party, people who know better than anyone else that they have completely lost their way and are so far removed from the founding principles of the founding fathers of the GSLP and the ordinary man in the street that they might as well live on different planets?

615 Mr Speaker, when I say all that, I am hugely cognisant of the fact that the next four years could well be the toughest years this community has faced yet. It is a huge responsibility to govern over the next four years, but it is one that I know the Leader of the Opposition, Mr Azopardi, and his team are ready and willing to perform and do so well, a team that has both experience of government and opposition, a team that contains Members who have formed part of negotiating teams with both Spain and the UK. Mr Isola, to whom I am going to return in detail later on, cannot airbrush away the role that the Leader of the Opposition played during the joint sovereignty crisis or in negotiating a new Constitution with the United Kingdom. And of course we have the benefit of their support from the Opposition benches when they lose the next election because it is our policy to have one cross-party Gibraltar delegation when addressing international fora and negotiating our new relationship with the European Union. It is absolute nonsense that they are the only ones who can negotiate a new treaty with the European Union, absolute nonsense.

620 During this debate, no one on this side of the House has minimised the devastating effect of COVID and potentially Brexit, but it is not an antidote for their own failures. The seeds of our economic problems run much deeper, are more complex and lie principally, in my respectful view, at the door of hon. Members opposite. They are now reaping what they sowed in all those years when we were warning about the direction of travel, and they certainly cannot profess to have the cure for an illness that they themselves have created. On all key indicators – cash reserves, debt, the correlation between recurrent expenditure and recurrent revenue, failing to keep to budgets – the Government is susceptible to huge criticisms, and rightly so.

625 Both the Chief Minister and Minister Bossano spoke about the golden rule, in other words that we should not borrow to pay for recurrent expenditure, but recurrent expenditure had been catching up with us, catching up with recurrent revenue for several years before COVID. Minister Bossano said that he became concerned in 2018 and warned about it then. Every single speech that I have given in this House since 2014 has warned about the rise of recurrent expenditure and, indeed, the inability of Ministers to keep to Budgets. I know the Minister for Economic Development gives no credit to anyone, but where was he before 2018 on this issue? The Minister also attempted to explain away the failure of his colleagues to keep to budgets. The words 'unsustainable increase in the public service' and 'not keeping to budgets' are his words. They are not invented by us. Such was the discomfort of the Hon. the Father of the House in one interview that he blamed consultants for brainwashing Government Ministers into not being able to keep to budgets. In 2016 he blamed the pernicious consultants. Yesterday, he justified the lack of

650 budgetary rigour by saying that these are all just simply estimates. Where is the consistency in
that? They still cannot keep to budgets, as the Hon. Mr Clinton and the Leader of the Opposition
have demonstrated during their impressive, I have to say, interventions in which they rightly
pointed out, just by reference to the GHA budget, that the surplus is tenuous at best. In what
world does the Government think that it can cut the GHA budget by £23 million from last year,
when they have been barely able to keep – in fact, I do not think they have ever been able to
655 keep – to the GHA budget from the estimates in this Book year on year?

Mr Speaker, I have to say I have never met anyone – and there is a sneaky admiration that I
have for him on this front – with a greater ability to keep a poker face – of course, I am referring
to the Chief Minister – whilst making arguments that simply do not stack up, or that he knows are
prone to boomerang back in his own face. I genuinely admire it. He makes them nonetheless,
660 calculating that if he repeats something long enough he will be able to fool most of the people
most of the time. He said that the GSD had breached the legal borrowing limits whilst in
government and that we had kept it from the electorate in 2011.

Hon. Chief Minister: I did not say that. A point of order, Mr Speaker.

665

Hon. D A Feetham: Mr Speaker, there is no point of order here.

Hon. Chief Minister: There is a point of order, Mr Speaker. The hon. Gentleman has said –

670 **Hon. D A Feetham:** It is a badge of honour that ... You realise that you are disturbing me in
my –?

Hon. Chief Minister: Of course. Mr Speaker, the hon. Gentleman has said that I said that the
GSD had breached the legal borrowing limit and had kept it from the public. That is not what I
675 said. I said that we were told in the leaders' debate that the debt had gone up to £517 million and
that after that, after the election, we were told that if we needed a parliamentary resolution to
exceed the debt limit they would agree because they were about to exceed the debt limit. That is
very clear in my speech. It is completely different to what the hon. Gentleman says I said.

680 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the clear political inference of what he was saying was that
we had kept it from the electorate in 2011. That is what he really ... That is the sting, that is the
political point, and I am entitled to make that point without my learned and hon. Friend the Chief
685 Minister jumping up nervously and trying to put me off my stride. I am not going to be put off my
stride; I have been doing this for far too long.

Mr Speaker, let me denude that criticism of all political legitimacy with three arguments, and
in the process I am also going to be dealing with some of the points that the Father of the House
made during his own intervention. Firstly, he forgets that in that same election – he complains
690 that the GSD had breached the legal borrowing limit – he promised to spend £750 million in capital
projects, to cut public debt, to cut the effective rate of income tax to 15%, to freeze rents, rates
and electricity and to donate every single last penny of government surpluses to Community Care.
Let's take a step back and think about that for a moment: significantly reduce tax, massively
increase expenditure and donate all your spare cash to a charity. Did he, when he found out that
695 the legal borrowing limits had been breached, say, 'No, I am afraid we cannot spend £750 million'?
No, he did not. Did he say, 'Well, look, in light of the fact that the GSD have been borrowing so
much money that we are so near the legal borrowing limits, it is not affordable'? No. Did he say,
'Well, look, I am sorry, but because the GSD have done all of this, I cannot cut tax'? No. Did he say,
'Sorry, Community Care, I cannot donate my surpluses to you'? No. Did he win the Euromillions,
700 or did he strike oil or gas in the Port of Gibraltar in order to allow him to fund all those promises?

No, Mr Speaker. And, of course, that is all compounded by the fact that the very first thing that he did on public television within a month of getting elected in 2011 was to come out and say, 'My fellow Gibraltarians, I have found a £100 million black hole behind an impenetrable curtain.' The reality is that there is absolutely no validity to the criticisms of the hon. Gentleman of the Government that I was proudly part of.

Secondly, the real boomerang for the Government in the Chief Minister's handbag-at-six-paces swipe at the Opposition is that it was simply impossible for the Government to fund the promises made in 2011 without completely and utterly making the legal borrowing limits redundant, regardless of how near we were to those borrowing limits. This is precisely why they came to this House within a year of the election to amend the Gibraltar Savings Bank Act, to allow the Gibraltar Savings Bank to invest in anything and everything it wanted. It provided the foundation for the transfer of government debentures into the Gibraltar Savings Bank. That allowed the reduction of direct public debt, but it also allowed them to spend without real accountability. By that financial sleight of hand it allowed them to borrow well in excess of the legal borrowing limits and pay for the £750 million in capital projects funded by indirect government debt. Talk about politically dishonest financial re-engineering, Mr Speaker. Minister Bossano says we attack the Gibraltar Savings Bank. I say no, we do not. We attack the use of it to distort the public finances, or at least give a distorted view of what the Government is truly borrowing and spending. That is what we do. **(A Member: Hear, hear.)** Gibraltar Savings Bank deposits have grown by over a billion in 12 years to £1.1 billion. He calls it a rainy day fund. He has also called it a sovereign wealth fund. It is debt owed to savers and guaranteed by the Government. That is what it is. **(A Member: Hear, hear.)** But it is worse than just saying that this was a device to disguise public debt. Let me explain to the House why I say that.

Prior to 2012, government-owned companies were funded through direct funding from the Improvement and Development Fund. Government has two funds: one is the Consolidated Fund and the other one is the Improvement and Development Fund. To put things simply for listeners to follow, the Consolidated Fund is the Government's current account; the IDF is the capital or investment account, for which government-owned companies were traditionally funded. Usually, the IDF is funded through the Consolidated Fund, so if the Government makes a surplus – in other words, if it has spare cash – part of that money may go into the IDF to fund projects. Anyway, that is how things worked for years. From 2012, the government-owned companies began to be funded through the Gibraltar Savings Bank when Gibraltar Savings Bank debentures began to fund Gibraltar Investment Holdings, either directly in 2012 – at the time, I did not notice this, even though it was there facing me in a question that I asked the Father of the House – or, in 2013, through Credit Finance Company Ltd. Gibraltar Investment Holdings Ltd is the company at the top of the pyramid of government-owned companies and through which traditionally the Government has funded the entire government-owned company corporate structure. From almost the get-go some £330 million of Gibraltar Savings Bank debentures was being used to fund the cashflow requirements of government-owned companies and, indeed, their projects. That was disputed on countless occasions by the Chief Minister until Minister Bossano, post-election, yet again, was the Minister who came clean by accepting what was happening, but saying, 'So what?' Indeed, he went further. He told us, again post-election, that the money in government-owned companies, by now funded by the Gibraltar Savings Bank, and money in Government were pooled at Treasury level and controlled by what he described as 'the outfit' – in other words, the Government.

What does it matter? Of course it matters because it painted a completely and dangerously distorted picture of where the Government was spending money when it did not have the capacity to spend from its own resources and could not borrow directly. So when the Government comes to this House and says, 'This is our debt, this is our spending, this is our cash in the bank, this is our surplus,' it renders those statements meaningless without considering the wider picture in government-owned companies, which we have constantly said should be done when considering the financial health of this community. That is why Mr Clinton banged the Estimates Book on the desk yesterday and said it was ... I think the word that he used was 'worthless'. But equally

important, we would say it also simply demonstrated that they just cannot be trusted. That is the political point.

755 This brings me to two points that Minister Bossano made yesterday. One was how we had, in government, said that net public debt was the appropriate yardstick for debt, whilst now, in opposition, he says we are saying that it is gross public debt; and the second is about Gibraltar Savings Bank risk. On the first point, of course we go on about gross public debt, the nearly £2 billion that we have in direct and indirect public debt, but more importantly, we have no
760 visibility as to how that money is being spent. You see, Mr Speaker, net public debt is gross debt minus the cash that you have in the bank. Traditionally, it has always been very easy to calculate net public debt. The problem, of course, is that since they have been in government we just simply do not know how much money in government-owned companies they have spent and how much money is still sitting there, so it is an impossibility for us to talk about net public debt. Whether
765 we choose to talk about it in direct or indirect public debt, we simply do not have that information, and that has to be laid at their door, not ours. It is not inconsistency from this side of the House.

On the second point, he knows very well that prior to the changes they made to the Gibraltar Savings Bank Act, the Gibraltar Savings Bank could only invest in cash or cash equivalents. They changed the law in order to allow the Gibraltar Savings Bank to invest in anything and everything.
770 It is why they were then able to use that money in order to fund government-owned companies and Government projects. But of course, not only are those investments self-evidently more risky than how we invested that money, which was in UK Treasury gilts and bonds, but the Gibraltar Savings Bank does not have an investment board, it does not have investment guidelines, it has much riskier investments, poor corporate governance and absolutely no transparency because no
775 one knows what one person – and that is Minister Bossano – is doing with that money. I doubt that they even, on that side of the House, know or have a complete picture.

Hon. Ms M D Hassan Nahon: What about the stadium?

780 **Hon. D A Feetham:** Returning, Mr Speaker, to the criticisms of the Government that I served under, the third reason why the Chief Minister's criticisms boomerang back to him is Mr Clinton's point. We fought an election in 2015 where public debt was at the centre of the political debate and where we were saying that the Government was circumventing legal borrowing limits. They said nothing about the change to the legal borrowing limits in the 2015 election. Within a handful
785 of months from that election and without any electoral mandate they changed those limits in March 2016. Prior to that, there had been a direct correlation between the legal borrowing limits and cash reserves. That is because the legal borrowing limits were calculated at net debt of 80% of recurrent revenue, and net debt is calculated gross debt minus the money you have in the bank, which is what I said to you, Mr Speaker, a few moments ago. Because the Government did not
790 have enough cash in the bank, at one point as low as £30 million after their colossal spending spree in their first four years in office, they changed the formula for the legal borrowing limit to 40% of GDP, without informing the people of Gibraltar or getting that mandate beforehand – a formula for setting debt limits which was adopted by the Government of Bermuda, as I have said on previous occasions, years earlier, and which has led them to borrow to pay for recurrent
795 expenditure mainly in the public sector. That is why Bermuda is in deep financial crisis.

Finally, dealing with the criticisms, I remind the House of the Government that I served, and I am duty bound to defend the record of the GSD Government. Why his arguments boomerang is that he forgets that in that same election, in 2015, he somehow forgot to tell the people of Gibraltar that it was his intention not only to borrow £300 million more, but to mortgage the
800 estate of working-class people in Gibraltar. (**A Member:** Hear, hear.) (*Banging on desks and interjection by Hon. Chief Minister*) So much for their credentials as socialists. So how, in the light of all that, can he direct the barb at me – because he has – or the Government that I formed part of, that we misled people in 2011? It is beyond me, whether the barb was direct or indirect or implicit, as it was.

805 Now, Mr Speaker, I want to say more about public debt and economic growth. I will not spend
a lot of time on it, but I will say something on it. In 2011 public debt, according to their manifesto,
stood at £480 million. They say that with debt in government-owned companies really the true
figure was £520 million. The total public debt, direct and indirect, today is £1.9 billion. For years,
we have said that the size of the economy or increases in the size of the economy do not equate
810 to healthy public finances. That is the main point that we have made on this issue. Returning to
my Bermuda example, its economy was USD 7.3 billion, £5.6 billion sterling, with an economy
based primarily on financial services and tourism – indeed, world leaders in reinsurance. It has a
population of 64,000 people and GDP per capita is one of the highest in the world, but it has public
debt of USD 3.1 billion, £2.39 billion sterling. In September 2020 it was reported that ‘Bermuda
815 faces a fiscal cliff if its debt to revenue ratio continues to rise.’ That is precisely why they are
actually considering returning to a debt ceiling that is not pegged to the size of the economy.
Whether the UK has a debt that is 100% of their GDP or Japan 200% of their GDP is, quite frankly,
irrelevant.

This is a small economy more susceptible to international trends, as we have seen to our cost
820 recently, and of course we are not out of the woods yet, not by a long chalk. The Hon. Minister
Bossano spoke about betrayal by the EU. We operate in a situation constantly where we cannot
trust the EU, where we cannot trust Spain, and actually history also shows that at some points we
cannot trust the UK government either. That points to prudence, not the other way round. What
I do agree with is that any future Government will need to be very careful how it deals with any
825 reduction in public debt, whilst at the same time not creating an issue with economic growth. In
other words, that the cure is not worse than the illness. I accept that, but people do not have to
be concerned about that. There is a lot of thought that has been put into this over many years by
this side of the House, and it is not the case that we stand for austerity. We had a careful plan in
2015 for debt reduction, which, if we had been elected, we could have implemented without
830 damaging the economy. If they had listened to us earlier, we might have been in a better position
to navigate the difficult times that we now find ourselves in.

Mr Speaker, I turn to the Hon. Minister Isola. He always, I have to say, gives me an opportunity
to come back at him – always. I am very grateful for that because it would be a very boring world
indeed without him. He said that every year he hears the same criticism. In a world full of political
835 fluff and inconsistency and political demagoguery I would have thought that political consistency
was a desirable political trait, and at the next General Election we will make sure that we say to
the people of Gibraltar that Mr Isola thinks that we are politically consistent. At every single
hustings we will say so. ‘They offer no alternative,’ he said – a decent political point, if it were true.
Of course we have. We are the only party that costed its manifesto without financial shenanigans,
840 including a programme of debt reduction. The difference is that we play by the rules. That is the
difference. It is very easy to play around with a political credit card if it is not your own. That is
very easy to do, so we are not going to take and we are not going to accept lectures from the hon.
Gentleman. He said everyone in this community knows that Fabian Picardo is the only person who
can do the job as Chief Minister – whilst looking to his right for a political pat on the head.
845 *(Interjection by Hon. A J Isola)* I know you do. Good boy. *(Laughter)* At that point, my stomach
churned and turned at the political sycophancy. *(Laughter)* I am afraid it shows how far he sits in
his ivory tower. I am not sure what qualifies him as the voice of the people. Of all the Ministers on
that side of the House, it is he who needs an *A to Z* to find his way around government estates.
Everybody knows that. *(Laughter)* How can he possibly suddenly act as if he were the man of the
850 working-class people? That is beyond me.

He said that the analysis of the Budget is identical to last year. Well, the Father of the House
used to come to this debate responding not to the speech that the Chief Minister gave but the
speech that the Chief Minister had given the year before. There was a time lag of one year on a
Budget speech by the then Leader of the Opposition. Or has he forgotten that? *(Interjection)* Of
855 course he has. *(Interjection)* I ask has he forgotten that. Of course he has forgotten that. He was a
closet GSD supporter for most of the time that he was in opposition on that side, and on this side

of the House when we were in government. (*Interjection*) It is a shame that all the criticisms that he now has of the GSD Government he did not express when he was a Member of the Opposition from 1996 to 2000. No oracle predictions then. No, of course not, because he spent more time
 860 congratulating the then Chief Minister of Gibraltar, Sir Peter Caruana, than opposing him. So we are not going to take lessons from him about effective opposition. He then criticises the lack of collegiate approach and criticises the hon. Member to my right, who is not here today, Mr Bossino, for his valid criticisms of the way the OS35 events have been handled.

We have, of course, never resorted to giving interviews to Spanish television in relation to the
 865 Dr Giraldi Home, or indeed chosen to take adverse positions in international fora such as the United Nations, as they did when they were in opposition, or go from yes to no to maybe to vote for their conscience in relation to the referendum on the new Constitution, despite forming part of the delegation that negotiated that same Constitution. Where was he then, when the party that he now forms part of was doing all of that? Probably waxing lyrical about the GSD
 870 Government and its leader.

He said, 'We invested in infrastructure in Gibraltar.' That is true. I accept that. They deserve credit for it, but they have also wasted an awful lot of money and they could never have spent the money they have without making us hugely vulnerable in ways that other economies are not. I do not want to be too unfair to the Hon. Minister because he is a far better Minister than he was a
 875 Member of the Opposition. Indeed, I have said before that he is a fine Minister, and if I do not get the opportunity I want to personally congratulate him for his work in financial services, in gaming and insurance. He should rightly feel proud of that and I recognise that without hesitation today.

I do not have much more to go. I turn to Mr Licudi – (*Interjection*) Before he replies, yes. (*Laughter and interjection*) Yes. Mr Speaker, Mr Bossino said that they had three rights of reply.
 880 Personally, I do not care less whether they have three, five, eight or 20 rights of reply, but Mr Licudi is the only person in this House who does not subject himself to a reply himself. I know he is not politically craven. I know that. We have had many clashes, going back to university when we shared student digs together, but it is not elegant to criticise Members on this side of the House without sitting down and taking that criticism from this side of the House in reply – which
 885 is not possible, as they have insisted that Mr Licudi must go last.

Finally, Mr Speaker, I want to say something about four things. The first is unemployment. I reject the picture painted by the Government on unemployment or full employment. I see many people who are unemployed and desperate, and it shows what an ivory tower they sit in, that they can come to this House and say, with the glib that they do, that we are facing full
 890 employment. Go and tell that to those people who come to our offices who are unemployed and desperate. (**A Member:** Yes, exactly.) Those same people also complain of attending the ETB offices only to get no information on existing vacancies. They are sometimes provided with limited information, but when the employer is contacted they are told vacancies have already been filled. There is no updated list of vacancies which a person can take away. Those already in employment
 895 and wanting to do better are often asked, 'Why do you want to change your job?' Of course they want to change their job because everybody has the right to improve themselves, everyone. There is a huge perception that unless you are a GSLP supporter, you are not helped. Reality is very different indeed from the picture that the Hon. Ministers opposite wish to paint and wish this community to swallow.

The second is disability benefit. We need to be more transparent with the criteria. People do not know where they stand and the delays in determining applications and appeals are considerable. It really is painful that we have applications for disability benefit that were lodged
 900 one, two and, in some answers that have been provided in this House, three years ago. It is not justified that the Government should treat people in this way and I urge the Government to get its act together and do what is right for the disabled people of Gibraltar. (**A Member:** Hear, hear.)
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The third is those people who have been on the housing waiting list since 2011 who have still not been housed despite the promise to do so in four years. It is now 12 years. The purported lack

of one-bedroom flats is not a valid excuse, and I hope that this class of individuals will be looked at favourably and as a priority after the next election.

910 And finally, I want to congratulate Commissioner Ullger and his senior team for the excellent work that they are doing in the RGP. This Opposition trusts the Commissioner, believes he is doing a good job and decries any attempt to undermine him or his senior team

. (**A Member:** Hear, hear.) I hope that there will be no further attempts to undermine the Commissioner or, indeed, his senior staff as we move forward. It does the justice system no credit
915 and immense damage for it to be otherwise.

Mr Speaker, for those reasons, I will not be supporting the Bill. Thank you very much. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, given that we have now been at it for some time, can I
920 propose that the House should recess for 20 minutes until 5.30?

Mr Speaker: Thank you. The House will recess until 5.30.

The House recessed at 5.08 p.m. and resumed at 5.30 p.m.

**Appropriation Bill 2023 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. Marlene Hassan Nahon.

925 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise today to deliver what will be my last Budget speech after some eight years of parliamentary activity. Serving the people of Gibraltar in this House has been a tremendous honour, and being an active participant in the wonder that is parliamentary democracy is a privilege I will always cherish and one we must remember to never
930 take for granted. (*Banging on desks*) I thank you all for having accompanied me on this incredible journey.

Many things have happened in these eight years. I have learnt the ways of this House and of our politics. I have witnessed the heartbreak of having a piece of our identity ripped away from us by bigotry and ignorance. I navigated a terrifying global pandemic, estranged from the rest of my parliamentary colleagues – in what clearly was not a Government of national unity – only for
935 standing up for my principles. I have experienced the impact of war and conflict, and standing hand in hand with my people I have felt both the pain of loss and the joy of triumph. I would say I have experienced the full gamut of the political experience – at least the Opposition part – perhaps in a way that only a Gibraltarian can, shifting from the grand to the parochial. I swam against powerful currents to find my own voice and broke into this seemingly impenetrable House with a
940 new, pioneering, different political party. I have been enlightened by some of the most learned minds in our community but also by countless humble constituents, and from this I have grown wiser – or at least I hope so, because judging by what I have seen in these eight years, politics can also be a pretty alienating activity. I have grown older, as have all of you, by the way.

I thought long and hard about this moment and this Budget speech, torn between taking the
945 easy path – a discreet bow, a swansong to our democracy – or doing one final service to my community and taking it to Government one last time. I am not going to lie, I was really hoping I would be able to do the former. Like all of you, I dreamt of exiting my career smelling of roses, receiving pleasantries from both sides of the House and bypassing the onslaught of online abuse that invariably ensues, but I am afraid I simply cannot do it. This Budget speech will be a combative
950 and indignant one, (*Banging on desk*) only because they simply leave me no choice. The state of

the nation today is so appalling, so infuriatingly dysfunctional, so dismally unfair that the least I can do is protest, even if it means earning myself one final round of acrimony from the cronies and the sycophants. And this one will be for free because, as you all know, I will be leaving very soon, so nobody can accuse me of doing this as an appeal for votes, power or any kind of political agenda, and I have to admit that it is a wonderful feeling. I stand here today feeling light and carefree. I stand here today knowing that I do not need to build narratives or deliver any calls to action to prospective voters. I stand here with nothing to gain or lose, with the only mission of speaking my mind, scrutinising the state of our nation and the work of our Government; democracy in its purest form, unfiltered and unadulterated.

There is simply no denying it anymore: Gibraltar is fast becoming an unbearable place to live in, particularly for the working classes. In 12 years this Government has taken a place that was not without flaws but was undeniably beautiful, pleasant and tranquil, and turned it into a noisy, dirty, stressful and dysfunctional mini-megalopolis. Nothing seems to work anymore. Our town is smelly, run down and in a totally depressing state of disrepair: unpainted railings, broken benches, roads full of potholes, the smell of dog pee wherever you walk, and faulty fittings wherever you look. The entrance to Main Street from Casemates Arches is peeling off and looks utterly shabby. It is embarrassing. When friends from abroad come over, they ask me whether Gibraltar has a heritage budget. How on earth can the Members opposite defend that? Our heritage is languishing and becoming more and more obfuscated by the incongruous concrete jungle mushrooming around it. Even the view of our Rock will be soon blocked out from many parts of Gibraltar by the sprawling construction, and all this in just 12 years. I seriously marvel at the timescale of this flabbergasting transformation. How have you managed to do this in so little time? How did we let this maniacal economic plan destroy our beloved Gibraltar? You have no idea how it infuriates me, Mr Speaker, to speak to people about this on our streets – locals and visitors alike, by the way. It is the talk of the town, as you will realise as soon as you all start walking up and down Main Street in anticipation of the next General Election. Although, no doubt, some quick fixes will be made in an attempt to fool the electorate temporarily – pre-election campaign in the autumn, of course – they will peel off in no time, probably after the election.

Gibraltar has become an unpleasant place to live in, and one that people want to get out of whenever they can. Those who spend as much time as possible outside of Gibraltar run to their Sotogrande villas or Costa getaways at every opportunity. Some of you know exactly what I am talking about. Those who cannot, suffer in silence, putting up with the traffic, the noise, the dirt and the degrading natural environment stoically, resigned to the fact that for working-class Gibraltarians who cannot afford the international lifestyle this Rock is their only home and their only choice. That is another result of 12 years of GSLP governance – a Gibraltar in which the experience of the haves and the have-nots is simply light years apart. The two Gibaltars we spoke about in this House a couple of years ago are as estranged now as they have ever been.

I stand before you today, Mr Speaker, fuelled by enormous indignation and galvanised by the courage of our collective spirit, to cast a harsh spotlight on a crisis that has consumed our beloved Gibraltar over the last 12 years and say enough is enough. This is a crisis of an absolutely existential nature, a crisis that threatens to destroy Gibraltar as we know and love it. It is not just a cost of living crisis, though we will address this issue in due time; it is a quality of life crisis. There is an element of the lives of human beings that is not covered by the numbers in this Budget Book, a fundamental indicator that is oblivious to the macro-economic figures presented by the Chief Minister that so often obfuscate the real picture of our governance. Life is not only about having money in your pocket – which, let's be clear, most people find they have less and less of these days – but also about living in a place that provides a comfortable, pleasant, healthy and happy environment to live in. And believe me, if those indicators had been registered over the last 12 years, they would reflect an absolutely tragic downturn. In respect of the quality of life of its citizens, the Government has transformed Gibraltar for the worse, perhaps irreparably. It has traded our peace for uncaring development, our heritage for vacuous modernity and our happiness for selfish materialism. The ceaseless, relentless construction we have seen over this

1005 decade and a bit has rampaged across our little piece of paradise, leaving it completely disfigured and in many ways broken, because to service this massive boom we still have the same crumbling infrastructure, the same gridlocked roads, the same Victorian sewers, the same grubby rubbish bins, the same failing electricity grid and the same raw sewage being pumped into our seas while the numbers of apartments, cars and houses grow every day. Our Upper Town, which would be the gem of any historic location like Gibraltar, is in a state of shameful disrepair, sometimes plain old abandonment.

1010 In its zeal for economic progress and development, this Government has failed to account for the most important thing human beings need to live a happy and fulfilled existence: quality of life. In its hunger for modernity it has failed to realise that the most modern advance the world needs is a return to more tranquillity and community life, a pleasant and healthy environment and a culture of kindness and solidarity. This is not just about abstract things like lost serenity or nostalgia for the past. It is about tangible, measurable impacts on our lives. Our health has been cornered, compromised by the dirt and noise pollution. Our lungs fight against particles that they were never meant to battle. Our ears are assaulted day and night by the relentless cacophony of drills and cranes. We are confronted with an increase in respiratory diseases, sleep deprivation and stress-related conditions. We have become witnesses to our own mental erosion. Anxiety and stress have invaded our homes, transported by old and smoky diesel trucks. And what of our happiness, the one thing that truly makes life worth living? How can we find joy amidst the ruins of our once tranquil and beautiful Gibraltar? Our children can no longer play out in the open, unless it is in one of our plastic-clad, sponsored, boutique urban parks. Our elderly no longer have quiet corners for their leisurely walks. Is this the Gibraltar we want to pass on to our children?

1025 Yes, in the process there have been benefits for our people. We have new schools; new subsidised homes – calling them affordable is simply unrealistic at this stage; we have new sporting infrastructure; we have some new parks. But is this the price we have to pay? Do we have to trade our wider quality of life to enjoy what should be basic rights for our citizens? Is this the price we are expected to pay for decent public services and reasonable access to opportunity? Is this the only economic plan that was available to us? This simply cannot be the case.

1030 And what about the future generations of Gibraltarians? What will happen when we run out of space to build? How will we grow our economy when our seven square kilometres become so overwhelmed and overcrowded that nobody wants to live here anymore? I have not heard any concern whatsoever in this Budget for this very real and worrying prognosis for our home. Progress is important – necessary, even – so is housing for our people, but progress and housing at the cost of health, peace and happiness is not progress, it is destruction. The values we hold dear and the community spirit that has defined us for generations cannot be measured in economic terms or traded in pursuit of material wealth. It is high time we remind our leaders that they govern for *us*, not for the property developers or those who see in the destruction of our natural resources and heritage just another cog in the Gibraltar money-making machine. There has to be a better way. We demand a halt, a reconsideration, a more sustainable path forward, and if these politicians cannot provide one, well, I hope that if they truly love Gibraltar they will make way for somebody who can.

1045 And so I ask, Mr Speaker, what are the results of this economic plan, what benefits have we reaped for the almost complete dilapidation of our natural resources? It sure does not look like the workers in Gibraltar have benefitted, at least not in the eyes of Unite the Union – erstwhile supportive of this Government, now one of its most poignant critics. In its recent study about the cost of living crisis, Unite shines a light on the challenges faced by both public and private sector employees and suggests meaningful changes are made in our economic system to provide a fairer taxation system and adequately protect our very vulnerable working class in a way that is commensurate with inflation and the outrageously high cost of living in Gibraltar.

1050 Let us first focus on the public sector, which is far from being the land of milk and honey that is often alluded to when Members on both sides of this House talk about the culture of entitlement. Many public sector workers find themselves on low salaries that are being hit

1055 extremely hard by the current cost of living crisis. As per the union's study, shockingly over 60%
of public sector workers start on a pay scale that is less than £30,000. Even more alarming is the
fact that 28% of them cannot earn more than £30,000, regardless of their qualifications and
dedication. While the Minimum Wage increase has been touted by this Government as a solution,
it fails to address the struggles faced by many public sector workers. Only a meagre four
1060 individuals out of a total of 5,497 in the public sector will benefit from this increase. It is
disheartening to witness how, as explained by Unite, average public sector pay in Gibraltar has
actually declined in real terms over the years. Furthermore, claims that public sector salaries in
Gibraltar are significantly higher than those in the UK are misleading. In reality, the premium is
much lower, ranging between 11% and 15%. It is important to note that public sector pay in the
1065 UK has also fallen behind in real terms. However, even as the UK government takes steps to
implement a pay rise for public sector workers, our own Government remains inactive, barring a
pre-election handout clearly designed to continue with the GSLP's clientelist policy of bribing
different sectors of our society in the lead up to every General Election. Considering that our GDP
per capita has increased by over 5% annually during the tenure of the current administration,
1070 workers ask themselves where the has money gone.

Now let us turn our attention to the private sector, which is even more disheartening. Private
sector workers in Gibraltar have experienced a massive decline in real wages, with an average
increase of just 0.3% per year since 2011. For workers in sectors like hotels and restaurants the
situation is dire, with earnings falling by over 21% in real terms in 2021 alone. Over the past
1075 decade, these hardworking individuals have seen a 15% decrease in average full-time earnings.
While some sectors such as financial intermediation enjoy a positive Gibraltar premium relative
to the UK, others – including construction, retail, and hospitality – face a negative premium. In
fact, the negative premium in the hotel and restaurant sector stands at a staggering *minus* 29%.
As suggested by Unite the Union, it is crucial to establish the cost of living increase in the public
sector as a benchmark for private sector pay bargaining.
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The current state of affairs is simply unacceptable, Mr Speaker. It is evident that the
Government's focus on running a symbolic surplus – which, as has been explained extensively in
the course of this debate, is a completely artificial one – and thus create a pre-electoral narrative
of success, has taken precedence over addressing real and urgent spending needs. This has led to
1085 some regressive tax changes that burden working people. We must demand a change – a change
that provides a fairer taxation system and dignified conditions for our hardworking citizens. It is
an undeniable reality that while the Government has sold off our natural resources and quality of
life, both public and private sector wages have failed to keep up with the cost of living, and that is
simply unacceptable. Our Government has turned a blind eye to the needs of our hardworking
1090 citizens, perpetuating a system that favours the few over the many. It is our moral duty and our
economic responsibility to demand a fairer system that ensures dignified conditions and equitable
opportunities for all workers. Therefore, it is my belief that a pay rise of 4.9%, as suggested by
Unite for public sector workers, is not only affordable but necessary. This increase can be financed
through various means, such as an increase in income tax rates for higher earners and/or an
1095 increase in the corporation tax supplement. Additionally, we should explore the possibility of a
windfall tax on the most profitable employers, as other European jurisdictions have implemented,
further redistributing the burden of our economic system. But somehow this year, for some
bizarre reason, priorities lie in things like parents sending their children to private schools getting
tax breaks. Priorities indeed. This policy clearly reflects that there is not enough money to spend
1100 on public schools and wanting to alleviate the pressure of that, but *real* socialists believe in public
schools. Socialists should want everybody to go to public schools, and it seems that people are
sending their kids more and more to private schools because they perceive these schools are of
better quality than our state schools, despite the recent mammoth investment into these state
schools. What would be a socialist policy would be to invest more money in the public school
system instead of giving rebates to people who put their kids in private schools, don't you think,
1105 Mr Speaker? That would have been a real socialist policy.

1110 Talking about priorities and keeping in line with socialist policies, let's not forget the disability community. I have been personally so moved over the years by the work of civil society groups in this field and have felt closely and upfront the plight of these individuals and their families, those most vulnerable in our community. Their needs are still far from being met and they deserve to be listened to as a collective in its entirety, with sectarian interests put to one side.

1115 Tagging on from this point on the needs of the vulnerable and social justice, I must turn my gaze for a second to the other side of this House. Before I explained my reasons to not stand at the next General Election, many people were urging me to support the GSD and present a united front to change this Government. I agree that change is necessary, but as I explained in my departure speech, I am not attracted in general by the GSD's brand of politics. Mr Azopardi himself has often said that he does not quite understand the substance of these ideological differences. However, this Budget week has cemented some of these differences very clearly in my mind because we cannot actually refer to tax increases in the wake of increased public spending as 'bailing out Mr Picardo'. This mentality demonises taxation, the most important tool a government has to make a better society for its citizens, and creates a real culture of entitlement, one that we do not talk about enough in Gibraltar: the culture of entitlement of not paying taxes. It also equates higher taxes with the electoral rival, a strategy that again creates this pernicious culture around the concept of taxation. Taxes are not for Mr Picardo. Taxes are – apart from, let's be honest, not particularly significant overspends on vanity projects – used to pay for things like public sector wages, schools, doctors and housing. It is absolutely fair to say that the Government has spent too much and not been prudent enough, but referring to taxation as an ill effectively is the kind of rhetoric of economically right-wing parties and this side of the House must be well aware of that. We have to be honest here because it is our responsibility to create a culture of solidarity and responsibility around taxation, something none of the parties in this Chamber have ever done. Gibraltar has lower taxes than most other comparable nations. We have a very advantageous corporate tax regime and an almost toothless tax authority, and we have very expensive needs driven by our broken housing system and our inability as a small community to implement economies of scale in public services. For me and for Together Gibraltar, taxes have always been more than just paying for the basic expenses of this community. They are a tool to create greater social justice and social cohesion, to prop up the disadvantaged against the privileged and, crucially for Gibraltar, to create a society that is capable of standing united in the face of adversity. We need to address our inequality issues, which are, as with most other developed nations, extremely problematic.

1140 On the other hand, Mr Speaker, the Leader of the Opposition, Mr Azopardi, presented a very extensive and enlightening breakdown of the figures in this Budget, and if anybody has not ... and is interested in the granular detail, I suggest they see his address to the House from a couple of days ago. There they will witness not only the explanation of what the Government has put forward in this Budget, but they will also see the pointlessness of focusing on the figures presented in this debate. The numbers in this Estimates Book are not worth the paper they are printed on. *(Banging on desk)* Everybody knows this and *they* know it. The audience at home know it. They are watching and they know it. This is fiction, but not of the quality of William Shakespeare. Rather, it is the work of another barristocrat, perhaps the prince of said illustrious demographic, spinning and weaving a narrative of success as if advocating for a client that he knows is guilty but depends on his skills to survive the guillotine. I know because I have seen a few in my time. *I am* Dick the Butcher, Mr Speaker, and I am proud of it. I am Dick the Butcher. By the way, the Chief Minister should know that the words of Dick the Butcher have been interpreted in different ways: as implicit praise of how lawyers stand in the way of violent mobs, which I think is what he was espousing in his address, but also as criticism of how lawyers maintain the privilege of the wealthy and powerful.

1155 I found the Chief Minister's reference to Peter Caruana when he walked into Parliament saying 'It's raining' particularly enlightening because there are things about this Budget that silly little Marlene, the little woman, the little feminist MP simply does not understand. So I echo the Hon.

1160 Roy Clinton's words from his address yesterday: why on earth are you touting that you have replenished the kitty of the rainy day fund when you are telling me, at the same time, that it has been pouring down outside for years? If it has not been raining or hailing after Brexit and a global pandemic, then when is it going to rain? Do they think the people of Gibraltar are stupid?

1165 I would also like to comment on the issue of the Brexit negotiations, which are at serious risk of being derailed if a likely PP-VOX coalition takes over the government in Spain in under 10 days. Instead of engaging with the people of Gibraltar on the realistic implications and requirements of a treaty with the European Union, we have been kept in the dark, telling us we would be giving too much away to our enemy. People should know that this position was fundamentally flawed. Neither Spain nor the EU needed us to remind them that our position was one of weakness. They knew this full well. This does not mean I believe we need to accept whatever is available, Mr Speaker – as you know, I am one of the few who believe that some things are more important than economic growth and material wealth – but we were deprived of the chance to have an open and mature debate about what we can realistically discuss in our attempt to have a closer relationship with the EU and just maybe banish problems at the border forever. But apparently they are still the only viable custodians of Brexit into the next election. This reminds me of something I once heard a wise man who truly cared about Gibraltar say: 'All the indispensable people are in North Front Cemetery.' They really should remember this, because they are all there. In conclusion, the Brexit negotiation has largely been marked by personal ambition and political grandstanding. We, the people of Gibraltar, deserve leadership that speaks with humility and pragmatism, respects our workforce and fosters mature dialogue about the challenges we face. 1175 The road ahead is not about personal egos or political gain but about creating a mature society and a healthy national narrative that is not driven by nationalism and bluster, and it is high time we demand that from our leaders.

1185 Right now, and this week being a particular case in point, you only have to look at the Chief Minister's carefully crafted manipulation of parliamentary timings and proceedings so that the Opposition would be seen and heard the least possible. The first couple of days of this Budget session, when Government MPs had the lion's share of the airtime, the House would go from around 10 in the morning and finish before 5.30 p.m., but as soon as the Opposition MPs were set to flood the mics, the Chief Minister has been meticulously ensuring that we would be speaking into the late evening and giving us four-hour breaks during the day in order to resume at the typical time of the afternoon where we were usually ending. This issue is, plain and simple, a grossly uneven playing field and that is when our democracy begins to wilt. This is a disgraceful disrespect to MPs (*Banging on desk*) and the work we do in this House, and to our democracy in general, and I find it utterly insulting. It also shows how poorly this House works, where the Leader of the House has all the power to play his dirty, petty games with all of us, not to mention that it also flies in the face of all the buzzwords heard from Members opposite about family-friendly hours and wanting more women to get involved. It is just like all those commissions and committees we set up in this place that never met. They never resolved anything, we never had one session, but it sounded good on press communications. And *please* do not reply saying the GSD did it that way. Didn't we change Government? It makes me laugh as well as infuriates me when Government play this card. What is the point in backing yourselves up with 'the GSD did it'? We changed Government. If you are going to play that game, don't stand for election, just keep the old ones. 1195 1200

1205 Mr Speaker, as a single mother and in all my time in this House we have usually commenced post 3 p.m. over the years. I can assure you that for a mother this start time is anything but family friendly. I have often, over the years, had no choice but to, from this very seat, coach my children through homework challenges and order them their dinner through my phone, often juggling all of these tasks in between question and answer sessions, Bills and motions. I have not seen a care in the world from the other side about this reality for me as a woman or any other potential woman who might be looking at the possibility of joining Parliament. I am one of the lucky ones with a good support system around me. I wonder how a woman with kids who wants to get 1210

involved in politics would manage these ‘family-friendly’ hours. Perhaps in Australia they are family-friendly when you juxtapose the timings. Maybe this is friendly to the overwhelming number of dads in the Chamber. Perhaps for them getting home late works really well, but not for us women because we are often taking on the entire mental and physical load of our family responsibilities. And further, if they genuinely want to incentivise more women to get into Parliament and politics, how about they invite the ones that are actually here to women’s events organised by Government? (**A Member:** Yes.) Talk about platitudes, indeed, Mr Speaker.

I do hope that one day an unapologetically progressive, feminist woman will stand up to this wall of grey machismo, smash it to smithereens and inspire more women to make this House their place of work, and I hope to be there to cheer as she does. I also hope that Together Gibraltar can regroup, rethink its mission and appeal to a new generation of young, progressive leaders that can take this community forward. If you are listening to me and you share my values, make a stand and take on this beautiful mission. I have done it for a good decade of my life and I can assure you it has been worth it. Politics is worth it, and in order to achieve a more democratic and better future for our people we need people from outside of this echo chamber to step up to the challenge. You can count on me to support you every step of the way.

Mr Speaker, I take this final opportunity to thank you and your wonderful staff – Kevin, Danny, Malka and our Clerk, Simon. Over the last eight years, being here on my own, the staff in this House have treated me like family, advising me and guiding me with anything I needed, and I shall be forever grateful to you all. I would also like to thank retired Speaker Canepa and retired Clerk Paul Martinez for their warmth and guidance since I joined this House in 2015.

Leaving the politics aside for just one moment, I would like to warmly bid farewell to my parliamentary colleagues: my *vecino de parliament*, the Hon. Danny Feetham, who first pushed me to take an active role in politics, despite our later tribulations; my good friend the Hon. Elliott Phillips; the Hon. Leader of the Opposition and the rest of my Opposition colleagues, as well as, of course, those on the Government side from the Chief Minister himself to the rest of his Cabinet. I have thought long and hard about this, and despite everything, at one point or another during my time as an MP I have had the pleasure and privilege of considering each and every one of you a friend and enjoyed your kindness and your attention, often working constructively for our fellow constituents. I thank you all for this. See you later.

Thank you. (*Banging on desks*)

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, with thanks for those few kind words from the hon. Lady and hoping it is not too late for her at six o’clock, I disgracefully and dirtily, pettily move that the House should now adjourn to Monday at 11 o’clock, and we can then start the process of replies.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 17th July at 11 a.m.

I now put the question, which is that this House do now adjourn to Monday, 17th July at 11 a.m.

Hon. K Azopardi: Mr Speaker, sorry, can I clarify that? When he moved the adjournment, the Hon. the Chief Minister said ‘start the process of reply’, so I am assuming he is replying on Monday?

Hon. Chief Minister: Mr Speaker, we have still got Mr Licudi to do. I may say a few things once Mr Licudi has finished, and I am likely also to continue on Tuesday. (*Interjection*)

Mr Speaker: I now put the question, which is that this House do now adjourn to Monday, 17th July at 11 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

1260

This House will now adjourn to Monday, 17th July at 11 a.m.

The House adjourned at 6.07 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.13 a.m. – 12.24 p.m.

Gibraltar, Monday, 17th July 2023

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The Gibraltar Parliament

The Parliament met at 11.13 a.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

Appropriation Bill 2023 – Second Reading – Debate continued

Clerk: Meeting of Parliament, Monday, 17th July 2023.

We continue with the Second Reading of the Appropriation Bill 2023.

5 **Mr Speaker:** The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, we will have elections later this year and we have heard other Members say during this debate that we are all subject to the electorate and that it may be the last Budget speech for any of us. We have also heard the hon. Lady Ms Hassan Nahon say that this will be her last Budget speech. Like the hon. Lady, this will be my last Budget address to this House. (A Member: Hear, hear.) (*Banging on desks*) I have informed the leader of my party and the chairman of our executive committee that I will not be putting my name forward for selection as a candidate for the GSLP at the next General Election. I will, therefore, no longer be a Member of Parliament once this House is dissolved.

15 I was first elected to this House in 2007 and after four years on the opposition benches we were elected into government, a government in which I served for almost nine years. In August 2020, I stood down from the Government for reasons which I explained at the time. It is often said by those in the position I am in now that it has been an honour and a privilege to serve as a Member of the Government, and it sounds like a cliché but I certainly understand why it is said and how true that statement is. It has been an honour for me to be the elected representative of the people of Gibraltar for four successive terms of office, and in the last two terms, 2015 and 2019, the electorate clearly considered that the Government was doing a good job for Gibraltar, or a sufficiently good job for Gibraltar, and that it deserved to continue to enjoy its support.

20 It has also been a privilege to have held the position of Minister in a Government that was not afraid to break new ground, was not afraid to bring in initiatives designed to improve the lives of all Gibraltarians and, most importantly, was not only not afraid but steadfastly committed to remaining true to the fundamentals of what it means to be a Gibraltarian, in control of our own destiny, protecting and defending our values and beliefs. It has been particularly a privilege to have had the opportunity of being part of a Cabinet that has at all times acted for the collective good of Gibraltar. I will never forget the sense of responsibility I felt every single Monday morning in attending Cabinet, where all important decisions were taken: the responsibility of spending public funds wisely; the responsibility of deciding on projects which would bring housing opportunities to young Gibraltarians and to the not so young; the responsibility of deciding on projects which would produce new sports and leisure facilities for all to enjoy; the responsibility of deciding on projects that would bring new educational and training opportunities, projects which would transform completely almost all educational facilities in Gibraltar. I am immensely

proud of the record of this Government since 2011 and I am humbled by the knowledge that I have been able to contribute in some small measure, during almost nine years, to that record.

40 Mr Speaker, in 2011 I was given responsibility for financial services, gaming, education and justice, and as Minister for Financial Services I would travel to conferences, meetings and events outside Gibraltar. Despite the criticism we often hear from Members opposite on travel by Members of the Government, the only way of getting our message out there was, and continues to be, to be present at those international conferences, meetings and events, talking to people and making sure they understand what it is that we have to offer. I recall during that first term of office, when I spoke to professionals at those international events who were involved in structuring financial services products for their clients I was consistently met with the phrase, 'Gibraltar does not figure in the list of territories that we consider for our clients.' Well, we set out to change that and have done so successfully. No one now takes the view that Gibraltar is just a small territory in the Mediterranean which is either unknown or not relevant in the international financial services industry. We are now at the forefront of that international business and leaders in various sectors including, as the Hon. Mr Isola mentioned, insurance. We are leaders and have been for a long time in the gaming industry, an industry which was and continues to be an important contributor to the Gibraltar economy and the creation of jobs, as Mr Isola confirmed – over 3,000 jobs in that sector and 11 new B2B licences issued only in the last year. None of that happens by accident, it is down to the indefatigable work of my colleagues in Government and the numerous officials who make that work possible.

55 Mr Speaker, one of my first tasks as Minister for Justice was to inaugurate the new court buildings. All the relevant dignitaries were invited, including the previous Minister for Justice, the Hon. Daniel Feetham, as he will well remember. Mr Feetham is not here today. I want to say that 60 Mr Feetham came to my office this morning and said he had an important engagement that he could not get out of and I should not see his absence from the Chamber today as a sign of disrespect. I accept that entirely from Mr Feetham. The same cannot be said of other Members of the Opposition benches who are not here today – Mr Phillips, Mr Bossino, Mr Azopardi and Ms Hassan Nahon, who I believe is maybe away from Gibraltar. The opening of that building was done with all the pomp and ceremony the occasion required and it was an important moment for the legal profession, for the judiciary and for court users. Outdated facilities which were no longer fit for purpose had been completely transformed into modern courtrooms and offices, and every time I use those facilities as a practitioner I recall what they used to be and how things have changed with the new court buildings. They are, by all accounts, excellent facilities. The opening was done in 2012 by the Chief Minister and I, and at the time I did not acknowledge or perhaps sufficiently give credit to the fact that it was a project which had been conceptualised and carried into practice by the previous administration. In particular, it was the Hon. Mr Feetham who had led on that project and I want to acknowledge that now, albeit belatedly. We are still, 11 years on, enjoying the fruits of that work.

75 But our work in those first few years in government did not, of course, simply amount to putting finishing touches on projects started by the GSD; far from it. In fact, there were very few finishing touches to make because there were very few such projects by the previous administration. Instead, we set to work on a programme which was ambitious and transformative, so much so that it was said that our manifesto could not be delivered and could not be paid for. 80 We were able to prove our doubters wrong.

An important part of what we set out to do, and which we are still doing, was in the field of education. Originally, as Minister for Education, it fell to me to lead on the delivery of that part of the manifesto and amongst the improvements made straight away was a substantial increase in the complement of teachers and the provision of mandatory scholarships for postgraduate studies. We also started the process of rebuilding our schools, a process which continues to this day with the new Governor's Meadow Lower Primary School and Bishop Fitzgerald Upper Primary School being finalised and set to welcome students this year. There will also be a new St Mary's through a private/public sector partnership. The Minister for Education, the Hon. Prof. John

90 Cortes, gave details of further school projects in the pipeline. These are not just wishes for the future. We have seen the work that has already been done and what has already been delivered by this Government. During this Government's term of office we have seen new Bayside and Westside Schools, a new St Martin's School, a new St Anne's, a new Notre Dame, new St Bernard's Lower and Upper Primary Schools and, as we have mentioned, we now have a new Governor's Meadow, Bishop Fitzgerald and St Mary's. All of that in just 12 years, and these have not just been 95 the refurbishment of old buildings but complete rebuilds with modern and excellent facilities provided, including facilities which none of these schools had previously. This is significant in all the schools but particularly so, as the Minister mentioned, in the case of St Martin's. Other schools, such as St Paul's, have been upgraded.

100 No one can dispute or doubt the benefit that all of this has brought and will continue to bring to education in Gibraltar. It was something which was completely necessary. It followed almost 16 years of underinvestment in and almost abandonment of our educational facilities by the GSD administration. And although sometimes we do go back, it is important in an election year to recall what has happened before and what people can expect from a new government, if there ever was a new government. This underinvestment and almost abandonment – and I use the words 105 advisedly – was particularly obvious in the case of St Bernard's First School and Sacred Heart Middle School. I recall visiting St Bernard's as one of my first tasks and seeing, quite frankly, the deplorable condition that school was in – Victorian conditions with many of the wooden planks infested by termites, which had to be treated. That is why we gave priority to these schools. We were able to provide, within our first term of office, new facilities at the site of the old St Bernard's 110 Hospital. That was a challenging project as we were constrained by the existing buildings, but the designers were able to bring those buildings to life, preserving the old character but creating two vibrant schools with facilities which neither school had been able to enjoy in their previous premises. This set the bar very high indeed for future school projects and it has been a high standard which this Government has been able to maintain.

115 One other educational project which we embarked on early in the life of this administration and which I simply cannot avoid mentioning in this, my last Budget speech, was, of course, the University of Gibraltar. We said in our 2011 manifesto:

The University of Gibraltar will commence operations within 4 years ...

120 We were true to our word. That is exactly what happened, with the University opening its doors to students in September 2015. No-one who has visited the University can avoid marvelling at the beauty of the facilities, again combining the character of the old with the utility and magnificence of the new, but it is much more than a beautiful building. The Minister for Education gave a detailed account of the University's offering to education and also the important contribution that it is already making to the economy.

125 The University provides an educational offering for both local and international students which has been developing and expanding since the University first started operating: professional development courses, nursing studies, a School of Education, a Maritime Academy, marine science, PhD programmes, studies in environmental science and climate change, Masters of Business Administration, a centre for research into responsible gambling. These are just part of the current offering of this still very young University of Gibraltar and I was very pleased to hear 130 from the Minister that there will be three new degrees offered this year and more next year. That is excellent news. The University has also hosted and arranged a number of high-level international conferences contributing to research and learning in a number of important areas. In addition, there is the bespoke accommodation as well as the restaurant and student catering facilities, all of which form part of the Europa Point campus. And we must not forget the important 135 use of the University's facilities in the COVID response in Gibraltar with thousands and thousands of PCR tests processed at the University's laboratory. It is a University of which I am immensely proud to have been involved in its creation and development and I will be eternally grateful to the

University for recognising my contribution to the University with the award, in December 2020, of an honorary doctorate.

140 The development and success of the University in such a short space of time is spectacular. I always knew the University would do well. What I did not know was that it would do so well so soon. There has been international and global recognition and accreditation of the University by the UK Quality Assurance Agency for Higher Education. This is no mean feat and is a testament to the hard work, dedication and commitment of all of those who manage and work at the University.

145 It is a delight to see how they all work as a team and the fruits that that approach is bringing. I want to acknowledge and thank all the staff, led very ably by the Vice Chancellor, Catherine Bachleda, as well as members of the board of governors, chaired by Albert Langston, and the academic board. And we must not forget what a great honour it is for the University to have Sir Lindsay Hoyle as its Chancellor. I also want to pay tribute to the work done by Prof. David

150 Abulafia as a member of the academic board and as a Beacon Professor of the University. Prof. Abulafia is Professor of Mediterranean History at the University of Cambridge. In June 2023 – last month – Prof. Abulafia was awarded the CBE in the King’s Birthday Honours for his exceptional service to scholarship. I wish to echo the congratulations offered to Prof. Abulafia by the Vice Chancellor, Catherine Bachleda, who said:

We are immensely proud of Prof. Abulafia’s exceptional accomplishments and the global recognition he has garnered due to his dedication to scholarship and the pursuit of knowledge. This prestigious honour is a testament to his exceptional contributions to Mediterranean history and the invaluable impact he has had on the field.

155 Well done, indeed. It is truly great to have people like Prof. Abulafia, Sir Lindsay Hoyle, John White and others associated with our University.

Mr Speaker, one other project which I had the privilege to lead on was the small boats marina. It was not just a facility for boat owners, it was conceived as much more than that. This was to be of benefit to the whole community and that is exactly what it has turned out to be. The promenade is, today, used by numerous walkers and joggers or those who simply want to enjoy the waterfront. The wharf provides a facility for fishing. It also, importantly, allows us to welcome superyachts for overnight stays, something which was not possible before we built the marina. For many years we had waiting lists for berths building up and it was clear that hundreds of people wanted but were unable to fully enjoy that which almost surrounds us, our waters. The small boats

165 marina changed that. We were able to allocate 700 new berths. That does not just mean 700 people being able to enjoy the facilities and the sea, it is 700 families that can do so, and it is always a pleasure to see the marina being put to such good use by so many people. At the time we did the opening, I promised that members would have a service yard in order to be able to haul out their boats and carry out repairs and maintenance. It has taken longer than I expected

170 but I am very glad to see that the service yard is now complete and has been handed over to the Mid Harbour Small Boats Marina Association with the necessary licence signed. I know that this will be put to good use and look forward to seeing the first boats being hauled out at the new facility very soon.

I could go on and speak about many other areas that I have been involved in – tourism, the Port, commercial aviation and others. Much has been done and continues to be done in these areas. What I do want to say is that in all the departments I have been involved in I have been surrounded by excellent professionals whose work I really appreciate and value and without whom we would not have been able to get on with the business of government. A big thank you to all of them.

180 Mr Speaker, I do not want to end without making some passing comments on some of the things we have heard from Members opposite. I know the Chief Minister, in his response, will give a full reply for the Members, but I do want to make some comments. The Leader of the Opposition in his address in this debate described the Chief Minister as a magician. Quite apposite on one view – a magician brings a rabbit out of a hat. This Government has consistently, and despite the

185 predictions of doom by Members opposite, brought many rabbits out of the economic hat, but
unlike a magician, there is no sleight of hand, there is no illusion here. There is nothing fake about
the state of our economy. The results are there for all to see. There is nothing illusory about our
schools – we see them, we feel them, we study in them, we work in them; we can measure the
190 benefits that they bring to all in our community, not least to our children and those who work in
education. The affordable housing schemes – Hassan Centenary Terraces, which we see going up
now, and the others that preceded that development over the last decade – are real. They provide
housing opportunities to those who need them. The same goes for everything that we see around
Gibraltar which was not there in 2011. So no matter how forceful the efforts of Members opposite
to denigrate everything that this Government has done, we have seen tangible progress like never
195 before, and although it is true that I am no longer in government, I am nevertheless very proud to
have been a part of the Government for almost nine years and to continue to sit on this side of
the House.

We have heard the same story from Members opposite in all Budget speeches since 2012. They
say it is all exaggerated, it is not realistic, none of it is true, and every single year they are proved
200 wrong. They can be forgiven for being wrong in a single year or a couple of years, but every single
year? That suggests that there is something seriously wrong with their analysis, or that they just
do not get it.

Mr Reyes, referring to the new schools that will be opened this year, said that he hopes the
new buildings conform to the highest levels of standard. Mr Reyes does not need to hope for the
205 highest levels of standard. All he has to do is look at the Government's track record in this regard.
Most local education authorities, headmasters and headmistresses in the UK, and elsewhere in
the world for that matter, would tear their hair out in order to have the sorts of facilities we have
created in Gibraltar.

Mr Reyes also said that concerns have been expressed about congestion in the Europort area
once the new Governor's Meadow and Bishop Fitzgerald open. Let's take that as an attempt at
constructive criticism. Constructive criticism is offered with a potential solution that can be
identified. So what was his suggestion? None was forthcoming. Is Mr Reyes suggesting that cars
should be banned from the area, or that parents be banned from dropping off their children? In
215 fact, has the hon. Member forgotten that that is where Governor's Meadow and Bishop Fitzgerald
were before they were temporarily relocated? They are simply going back to where they were
before. Is he not aware that many if not most of the children who go to these schools live in
Montagu Gardens, Montagu Crescent, Harbour Views, Sir William Jackson Grove and other
developments in the area? That means that most children will walk to school, and that is a good
thing. In any event, does the hon. Member not appreciate that by bringing the schools back, the
220 congestion that exists in the northern area of Gibraltar will actually be alleviated? We have more
housing in the northern district, more developments on the way. We have all the traffic that
comes in through the Frontier and which now uses Devil's Tower Road. There are clear benefits
from a traffic management point of view in the move of Governor's Meadow and Bishop Fitzgerald
back to the Europort area.

225 What was missing from the hon. Member's speech was an acknowledgement of what the
Government has done in Education, and he, of all people, as an experienced educationalist, knows
how important those achievements are. A 'well done' or some form of recognition of the work
would not have gone amiss, but those seem to be words which are missing from the vocabulary
of Members opposite, or at least most of the Members opposite, and it does them little credit.
230 Instead, what we get is the same criticism we hear every year, regardless of what the Government
does. There is, in reality, nothing constructive or forward looking in what they tell us. They did not
tell us what they would do in government or what they would have done differently in the last
financial year. This was touched upon by the Hon. Albert Isola. The Opposition have had a golden
opportunity to illuminate us all, to tell us what they would be doing in the next financial year if
235 elected into government, to tell us how they would change or depart from the estimates that are
before the House, or even to tell us what they would have done differently in the last financial

year, which we are also debating, and how that would have made a difference. It is all very well to say the Government are doing it all wrong or not doing enough. What would they have done? What will they do if elected into government? It is extraordinary that they have the chance to set
240 out a programme for government based on the finances as they stand today, and they failed to do that. There was nothing, absolutely nothing in what the Leader of the Opposition said which would enlighten us as to how they would use the funds that are available, the estimates that are set out in the Book that we are debating.

What they tell us is that the figures are unrealistic. They tell us that the figures given on the
245 public finances are simply not true, that things are worse, far worse than what the figures reflect. So what are they going to do about it? The Chief Minister already alluded to this. They are going to have to make cuts in services, aren't they? Any suggestion to the contrary is disingenuous and it would be taking the electorate for a ride. They cannot say that things are terrible on the economic front, that the estimates are unrealistic 'but we are not going to make any cuts'. It is
250 not credible and it is time for them to be honest and tell us what they would cut. Would they cut the health budget? If so, which parts? Will they cut education? Will the number of scholarships be reduced? Or social services? Is there going to be reigning back on domiciliary care?

The Hon. Mr Isola addressed the allegation by Members opposite that the Government was gambling with people's money and asked where is it that they would not have spent, and I am
255 now asking where is it that they *will* not spend in the financial year if they do not believe that the figures given in the estimates reflect the economic reality of where we are today in Gibraltar. Or is it that no cutbacks will be necessary? Is it that they are going to bring in additional public revenue which will mean that there will be plenty of money in the kitty for all the spending commitments they will make? What are they proposing to do if elected into government? I do not
260 know, no one knows; they will not tell us. The only conclusion we can draw is that they themselves do not know.

Mr Speaker, after not having been able to delight us with the delivery of his speech last year, we were once again treated this year by the Hon. Sir Joe Bossano to a brilliant analysis on the state of the economy in Gibraltar as well as the position in global markets. Sir Joe's analysis included
265 references to areas where he himself had concerns, including the lack of effective substantive progress internationally on the environment. It was by all measures a knowledgeable and honest exposition by Sir Joe. That came as no surprise; it is what we have become accustomed to by the Father of the House. Sir Joe started his contribution by noting that last year the Hon. Mr Clinton gave a speech which disregarded completely Sir Joe's analysis. Mr Clinton has done the same this
270 year. He has delivered a prepared speech with the same scaremongering tone without apparently having listened to or even being interested in what the true position is, and it is again something we have become accustomed to. Although it was expected, it was nevertheless disappointing. It was disappointing to have the person who aspires later this year to lead Gibraltar on economic matters failing to make a proper, well-informed analysis. Instead, we just got the usual political
275 speech. It is not just disappointing, it is worrying. Mr Clinton said, 'I am not an economist, I am just interested in cash.' That is the simplistic and hollow approach that the hon. Member takes, and based on that he expects us to believe he is ready to take on Gibraltar's economic reins. That is a matter that the electorate might want to reflect on.

Sir Joe invited the Opposition to identify areas of waste which they suggested existed, so that
280 those areas could be looked at. That was a constructive suggestion by the Father of the House: tell us where you think we can do better and we will look at it. The responsible response to Sir Joe's invitation by an Opposition aspiring to become the Government this year would have been to go through the Book and suggest areas where the expenditure, according to the Opposition, was not necessary or where savings could be made to cut down on what they regard as waste. Instead,
285 Mr Clinton said they cannot identify waste because they do not have the Principal Auditor's Report. That is a poor excuse. They know exactly where the money is being spent. It is all there, it is in the Book. It does not stop them saying that there is overexpenditure. They do not need a Principal Auditor's Report for that. 'We will eliminate overexpenditure,' they say, 'It is not

290 sustainable, expenditure is out of control and unstable.’ Those are Mr Clinton’s words, but he
adds, ‘We do not know if there is any waste which can be eliminated in order to reduce the
overexpenditure.’ Therefore, the only way they can say for certain that they will reduce
expenditure is by cutting services. They do not tell us which services they will cut, but we know
for certain that that is what they intend do. Mr Clinton, I repeat, tells us he is not an economist
but he pretends that he, and only he, is the person who will be able to reduce debt and reduce
295 expenditure but without cuts and everyone will be better off. It is just not credible, and you do
not have to be an economist to figure that out. We did get one inkling of one thing they would do.
Mr Clinton said that maybe an increased burden on personal taxation is the new reality, or words
to that effect, and he added that any increases in taxation have to be properly debated. So there
we have it, a thinly disguised confirmation of tax increases under the GSD, the new reality
300 according to Mr Clinton.

Mr Clinton went on to describe the Book, the Estimates of Revenue and Expenditure for next
year, as a waste of paper. Those were his words – ‘This is a waste of paper,’ – and I see him
acknowledging and repeating it now. That is a measure of the lack of respect he has for those who
help to put the Book together, starting with the Financial Secretary and all the heads of
305 department and other public officials who spend countless hours in reconciling departmental
expenditure, in looking at what the expenditure has been for the year so that an accurate forecast
outturn can be given, in meetings and speaking to others in their departments to put together a
realistic estimate of expenditure for the forthcoming year. All of that work – and believe me, it is
hard work; I have seen it, I have lived it – is the work of loyal civil servants who ultimately work
310 for this community to provide a valuable public service, and all the work that is put by them into
producing proper estimates of revenue and expenditure is so that it can be debated in this House.
All of that is described by Mr Clinton as a waste of paper. How low can you get in attempting to
criticise the Government, being utterly disrespectful of civil servants? Mr Clinton should apologise
for that disparaging comment, but ultimately it will be a matter for the electorate to judge. It is a
315 matter for the electorate to contrast a full and complete analysis by Sir Joe and financial forecasts
prepared by professionals which show that there is, once again, a bright light at the end of this
economic tunnel we have been in. Contrast that with the baseless criticism we get from Members
opposite, with the lack of detail and substance in their contributions which simply leads the
electorate to wonder what it is that they actually stand for. We are certainly none the wiser after
320 having heard from the entirety of the opposition benches.

Mr Speaker, I want to also make some comments on some things that Mr Azopardi and
Mr Clinton have said. This is based on information which the Father of the House has provided
me. We wish to place on the record of the House that the statement by Mr Clinton when he set
out to correct the record that the claim by Mr Azopardi on the £35 million alleged overspending
325 in government departments was not wrong, as Sir Joe had alleged ... and we propose to prove that
his figures were wrong, as Sir Joe has stated, that the Leader of the Opposition’s figures were
wrong and that Mr Clinton was wrong in his statement to defend him. It is not the case that there
are two ways of doing the calculations, as Mr Clinton claims, and that Sir Joe did it one way and
they had done it another, and that neither is wrong or right, both are equally valid. That is not
330 true.

First, Sir Joe has not calculated anything. He has simply pointed out that the figure of
£35 million quoted by Mr Azopardi was in conflict with the figures for the 2021-22 forecast outturn
calculated by the Treasury, not by Sir Joe, and spelt out in the printed Estimates Book of last year
and, indeed, in this year’s estimates as the final results on page 14. Of course, we do not know
335 where Mr Azopardi’s numbers came from – or we did not know until we had an explanation from
Mr Clinton, which rather than exonerating Mr Azopardi makes it even worse because it shows that
he provided incorrect information. The Treasury forecast outturn calculations on the last line on
page 14 showed a figure of £859.6 million compared with £768.2 million approved estimate. That
was for the total Consolidated Fund expenditure and was quoted by Mr Azopardi as the source of
340 his £91 million calculation. Mr Azopardi told the House that excluding COVID expenditure,

departmental results had been exceeded by £35 million, which was a big chunk of the £91 million. Not true. The COVID element spelt out on the same page shows a forecast by the Treasury of £135 million compared with an original figure of £67.4 million, an increase of £67.6 million. Therefore, of the £91 million net of COVID we deduct the £67.6 million and we are left with
345 £23.4 million. The House had been told that there was a figure of £35 million which was a big chunk of the £91 million net of COVID, so there we have the mathematical paradox that Mr Clinton defends, that £35 million is a big chunk of the £23.4 million. (*Laughter*) But it gets worse, Mr Speaker. (*Interjection*) It gets worse.

The next deduction is that the contribution to the Improvement and Development Fund, which
350 we all agree is not departmental funding and therefore not in the £35 million, was increased from £16.5 million to £19.5 million, therefore leaving a net figure residue at £20 million. The next figures we have to examine are what actually made up the total departmental expenditure. This was approved by us, with them voting against, at £550.7 million, was forecast last year to reach
355 £569.3 million and has finally ended up with an actual figure of £567.9 million in this year's Budget. So the forecast overspend of £18.6 million is now £7.2 million. So where does the £35 million come from, according to Mr Clinton? He says Mr Azopardi removed from the calculations made by the Treasury in heads 46, 47 and 48 the forecast outturns and substituted figures that he had extracted from the Health Services, ERS and the Care Agency, but head 46 does not show GHA
360 expenditure, it shows the amount of money that was given to the GHA from the Consolidated Fund with a few minor expenditure elements retained in the department, and the same is the case with head 47 ERS, and 48 Care Agency. Mr Clinton told us this year that the extra expenditure on these three heads of £35 million instead of £18.7 million are both correct and just a different way of calculating it, but if that were so then the £35 million was not departmental expenditure because those three heads show departmental expenditure which is the funding of GHA, ERS and
365 the Care Agency, which is where the expenditure is. Moreover, the three heads show that the Consolidated Fund provided £18.7 million and not £35 million. Nor can it be true that the £35 million is a big chunk of the £91 million as stated by Mr Azopardi. If it were so, all the other heads of expenditure representing all the other government departments would have had to come in below budget to remain at £91 million, and Mr Azopardi claimed the opposite and castigated Ministers for overspending in the departments and insisted that this underspending
370 was £35 million, to be part of the £91 million.

So either there were a great deal of incorrect facts provided, which we assume was accidental and Mr Azopardi should acknowledge the mistake and put the record straight, or alternatively –
375 and we hope not – it was done by design, to manufacture a non-existent exorbitant departmental overspend in order to castigate Ministers. Since it has always been the case that the expenditure from the Consolidated Fund is separate and distinct from the expenditure of the authorities and agencies, Mr Azopardi was wrong in his analysis that the expenditure of the Consolidated Fund had grown by £35 million and not £18 million, when it was a totally artificial figure insertion and replacement of the correct calculation by the Treasury. His emphasis of 'not £35,000 but
380 £35 million' was therefore to be able to accuse Ministers of not exercising proper control over government departments. The control of government departments has been kept with overspends of 0.4% and 0.5% in the last two years and it is the job of controlling officers, who have done a very good job of it. The overspend in the three agencies is not necessarily funded from the Consolidated Fund, and saying that the overspend in the agencies was overspend by
385 government departments is therefore incorrect and not true. It is clear that keeping control of spending in the agencies is proving much more difficult to deliver than in government departments and that would have been a correct analysis.

Mr Speaker, turning to other matters, we had a very detailed analysis by the Hon. Minister for
390 Tourism and the Port, Mr Daryanani, of the marketing initiatives taken by his department in the last financial year. It was, by all accounts, an impressive list and shows the depth and breadth of events attended, events in Fort Lauderdale, Italy, Morocco, the UK, Spain and elsewhere, and the tourism, cruising and aviation industries targeted. It shows that no stone is being left unturned to

bring Gibraltar back, in tourism terms, to pre-pandemic levels and to continue growth thereafter. I have done that job and I know how difficult it is, and I therefore applaud and appreciate the efforts that the Minister and his officials are making. What I know for sure is that in that area we do nothing that attracts tourists, that attracts cruise ships or that attracts airlines by sitting back and not showing our faces, not extolling internationally the virtues and benefits which Gibraltar has to offer, and that is exactly what the Minister and those who work with him are doing, as the Minister's contribution clearly shows

The Hon. Mr Bossino, who is not here today, criticises travel expenditure, so presumably he would have cut and he will cut tourism marketing initiatives. What are they? Why does he believe that he would have been more successful than this Government and this Minister have been? It lacks credibility when we have criticism from Members opposite with nothing constructive offered. The Hon. Mr Bossino referred to what he described as the Minister's less than satisfactory performance over the last four years. He said the numbers are better despite the Minister. So what accounts for the better numbers? The hon. Member opposite? Is it pure accident? Or are the better numbers the result of efforts made by the Minister and his department in marketing Gibraltar and in attracting people back to Gibraltar?

Mr Bossino went on to say we need a strategy which recognises that tourism is fundamental to Gibraltar, and he went on to state that he would improve entry points. Is that their strategy? Is that the sum of the ideas which the GSD have in order to recognise that tourism is fundamental to Gibraltar – a paint job to entry points? 'We will introduce a revolution in tourism,' he said. Pure political rhetoric, I say, nothing concrete. **(Hon. Chief Minister: Spin.)** All spin, nothing concrete, nothing specific, just criticism for the sake of criticism and not the slightest recognition when things are done well.

Oh, he did suggest something that he would do. He would go to FITUR and not to Seatrade Global in Fort Lauderdale. *(Interjection)* Well, that is a matter of choice. When I was Minister for Tourism I did go to FITUR, but I also chose, as Minister for the Port and Maritime Affairs, to go to Seatrade Global. The hon. Member opposite would make a grave mistake if ever he had the chance to decide and he chose not to attend Seatrade Global. That is a must-attend event. All the important players in the maritime world and in the cruising industry are there. Our competitors are there. Gibraltar has to be there, Gibraltar has to be seen, but the hon. Member, with his criticism of travel and the innuendo by referring to the Minister as globetrotting seems to think that the better strategy is not to attend these events. He is wrong. We have to market Gibraltar internationally. That is what the marketing budget which we pass in this House every year is there for.

Does the hon. Member know what the marketing budget for the last year was? I obviously say that rhetorically because the hon. Member is not here and he cannot answer me, but we are here to debate the estimates in the Book and the hon. Member made not a single mention, as far as I can recall, to the Book. Well, let me tell him that last year the House approved a marketing budget for the Tourism Department of £700,000. That was the estimate for 2022-23, £700,000 approved by this House for marketing. Again rhetorically, does the hon. Member opposite know how much was spent? Well, the forecast outturn for this year for marketing is £320,000, £380,000 less than the Budget approved by this House, so when the Member opposite describes the Minister as having had less than satisfactory performance, is he is saying that he has not done enough, he has not travelled enough, he has not marketed enough, he has not spent enough, that he should have spent the £380,000 still there in the kitty? No, on the contrary, the hon. Member says he travelled too much, he has gone to too many places to market and sell Gibraltar, he should have saved some money. In effect, the Opposition is saying that money is wasted on this. As I mentioned earlier, Sir Joe invited Mr Clinton to identify waste and Mr Clinton said he could not because he did not have the Principal Auditor's Report. Mr Clinton does not need the Principal Auditor's Report, he has Mr Bossino. Mr Bossino can tell him that the Minister has spent too much on marketing: 'Scrap the marketing, save £320,000 – people will flock to Gibraltar regardless.' This is not serious politics.

445 It is bad enough to offer no meaningful alternative; it is far worse to make comments which
 are damaging to Gibraltar. Mr Bossino referred to a particular cruise company by name which he
 said he had heard was leaving Gibraltar – based on rumour, based on innuendo. ‘I have heard,’ he
 says. Well, I can say I have heard that pigs fly, but it is not true and what he said is not true. What
 the hon. Member does not realise by repeating these false rumours is the damage he does. Others
 450 may say, ‘Look at what was said in Parliament, a major cruise company is leaving – what is wrong
 with Gibraltar?’ when it is not actually true. That company has already confirmed visits for next
 year. The hon. Member did not even say, ‘I have heard that a cruise company might be leaving.’
 He mentions the company itself. The most worrying part is that the hon. Member does not seem
 to care about damaging Gibraltar. All is fair game in politics for them. Well, it should not be. We
 455 have seen that before from Members opposite in other areas where they make potentially
 damaging comments; now we have it from Mr Bossino. He is happy to repeat in this Parliament,
 without checking his facts, a rumour he has heard, which happens to be untrue, and to name the
 company concerned, and he is happy to do so even if it causes damage to Gibraltar. Again, let the
 electorate take note.

460 Mr Phillips, who is not here today – no doubt he has better things to do than participate in
 parliamentary debate – started and continued with what can only be described as a rant. His
 contribution was so baseless, so out of touch with reality that it is not even worthy of comment.
 He even complained of having to be here in the afternoons. ‘We are on summer hours,’ he said.
 What an extraordinary statement from a Member of the Opposition. The hon. Member sounded
 465 like a bull in a china shop, destroying everything in his path, the good and the bad, indiscriminately.
 Everything is bad, everything is disastrous according to Mr Phillips. I was wondering during his
 speech whether we actually live in the same place.

‘We will get Brexit done,’ he proclaimed. (*Interjection by Hon. Chief Minister*) One would have
 thought the hon. Member would be a little bit more original. Presumably what he meant was that
 470 he would get the post-Brexit deal done. Really? How? What is it that he would do that the Chief
 Minister, the Deputy Chief Minister and their teams have not done? What we have seen from the
 Government side is the protection of Gibraltar on fundamental matters, so what areas would
 Mr Phillips give in on in order to get the deal done? That must be the implication in what he said:
 they would give concessions. Or is it that he has negotiating powers that nobody else in Gibraltar
 475 has and he would convince everyone in the negotiations to accept what he says? The electorate
 is entitled to know how they would get the deal done, because that is the categorical statement
 that the hon. Member has made. And what concessions would be made?

Then he went on to say that the Government has struggled to control waste. Wasn’t he here –
 perhaps he was not – when Sir Joe asked about this? What waste is he talking about? Mr Clinton
 480 said he did not know. He said he cannot tell us. Well, now Mr Clinton cannot only ask Mr Bossino,
 he can also ask Mr Phillips about waste, and maybe next year, when they are still sitting on those
 benches, they can tell us. (**A Member:** Hear, hear.) I very much doubt that the hon. Member
 Mr Phillips himself believes what he was saying in his speech and it is clear that the Opposition
 does not believe what he said because Mr Phillips talked about selling Gibraltar on financial
 485 services, but he said our product is not good, it is all terrible, and then two minutes later, perhaps
 a little bit more, Mr Feetham congratulated Mr Isola for the excellent work, for the *fabulous* work
 which is being done in financial services and gaming. How is that for a complete answer to
 Mr Phillips?

Mr Feetham, who I am glad to see is now with us – and for the sake of Mr Feetham let me just
 490 say that I did mention, earlier on when he was absent, that he had approached me this morning
 and I gave the House the explanation that he had given me and that I appreciated and accept it,
 but I am very glad to see that Mr Feetham is now with us. He said a little bit more than just
 congratulating Mr Isola, but we had a totally different tone from Mr Feetham. It very much
 sounded like a goodbye statement, reflecting on his time in office as I have done, recognising the
 495 work done by the Hon. Samantha Sacramento and thanking her. And then he spoilt it. He delivered
 the same speech again that we have heard year after year since 2012. I did not hear him say

anything new, nothing at all. He rehashed the same arguments he has been making since 2012 about debt, about borrowing and about the Gibraltar Savings Bank. He said things were done in the first term without a mandate, but we have had two General Elections since, 2015 and 2019, and on both occasions the electorate have deposited their trust in this Government, so both times the electorate have rejected Mr Feetham's arguments. Repeating the same unmeritorious arguments year after year does not make the arguments meritorious.

He talked about the plans he had in 2015 which would have been implemented if elected, but they were not. They were not elected in 2015 and they were not elected in 2019. Again, Mr Feetham's plans were rejected. Mr Feetham said, in response to Mr Isola, that repeating the same thing every year shows consistency. Having rejected the GSD in 2012, in 2015 and in 2019, I expect that we will see the GSD rejected in 2023. *That* is consistency, something that Mr Feetham is very fond of.

Mr Speaker, this was, like mine, the hon. Lady Ms Hassan Nahon's last Budget speech. I want to personally acknowledge and thank her for the contribution she has made to local politics over the last eight years. We have disagreed many times and I disagree with much of what she said in her contribution, but I know that her heart has been in the right place and I wish her well. But she did say some things which cannot go unchallenged, and I am sure the Chief Minister will do so. I want to touch only on two points made by the hon. Lady. She said the state of the nation is 'so appalling' and she went on to ask, 'What are the benefits of this economic plan? Who has benefited? Where has the money gone?' It is growth that we have had in our economy in the last 12 years that has allowed this Government to invest in our community. It is that growth that has allowed the departmental estimates, including in Health and Social Services, to be increased. The hon. Lady has been in this House for eight years. All she has to do is look at the Book eight years ago and compare it with the Book today. She will have seen an increase in departmental expenditure in the order of 30%, and that is only in recurrent expenditure. That is where the money has gone in the last eight years, on services to this community. It is the people of Gibraltar who have benefited from the Government's economic plan. From 2011 to this year we have around, according to my calculations, a 60% increase in departmental expenditure during this Government's term in office. Those are the benefits of the economic plan. That is where the money has gone.

The hon. Lady went on to say that there is not enough money spent in the public schools system and that is why people choose to go to private schools. There are many reasons why people might choose to go to a private school, but not enough money spent in the public school system in Gibraltar is certainly not one of them, (*Laughter*) and it is worth looking at the figures.

In the last eight years that she has been in this House the education recurrent expenditure budget has increased from £44.8 million to £62.9 million in the last financial year, an increase of 40%; and in the last 12 years, since this Government has been in office, the increase has been from £27.3 million – which was the education budget we inherited in 2011 – to £62.9 million for this coming year. That is more than double, so whilst overall expenditure has increased significantly, in education in particular it has increased by more than 100%. Is there anywhere in the world where she can see comparable increases? She will be hard pressed to find any country that has done so. And that takes no account at all – because that is only departmental expenditure – of the millions in capital expenditure that we have seen in the numerous school projects, not just the rebuilds but the capital expenditure on all the schools throughout the years which the Minister for Education has already referred to and which is there for all to see. No one can possibly believe that not enough is being spent on the public schools building.

The complement of teachers in 2011 was 332. That was increased immediately we came in by 47. The complement of teachers in this year's estimates is 504. That is a 67% increase in the number of teachers we employ since we have been in Government. There has not been a 67% increase in the number of children in our schools. That means more teachers per child as a result of this Government's spending initiatives in education. The complement of learning support assistants in 2011, or classroom aides as they were then known, was 49. The complement of LSAs

550 in this year's Book is 215. That is more than four times as many, more than a 400% increase. The budget for scholarships in 2011 was £5.3 million. The budget for scholarships this year is £16.4 million. That is over three times as much.

555 The increases in investment in education – in the public school system, as the hon. Lady described it – is staggering. She asks who has benefited. Well, our children have primarily benefited from this Government's investment in education. Better schools, more teachers, more learning support assistants, more resources for the schools, more scholarships – all of these have demonstrated a steadfast commitment to education by this Government and I, for one, am proud to have been a part of that as Minister for Education for close to six years.

560 Mr Speaker, we have heard many references in this debate to the unprecedented challenges we have faced over the last four years – and it is true, we have faced challenges like never before and we will continue to face challenges. The continuing post-Brexit negotiations are one example of that, what happens whether there is a deal or no deal. Now is not a time to take risks. Now is not the time to gamble with our future. We know what we get with a GSLP/Liberal Government: a Government whose record is there for all to see and all we have to do is look around us. All we have to do is look at the economic record over the past 12 years.

565 I remember when I used to travel and speak to politicians from other countries. They just could not believe how we delivered growth consistently in double digits. We are and have been the economic envy of countries around the world. We have heard from the Chief Minister some of the economic data that he has presented. This is not data produced by the Government simply because the figures are convenient. This data is produced by officials, by professionals. The figures do not lie. They show that Gibraltar is in the process of an economic recovery in less time than expected, in less time than most other countries, with a prediction of a surplus for this year when other countries are still struggling to recover and can only dream of an economic outlook such as Gibraltar's.

575 Again, the figures and the facts announced by the Chief Minister can only be described as staggering: 7.5% growth expected in our economy in 2022-23; net debt to GDP ratio lower now than in 2011; a record number of jobs in our economy, not just coming back to pre-pandemic levels but a record number overall of jobs in our economy; a greater number of visitor arrivals; tourist expenditure up by over 60%; Government revenue significantly higher than predicted. This is astonishing. It shows that confidence continues to be there in Gibraltar despite the challenges we have faced and some of the continuing uncertainties. And it is no accident. It is a testament to the prudent management of the economy by the Government and it is that prudent management of the economy that has enabled the Government to consistently fulfil its pledges, that has enabled the Government to transform Gibraltar over the last 12 years in education, in housing, in health, on the environment and on sports and leisure facilities, with truly remarkable world-class facilities available in Gibraltar, with the expansion of financial services and gaming industries, with Gibraltar continuing to be an important destination for cruise companies and tourism generally, with the Port of Gibraltar continuing to be one of the most important ports in the Mediterranean; all of that achieved by this Government since 2011.

585 In 1988 the GSLP was elected into government under the slogan 'Time for change' and it is a slogan which Members of the GSD appear to have adopted. It is not time for change, it is time for Gibraltar, its economy and its political affairs to continue to be in the hands of an experienced team that have demonstrated time and again that Gibraltar is safe when it comes to fundamentals and that we enjoy a quality of life like nowhere else in the world. That is the Gibraltar I want to continue to live in.

595 Mr Speaker, I want to end by thanking you and all your staff, past and present. It has been truly a pleasure to come regularly to this House over the past 16 years. I will miss it. *(Banging on desks)*

Mr Speaker: The Hon. the Chief Minister.

600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I thought you were going to invite me to start my reply, which I intend to do, and not just to move the adjournment, so I wonder whether you want to do that.

605 **Mr Speaker:** I beg the Chief Minister's pardon. I invite the Chief Minister to sum up, to respond to the matters raised by Members of the Opposition in his rounding up of the debate on the Appropriation Bill.

610 **Hon. Chief Minister:** Thank you, Mr Speaker. I intend to reply at length tomorrow. Hon. Members during the course of their addresses have said things which I think merit very detailed reply, for a simple reason: hon. Members have tried to present a case to the people of Gibraltar which is demonstrably untrue. Therefore, what I intend to do is to demonstrate to them why it is that the numbers that they have sought to rely on are not numbers that the public can put any reliance on, and that in fact it is the numbers prepared by the Government – that is to say the officials, not magicians, who work in the Treasury, the controlling officers of all the departments.
615 Those are the numbers in the Estimates Book which this community should rely on.

I am not shy to say that people will not have to wait for National Day for fireworks, because hon. Members have, in their own statements, sought to pepper their contributions with unfair provocations. Today, we have heard Mr Licudi go through a lot of that material in a manner which I think will be appreciated by the public because he has calmly dismantled so much of what hon. Members have said, in particular in the areas that he had responsibility for in his illustrious front-bench career in this place. I will go through all of the contributions that hon. Members have made and I will demonstrate why it is that the people of Gibraltar are unable to place any reliance or trust in the things that hon. Members opposite have said.

625 Today, I will finish simply by saying that Gibraltar will today have seen again what a superb contribution Gilbert Licudi has made to the public life of Gibraltar, to politics in Gibraltar, to all of the departments he led in the time he was a Minister and was on the front bench. I will say, on behalf of all Members of the Government who have had the pleasure of serving with him, how much we have missed him on Monday mornings and how much we will continue to miss him on Monday mornings, in particular going forward if the people of Gibraltar entrust us once again with the responsibility of government. I will say a little more about other Ministers and Mr Licudi tomorrow as well as I reflect on the 12 years of government that we have enjoyed so far.

630 Now, Mr Speaker, instead of continuing with my reply, I move that the House should adjourn to tomorrow at 10 a.m., when I intend to go fully through all hon. Members' speeches opposite and demonstrate, as I have said, why it is that this community can place absolutely no reliance whatsoever on the things that hon. Members said and why the team representing the GSLP Liberal Government is the team that keeps Gibraltar safe.
635

Adjournment

Chief Minister (Hon. F R Picardo): I move that the House should now adjourn to tomorrow at 10 a.m., Mr Speaker.

640 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Tuesday, 18th July at 10 a.m.

I now put the question, which is that this House do now adjourn to Tuesday, 18th July at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 18th July at 10 a.m.

The House adjourned at 12.24 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10 a.m. – 2.49 p.m.

Gibraltar, Tuesday, 18th July 2023

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The Gibraltar Parliament

The Parliament met at 10 a.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Meeting of Parliament, Tuesday, 18th July 2023.
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 a document on the table.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

PAPER TO BE LAID

Clerk: Papers to be laid. The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Revolving Facility Agreement for His Majesty's Government of Gibraltar with NatWest.

Mr Speaker: Ordered to lie.

Standing Order 7(1) suspended to proceed with Government Bills

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Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I now beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Appropriation Bill 2023 – Debate concluded – Second Reading approved –

Clerk: We continue with the Second Reading of the Appropriation Bill 2023.

Mr Speaker: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker.

In continuing my reply on the Appropriation Bill 2023-24, it is clear that one of the things we are doing is reflecting on what is, in effect, the end of the lifetime of this Parliament; we are heading towards a dissolution. And so, of course, because this is a state of the nation debate and it is the last state of the nation debate that we are going to have in the lifetime of this Parliament, I will have to make comments in respect of the widest of the issues that we have heard already ventilated in this debate by Members on this side of the House and hon. Members on that side of the House. I am going to reply, in particular, in respect of the points they have made relating to the public finances, and I am going to reply in particular to the points they have made in relation to the performance of the economy, and I am going to try to do that, this year, in a slightly different way. Instead of going through the speeches of each hon. Member one by one, I am going to try to take the themes that I detected were running through the statements that were made by hon. Members. I am going to go through those themes methodically, and because I have looked at the numbers and have done my research in respect of the things they have said, I have absolute confidence in saying that I am going to demolish each one of the theories they brought to the table – not with words, not with argument, I am going to do it with numbers. I am going to demonstrate empirically that the things they have said are unreliable when you look at the data, and then I am going to address the other things that they have each said individually.

Before I go on to those themes, I want to say something about the Chamber generally. I want to say something about Parliament and political life. There are some people in this Chamber across the floor from us who we started with in politics 33 years ago, so I want to start by thanking everyone for their friendship, for their personal regard. The fact is that we fight like cats in a bag to a very great extent in this place because it is what we are paid to do. The public expect us to defend our ideas, govern Gibraltar; they expect them to challenge us in the measure of what we do and hold us to account. That is what we are about. We have an adversarial system of government and opposition, and nobody should read into that that there is any personal animosity between Members in the House. In fact, in many instances there are great friendships across the floor of the House. There is great parliamentary companionship that we share, and hon. Members reach across, as I reach across to them, when they know that we have issues in our lives etc. So the fact that we fight hard to defend our arguments, that we are part of that adversarial system, should not be seen to represent any pugilistic desire on the part of each of us to destroy each other as an individual. What we are trying to do is get to the bottom of the argument, and today, when I do what I have to do to the arguments that they have put, I am not going for them, I am going for their argument, much as I fully accept that they did not come for us when they were putting their arguments.

I think it is important that at the end of a four-year cycle, that is just something that we put on the table, and as Leader of the House I am proud to put that on the table in front of our community. Indeed, our friendship transcends this debate and the differences that we have scratch the surface of the commitment of everybody in this House to this place that we call Gibraltar. We put the spotlight on those differences, we dance on the pinhead of our differences, but in great measure we are all here to defend Gibraltar. We have different views in that respect, and in some of those views we believe, on this side of the House, there is an inherent danger for Gibraltar. I want to go through those arguments now but on that basis, because our differences are about our ideas, ideas that we have to defend robustly. Indeed, Mr Speaker, if I may say so, when we agree with each other, as I have said before on many occasions, when the House is working together in tandem across the floor, looking at the detail of legislation together – one, just now, has the little giveaway on parliament.gi – the numbers fall way. The minute we start working together, people tend to stop watching; they, unfortunately, only watch when we are going at it hammer and tongs, gladiatorially defending our ideas. But it is never about denigrating each other, and I do not think anything I have done as Chief Minister in the past 12 years has been about denigrating anybody opposite, however tough I may have been on them. I may have talked about ability, I may have talked about aptitude, but I have never called hon. Members opposite unfit to govern. I would never call them that. I was called that – a demonstration that you can be

called whatever, it does not matter, the reality always trumps what you might be called. After 12 years, the people of Gibraltar having made the judgement three times over that I should govern, obviously the fact that I was called unfit to govern meant nothing. But I have never been called ridiculous before. I have been called many things but never ridiculous. I just want to be clear that I do not think any of them are ridiculous. I might think some of their ideas are ridiculous and I will go through them and explain why, but I have never called any of them ridiculous and I have never called any of them dirty.

So, Mr Speaker as we are going into the election year, having heard how Mr Clinton descended into calling me ridiculous and saying other things, what I want to do is call for temperance in debate, especially as we go into the election period. I know it is an issue that I will make common cause on with the Leader of the Opposition, who believes in temperance in debate and believes that we should be having a contest of ideas. I look forward to an electoral period, which is apparently fast becoming a two-horse race, where both of the teams in the election – us in coalition with the Liberal Party; hon. Members, who knows, either on their own or in coalition with what is left of Together Gibraltar ... I wonder how they are going to allocate seats in that respect. But anyway, I will have some fun with that in the future. How are they going to tell people of their long-serving executive who might want to be candidates that they cannot come in because a party that no longer has parliamentary representation is going to be a part of the team? He might square that circle. But as we go into that debate – which is, in my view, in reality going to be a two-horse race, even if there are three parties contesting the election – we must lead by example and we must have temperance in debate and not call each other ridiculous. I know that as the political prize of winning an election that once again feels to them, as I can sense, to be slipping from their less than firm grasp ... desperation may kick in, and I detected what I thought was an element of desperation or frustration in Mr Clinton in his address, but that is no excuse to start calling each other ridiculous or to start saying that we are dirty, in particular given that the things that led Mr Clinton to say that we are ridiculous are things that I will demonstrate he got wrong. So, if anything, that description did not just fit the person he threw it at; it might, by some, be deemed to be something that better describes not him – because I am not going to say that he is ridiculous; I do not think he is – but it better describes his analysis and the positions that he is taking in relation to this debate.

And so, Mr Speaker, let me start by saying that I thought hon. Members ... People will say that they were broken records and all the rest of it. I thought they played more repeats than BBC2 in their speeches. It was all about repeats. Mr Bossino is right, we do deserve better opposition, except of course it is much more important for us to do government, so we cannot go and do their job too, and we cannot field two teams in this General Election campaign, and we are not going to do opposition so that they can do government because if they do the job of government that they have done in opposition ... Goodness gracious, they would be more bothered about chickens than they would be about the issues of the day, as I will demonstrate. But it is clear and even Mr Bossino recognised that we even do opposition better than them, let alone government. And so it is clear to me that there are no – and those in the 1980s will remember this quote – Scorpions, there are no winds of change blowing in the town in relation to the Government, but one can certainly feel the wind of change blowing in the Opposition. Even though that may not be what this election is ostensibly about, it is very clear that this election – as I thought Mr Xiberras, may he rest in peace, said so effectively in 2003 – on the Opposition side is about grooming horses but not about changing the Government.

Why do I say that? Well, just look at what has happened in the past decade, in the past 12 years. Look at the baseline from which the GSD judges success. Look at how that has moved. Look at how the GSLP Liberal Government has moved the baseline of expectation from what *they* were able to deliver. They now demand that we do things that they were against doing when they were in government. Of course we were elected to deliver change, but we have delivered change in so many areas and will still deliver it in areas where we may not yet have been able to deliver it or may need to deliver it again. Gibraltar needs us to continue our reforming zeal, but we have

130 changed so many things, it is a badge of honour for this Government that we have even changed
 them. We have delivered so much change from Government that we have even changed the GSD
 Opposition. (A Member: Yes.) We have changed them to believe in what we believe, or at least
 they pretend to. There is now a GSD Opposition where two Members say, ‘Whilst Keith Azopardi
 135 is Leader of the Opposition, equality for all – at least whilst Keith Azopardi is Leader of the
 Opposition’. They now argue for what we argue and against what they did.

But, of course, on some issues they remain hopelessly divided, like the issue of equality, which
 I will come to. Some people on that side are virulently anti-LGBTQ+ equality, they are virulently
 anti-women’s reproductive rights, and if I may say so with respect to Members sitting opposite, I
 think those who hold those virulent views are the real spiritual leaders of that side. The one thing
 140 that we have not been able to change is how deeply hypocritical, politically hypocritical the GSD
 is when it comes to saying one thing and doing another, taking one position in opposition and
 doing the opposite in government. They know that that is true and they know it is also true that
 no Opposition has ever gone from holding anything other than the eight Opposition seats to
 holding Government. We can have the discussion about what happened in 1984 at seven in the
 145 morning, but no Opposition has ever gone from holding fewer than seven seats to holding
 Government. That is the political reality in which we are operating. So what is obvious, what is
 transparent, what the public know and what the public can sense is that they need to settle their
 civil war before they bring the battle to us. That is the reality.

Just listening them, every one of their speeches has been a real flop. Mr Clinton’s address:
 150 when I go through it, apart from the fact that it is delivered with a little less vehemence than one
 might expect given the seriousness of the issues that he says are bubbling under, you do not feel
 any passion for that seriousness that he is talking about. These were not the speeches of the
 Minister for Public Finance of a government in waiting. Where were the plans for what they were
 going to do? The only plan they seem to have is to have a Public Accounts Committee and wait for
 155 the value for money audit of the Principal Auditor, something I will come to later.

Mr Phillips’s address: although it was peppered with loud references to rhubarb, there was
 absolutely nothing in it. I will come to it in a minute, but it felt like we were seeing the delivery of
 a script for *It Ain’t Half Hot Mum* during the course of a Budget debate.

Mr Feetham’s address: I will go through it in detail, but I am still trying to work out whether it
 160 was Gaston’s valedictory – I will explain why I am calling him Gaston in a moment – or whether it
 was the first scene of *The Empire Strikes Back*. We are still divided, probably the latter. I am the
 one person he cannot fool in this place. We have a quasi-symbiotic relationship. We know each
 other as if we had given birth to each other, politically.

And Mr Bossino’s address: strong on fire, short on gas. You know what happens when you are
 165 long on fire and short on gas, yes? You are soon to be extinguished, because you run out of gas
 when you are burning really hot but with nothing in the tank. Former Leaders of the Opposition
 and obviously a future Leader of the Opposition – nothing else, in my view, so FLOPs all round.

And of course, the Leader of the Opposition today, also soon to be a FLOP – a former Leader
 of the Opposition – but not because he is going to move to this side, in my view. I do not get a
 170 sense that there is a feeling in the streets that Keith Azopardi is going to be the Chief Minister of
 Gibraltar before the year is out. I do not think I am so disconnected, and people around me would
 tell me: ‘The man is just, with his charisma, taking over the town. You will see him talking to
 everyone. He walks down the street greeting people from a distance. Fabian, your time’s up.’
 Perhaps they are telling him; no one is telling me. But look, the judgement will be in the ballot
 175 boxes. Let’s see whether people decide to put a gentleman who finds it difficult to raise his eyes
 to greet people in the street in charge of Gibraltar’s negotiating team to build relationships across
 the table with negotiating counterparts and establish relationships with the British political class
 to ensure the protection of Gibraltar, especially when I go through the things he has said about
 those things in the past. Let’s see, because the public will make the decision and the electorate is
 180 always wise. If they choose him, they choose him, but the winds of change that the Scorpions sang
 about do not feel, to me, to be the winds of change that the Rock scorpions are singing about. I

do not get that tune. I do not even hear *The Final Countdown*, which is my favourite tune of the 1980s.

185 It is not as if the hon. Gentleman is a stranger to being a flop. He flopped in 2003 when he asked Peter Caruana to step aside and let him take over. He flopped in 2007 when he led the PDP to its first General Election defeat. He flopped in 2011 when he led the PDP to its second General Election defeat. He flopped in 2019 when he led the GSD to its third consecutive General Election defeat. He is used to flopping. I just do not want somebody who is that much of a flop in charge of the affairs of Gibraltar, because I do not want Gibraltar to flop. It was their worst result in
190 25 years – since 1992, their worst result, no? Yes, so in 25 years: 19 plus eight is 27. It was their worst General Election result in 25 years, in a quarter of a decade, I am sorry to tell him. I am sorry if it is crystallised in his brain now that I have done the maths for him, but I think that is why Mr Feetham has such affection for him. I do not think it has anything to do with keeping Bossino at bay. I think it has more to do with the fact that the GSD had their worst General Election defeat
195 under Mr Feetham in 2015 *until* Mr Azopardi came and spared his blushes in 2019, *menos más*.

The GSD know that they are not a government in waiting. They know it, their party knows it and the public knows it. That is the reality. They are all opposition and no leadership, all opposition and no vision, all opposition and no plan for our people's future. Let's look at the themes they have tried to develop during the course of this week, in particular Mr Feetham and Mr Clinton.
200 They talked first and principally about their big idea by addressing the issue of Brexit and saying that of course the issue of continuity is not an issue because they are going to include us in their negotiating team. Oh, what a whizz, what a great idea, fantastic. They want a safe and secure agreement, just like us; they will only back a treaty if it is safe and secure, but we have missed all the opportunities that there were to do such a treaty. So they need to lead the team, include the
205 people in it who missed all the opportunities and then we will be fine. Let's look at some of the things they have said now and in the past, and then let's determine what the missed opportunities they say are, and let's determine what their positions on the issues which will make us safe and secure going forward are and have been. I want to be very clear: the things I am going to talk about are the things they have said. In other words, I am going to take the battle to them using
210 the things that they have said and they have committed to writing.

Let's be clear, success has many fathers and defeat is an orphan. There is no treaty. Whose responsibility in Gibraltar is it that there is no treaty? It is mine. Of course, with my Deputy Chief Minister, working together politically, it is ours. Of course, with the Government, it is ours. Of course, with the negotiating team, it is ours. But I make the calls with the Deputy Chief Minister and with the Government. It is *my* responsibility. The failure to have a treaty today in Gibraltar,
215 on the Gibraltar side, is my failure. I do not mind standing up for that failure because it is a failure I will defend in the absence of a safe and secure proposal that I was willing to bring back to the people of Gibraltar, because on the fundamentals we will never shift, *ever*. So I do not mind them saying that I have failed to do a treaty, because I know if I had brought the treaties that potentially
220 might have been on the table to the people of Gibraltar they would not be acceptable, and as I have said around the negotiating table, 'I am not prepared to agree this, not because I cannot sell it, not because the people of Gibraltar do not want it, I am not prepared to do this because I have been in politics for 30 years to say no when you came to ask for it.' That is my position at the negotiating table, not that it might not be sellable but that we will not do it because our position
225 has not changed for 30 years. In some instances, our position has not changed for 50 years. And our position will not change on the fundamentals, not because we cannot sell it, but because we will not do it, because we will not go through the needle. We will not go through the eye of the needle of any session on sovereignty – none, titular or otherwise – and I think there are people on that side of the table who agree with us; not even a titular session on sovereignty, not even
230 what might be described as a fig leaf to help the other side to do the deal. No, no, no. A socialist Chief Minister quoting Margaret Thatcher – no, no, no, because on the fundamentals we stand firm. Even titular issues of sovereignty are a step too far, and let whoever needs to hear that hear it, wherever they may be. They have heard it round the negotiating table, they will hear it here.

235 They will hear it wherever they have to hear it. There is no private position that we take which is different to our public position – all our positions are the same.

I even extend that, of course, to a potential status deal – in other words, a deal that goes beyond just an arrangement between the United Kingdom and the European Union on Gibraltar's future access on immigration and goods matters to the European Union – or a status deal *à la* modern Andorra, for example. We will not do a modern Andorra deal, which is to cede half the titular sovereignty of Gibraltar to a Spanish sovereign. We will not do that deal. I think there are people on that side who would not do that deal. I think there are people on that side who agree with us that Andorra, even modern Andorra, is joint sovereignty. I *think* there are people on that side ... Obviously, the issue for me is that, for me, this is the dividing issue on Gibraltar politics. If you believe that, you should be on this side, you should not be on that side. In fact, you should be with us whichever side we are on, because we defend the same position when we are in opposition as when we are in government. So let's be very clear: we on this side, on the GSLP Liberal side, will never recommend an Andorra-style solution to the people of Gibraltar in a referendum. We consider even the modern Andorra solution to be joint sovereignty. Even a Spanish titular sovereign would be unacceptable to us, and – I am surprised I even have to say this – it should not even ever be proposed to us. Not only would we not recommend it in a referendum, we will not say privately that we might accept a modern Andorra solution, and we are saying publicly nobody should come and privately propose it to us.

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255 So why am I saying those things? Well, because they have said they want a safe and secure treaty, which does not go anywhere near a concession on sovereignty, and they have said that we have missed opportunities. Let's look at exactly what they said about those missed opportunities, and then let's look at what they have said about the key issues and let's bring those two things together.

Mr Azopardi, in his address in response to me, said this:

Before I turn to that financial analysis in detail, and as this is a state of the nation debate, I want to say something about the longstanding Brexit negotiations and the state of play of them. Our policy is and continues to be that we would like to see a safe and beneficial agreement concluded with the EU which establishes a new relationship with the European Union.

– so far, so good –

We do think there have been failures along the way and missed opportunities to secure lasting rights for residents of Gibraltar which could already have settled aspects of what we all want.

260 That is what he says to us of the people he wants to include in his negotiating team. Indeed, at different times Mr Azopardi has even said that we should have had our deal with the TCA. But then he went on to say:

the Chief Minister knows he can rely on us to make common cause with him against Spain as necessary for the defence of Gibraltar's interests. We would hope, likewise, that we could count on him on the fundamentals if there is a subsequent change of government in Gibraltar.

265 Remember, of course, that as I have referred the House to in my previous Budget addresses, Mr Azopardi was the Gibraltarian who said, in an article in the *Gibraltar Chronicle*, that one of the ways we should be looking at dealing with the future relationship with the European Union was that the President of the European Union should have responsibility for Gibraltar's external relations. I have quoted extensively from that article – it is in the *Hansard*. Imagine that. Talk about judgement. The Hon. Mr Azopardi was talking about giving the control of our external relations to Jean-Claude Juncker, who was then the President of the European Commission – Jean-Claude 'I have had one too many' Juncker in charge of Gibraltar's external relations. The European Commission is the entity that gave Spain that veto that we talk about, and we are talking about

giving them responsibility for our external relations. I think the result of the Brexit referendum in Gibraltar was 96%, but I do not think it would be 96% today, given the way people have thought that the European Commission has behaved in some respects – not in the negotiation, but in some respects with us during the period of the mandate etc. I do not think the faith that Gibraltar had in the European Union is there today, let alone agree with the Hon. Mr Azopardi that we should give control of our external relations to the President of the European Commission.

The next thing he said we had done wrong, the opportunity we had missed this time, was that we had allowed frontier workers to have freedom of movement before we had secured anything for us. Well, that is not true, as I have shown before. The Withdrawal Agreement preserves the agreement, the rights of everyone who is exercising European rights. Some frontier workers retain rights under the Withdrawal Agreement because it is a consequence of us not having had a hard Brexit at the time, but many of them no longer do. The churn of frontier workers is almost a thousand a year, more even, so of those who were in Gibraltar, who were exercising rights under the Withdrawal Agreement – probably about 10,000 – the Withdrawal Agreement came into effect in 2020. Thereafter, already half of them are likely to have gone without those rights. And yet he said that we should have done our agreement with the TCA. The TCA deals with issues which do not interest Gibraltar. I do realise that they are confused and they might say, ‘No, we have not said that.’ As I will show, Mr Speaker, they have said both that we should be included in the UK agreement and that we should not be included in the UK agreement. I will go through both, so hon. Members can choose which ones they prefer – which position they have taken which is diametrically opposed they would prefer today and which one they would prefer tomorrow, because they have taken both positions. Consistency is important to most people in politics, obviously not to them.

Look at what he said when he was the Leader of the Bar in October 2016:

As we have to take control of our own laws, the Government may also wish to consider retaining the ability of EU citizens to move freely, establish themselves, move capital and provide services into Gibraltar.

– in exchange for nothing, he was saying –

It may make reciprocal treatment easier going forward if we send the clear signal that, at least in Gibraltar, EU citizens will not lose the four freedoms.

So now he says that the missed opportunity is that we gave frontier workers continued freedom of movement, which is exactly in exchange for nothing, which is exactly what he was proposing in October 2016. Has he forgotten that? How dangerous to have somebody in charge of the Brexit negotiating team who forgets the positions he has taken in relation to Brexit. First of all, only three of the four freedoms apply to Gibraltar fully. The fourth freedom – freedom of movement of people, capital and services – applies. The freedom of movement of goods never applied to its full extent because we were not part of the Customs Union, and in any event this is to a very great extent, but not exactly, what happened under the Withdrawal Agreement, which he then brought his hatchet out to hit us about. So, at one stage he is saying have a different solution, also. Then he is saying have exactly the same solution as the UK.

Ironically, when I do some of my research for these things, I find gems that I do not expect to find. In exactly the same edition of the newspaper, also on the front page on 15th October 2016, the GSD, then led by Mr Feetham, also had a headline. The GSD were then saying we have to have exactly the same solution as the UK. *Claro, el integracionista*, the integrationist, wanted us to have exactly the same solution as the UK. They are even more confused than I thought. When I started to look in detail at what were the positions that Joseph Garcia and Fabian Picardo would have to kowtow to as part of the GSD negotiating team on Brexit, I found that one position was here and the other position was there, but that the negotiators were going to be there.

315 Under Mr Feetham we have to have the same solution, no differentiated solution. This is what Mr Feetham said on 15th December 2016 to Jonathan Scott in an interview on GBC:

To the extent that it is suggested by the Chief Minister or anyone else that somehow Gibraltar can negotiate a separate deal to that negotiated by the United Kingdom that involves more Europe, for example a special status within Europe, my position is that that is not realistic for Gibraltar.

Of course, his position changed to the complete opposite of that. Do not worry, I know that it changed. On 25th January 2017, he said this:

The GSD continues to believe that the best solutions for Gibraltar are that Gibraltar acquire the same rights as the United Kingdom in any future agreements that the United Kingdom makes with the European Union.

Same, same, same.

320 Look at this complete volte-face. By 26th July 2018 the GSD position on the most fundamental issue affecting this generation of Gibraltarians is to say that the interests of the United Kingdom and Gibraltar are diametrically opposed. Mr Feetham was saying this – this was in an address to Rotary:

Our interests are now so clearly unaligned with the interests of the United Kingdom that we would be foolish to make our negotiating strategy entirely UK facing. There is no point anymore in saying that we want the same deal the UK negotiates with the EU with an opt out.

325 Well, it was not us who were saying it, Mr Speaker, it was them. He might as well have said there is no point in us saying anything, because the only position that was being decried by the GSD was the GSD's position. The negotiation has gone on for 21 months up to now, right? This is a complete change of position in the GSD in 13 months. So in the space of the negotiating period they would have changed position from one end to the other. What sort of negotiators are they? I do not know. Joseph Garcia and Fabian Picardo do not negotiate like that.

Not only is there a real risk that there will be no UK deal, the issues that concern the UK are not the issues that concern Gibraltar.

330 Of course, the hon. Gentleman was saying, 'What about reverse Greenland?' Doesn't he realise that the consequence and effect of reverse Greenland is de facto what we are negotiating now? Doesn't he realise that? Well, perhaps he will, because his legal analysis of issues relating to sovereignty and to Brexit, which I will come to, is not as strong as one would have expected of a senior silk.

The interests that the UK wants to protect are not the interests that Gibraltar necessarily wants to protect. Their objectives are not our objectives. We are a finance centre that wants to be both EU and UK facing. We are a small community with little space that depends on frontier fluidity.

335 Mr Speaker, it is remarkable. I could go through the position that is put by Daniel Feetham a year after he put the opposite position and think it perfectly describes the position of the Government – perfectly. The incredible thing is that he took that position when? When we briefed him on what we considered to be the right negotiating position to take. He actually says to Rotary, 'Look, I am taking this position having considered these issues with the Government.' Having
340 considered these issues with the Government, yes; having been briefed and having done a complete volte-face on the thing which he said was the only safe position.

345 So what is the only safe position for the GSD? In 2016 it is to give our foreign affairs to the European Commission, to negotiate nothing other than the same deal with the UK – except, of course, Mr Azopardi is saying negotiate a different one – and then, in 2018, to negotiate something completely different. What is the position that we have to take in the Brexit negotiating

team when we go as part of their Brexit negotiating team? What is it? I am sure that even they do not know. On this fundamental issue the leaders of the GSD have gone from one side to the other, like a drunk meandering down Main Street at three or four in the morning not knowing which lamp post to grab and falling over.

350 Mr Clinton's analysis of Brexit, Mr Speaker ... Oh, no, he did not do one, so the Minister for Public Finance in the new GSD Government after the General Election, the Chancellor of the Exchequer for Gibraltar, does not address the key issue that affects the economy and, by dint of the economy, the revenue and the public finances of Gibraltar. Just that is enough to demonstrate that the analysis we heard from Mr Clinton is, in my view, not worth the paper it is written on – a

355 waste of paper, Mr Speaker.

In his analysis in this debate, Mr Feetham said this:

... Mr Azopardi, and his team are ready and willing to perform and do so well,

– 'his' team; that is to say no longer Mr Feetham's team, Mr Azopardi's team –

a team that has both experience of government and opposition, a team that contains Members who have formed part of negotiating teams with both Spain and the UK.

360 Well, actually, Mr Speaker, just a footnote. I do not think anyone on that side has ever negotiated anything with Spain. I do not think so. Mr Feetham was in No. 6 as Minister for Justice but did not negotiate the Cordoba Agreements, although he wrote extensively defending them. Mr Azopardi was outside the GSD, aggressively attacking the Cordoba Agreements. So unless somebody who we have never seen in any photograph, who negotiated with Spain at the time when they were in Government ... I do not know who it is that Mr Feetham was referring to. He

365 got even that wrong – unless they are telling us that Sir Peter is coming back, because I understand he was the only one who used to conduct the negotiation. And then he goes on:

And, of course, we have the benefit of their support from the Opposition benches when they lose the next election

– he is speaking to us –

because it is our policy to have one cross-party Gibraltar delegation when addressing international fora and negotiating our new relationship with the European Union.

A hell of an assumption there, Mr Speaker. It may be their policy; it does not mean that we have to go along with it. He went on to say:

It is absolute nonsense that they are the only ones who can negotiate a new treaty with the European Union, absolute nonsense.

370 A clear position from Daniel Feetham. Interestingly, Mr Feetham, I think, went on television, even before he had said those things, to say exactly the same things, but I am going to demonstrate to him and perhaps to others on that side, as well as to the general community, that actually there is a very good reason why we are the only ones who can negotiate with the European Union, Spain and the United Kingdom – the very good 'only Nixon can go to China' reference that hon. Members will know – because when he went on television he went even

375 further. He said this:

We all want the best for Gibraltar and I would assume that if we were to be elected into government

– 'assume', Mr Speaker: to assume makes an ass of you and me –

Mr Garcia and Mr Picardo would agree to form part of the Gibraltar delegation which we have invited them to form part of.

380 I have not even called a General Election yet, Mr Speaker. In their fantasy they have won it, they are sitting in Convent Place, ringing me up: 'Hello, dear Leader of the Opposition' – if I am, because I might not be – 'we want you to form part of a negotiating team. Ask that lovely Joseph Garcia to come with you, would you?' They are offering jobs and participation in negotiating teams even before I have said ready, steady, go to their General Election.

385 'And therefore,' he said, Mr Speaker –

Hon. D A Feetham: We are generous.

390 **Hon. Chief Minister:** Mr Feetham is saying, from a sedentary position, that they are generous. As I will show, they are not just being generous. I will show during the course of my address that they are also threatening company directors and they are threatening others even before the General Election has been called. I will show them where they have done that.

He went on to say, on GBC:

Therefore, there will be continuity in the negotiations because what we are not going to do is what the Government have done over the last four years, which is go it alone, completely ignore the Opposition, not have the Opposition on board.

395 But we have never done that, Mr Speaker. We have briefed them consistently. When we have briefed them, we have asked them whether they had any ideas that they wanted to put to us, whether there was anything that they felt we had not put which should be put. Did they ever suggest anything? No, nothing, zilch. And indeed, past experience that we have of working with the GSD, when they were in government and we were in opposition, was that even on joint sovereignty they did not want us involved, because obviously it was a battle that was going to be won and the former Chief Minister knew that thereafter there was a General Election and he wanted all that glory. But Joe Bossano got up in this House, in what I consider to be a memorable moment which should be highlighted in the annals of our political history, and said to Peter Caruana, who was not including him in the team to fight joint sovereignty, 'Don't worry. Before they get to you, they have to get through me.' They will have that from us, but they will not have us as part of their negotiating team. Peter Caruana conducted the Cordoba negotiations without any Member of the GSD being with him, let alone any Member of the GSLP or the Liberals being with him. That is typical of the GSD, saying one thing in opposition and doing the opposite in government.

400 And what opportunities is it that they say we have missed, Mr Speaker? To use frontier workers like a bargaining chip, which Mr Azopardi says one day and then forgets, having said the opposite on another? That we form part of the TCA and then realise, as we have been telling them, that the TCA has nothing for us? These are not serious people to put in the context of the negotiation as political representatives of the people of Gibraltar who know their position on Brexit. These are not serious negotiators. Without being pushed in a negotiation, without pressure, I have already demonstrated they have changed their position on whether we should be part of the UK agreements, or not. I have already demonstrated he has changed his position on whether we should use frontier workers as bargaining chips, or not. So Mr Feetham was wrong in the assumption that he made. We will not form part of a GSD Government's negotiating team of a Brexit treaty. We will not, and for very good reason. Indeed, by the time I finish going through the part that I am going to go through now, I do not think anyone in Gibraltar who joins us in our view of sovereignty, and indeed some people on that side who join us in our view on sovereignty, none will want a GSD negotiating team to lead on Brexit, none, especially if you care about British exclusive sovereignty over Gibraltar – real, substantive and titular – and British exclusive sovereignty over the waters around Gibraltar.

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425 I have still got to do a little bit more before I get to that good bit, Mr Speaker, because I have to go through another thing that was said during Mr Phillips's rhubarb-rhubarb style address. I am surprised he is not here to hear me with his army of blue and yellow soldiers ready to take me on. He said this:

When Mr Isola romantically [...] waxed lyrical about the Hon. Chief Minister. He said the GSD could not be trusted with the public finances and the crucial Brexit negotiations.

– quite right, too –

Of course, as always, he is completely wrong, Mr Speaker. I will tell him something for free:

– in fact, I am going to do it like Mr Phillips did –

he talks about only one man being able to take us forward, but we have an army of yellow and blue men and women in the GSD ready to balance the books, reduce the debt, restore public services and get Brexit done. Compare that to a record of the one man [who has failed to] get the deal done before [a crucial] Spanish General Election.

430 Well, Mr Speaker, I can remember an English blonde political bombshell who talked about getting Brexit done – and it is not just Mr Phillips I am thinking of – and look where that got the United Kingdom. Let's compare my record with Mr Phillips and let's see what he and his blue and yellow army can do. Let's concentrate on the yellow, which is the colour of cowardice, let us be always clear.

435 Mr Bossino – who I also have to deal with – also replying to Mr Isola, who seems to have drawn so much of their fire just for telling it like it is, said this:

Deploying [...] what are inelegant references to us by suggesting that we do not have a clue [...] that we do not understand diplomacy and that the Gibraltar public will understand this and re-elect them into office [...] Quite apart from the fact that we do have a competent team to lead the negotiations to a final conclusion ...

440 Seriously? I think even Mr Bossino is embarrassed when I am talking about the different positions they have taken and whether we should be part of the same deal as the UK or not, whether we should use frontier workers as bargaining chips or not. If they flip-flopped on these issues, issues where I think Mr Bossino's position is aligned with mine and with the Deputy Chief Minister's ... I do not think Mr Bossino believes that frontier workers should be used as bargaining chips and I do not think he believes that we should have formed part of the TCA, which does nothing for immigration or movement of goods. But they do realise now, I hope, that they obviously do not understand diplomacy, because you cannot go into a diplomatic exchange having taken so many different positions, especially on the most important issue of our generation.

445 The truth is that the Hon. Mr Azopardi has no longer pursued the idea that we should hand over control of our external relations to the European Commission. Perhaps he realised how dangerous and ridiculous it was when that was one of the things that Sr Margallo suggested should be the case. Sr Margallo, in his first post-Brexit proposal, said one of the ways to deal with this is that the external relations of Gibraltar become the responsibility of the European Commission, and of course there it would be Spain that would be responsible for those issues. I think after that I have not heard Mr Azopardi say the thing that he had said before, which Sr Margallo picked up as one of the things that he agreed with.

455 And so we cannot form part of a negotiating team that is not putting a clear position, that is taking positions which are contrary to ours – on those issues of the TCA, the frontier workers, the European Commission President having control of the external relations of Gibraltar – just as we cannot go to the United Nations with them, because we have a different view as to what the effect of the Constitution is and whether we should attend the C24. And because we are not going to form part of the team, of course, if people want continuity they need to elect a GSLP Liberal

460 Government that will put Fabian Picardo, that will put Joseph Garcia, that will put this Cabinet in charge of the negotiations, because they are not going to get continuity unless they vote for us.

The deepest irony that I have detected in all of this is that when they have seen the reality, which of course they have understood too, the public will not want to change the poker player at the table before the last round of cards is dealt, when the poker player knows everybody else and knows how they feign when they have cards or do not have cards; that Gibraltar is not going to change the generals in the last week of the war. They are not going to change Norman Schwarzkopf just as we are about to topple the regime. But do you know what the irony is, Mr Speaker? That having realised, as they have, that the Gibraltarians are far too clever to fall into that trap, what do they do: they take the opposite position they took in 2011. In 2011, they had a newspaper which they gave £100,000 of taxpayers' money to in one year, and the headline in that newspaper was 'Careful, warning, vote Picardo but you get Bossano.' That was the warning. Now it is the opposite. It is 'Vote Azopardi, but don't worry, you'll get Picardo.' It is ridiculous. They are not ridiculous but their positions are ridiculous. They are saying to the general public, 'Vote GSD and we will deliver a GSLP Liberal negotiating team in the Brexit negotiation.'

475 It is remarkable. How low has the proud GSD been laid? It is an admission, in effect, that they cannot run the negotiation. And why would we want to work with people who have been criticising our decisions all along? They have criticised the MoUs, they have criticised the Tax Treaty, they have criticised the Withdrawal Agreement, they have criticised the New Year's Eve Agreement. The New Year's Eve Agreement is the foundation of the negotiation that we are doing. How can they be the negotiating team that goes to turn the New Year's Eve Agreement, that they criticised, into a treaty between the European Union and the United Kingdom? Without the New Year's Eve Agreement there is no negotiation for a treaty, without the MoUs there is no New Year's Eve Agreement and without the Tax Treaty there was no Withdrawal Agreement or New Year's Eve Agreement. So Mr Feetham's assumption is wrong. We are not going to form part of the negotiating team. We are not going to be part of the political stunt that they are trying to pull, which is to pray in aid the Opposition to support their Government should they ever form it. If people want continuity in the negotiation, they will have to vote for the real thing: for the GSLP Liberal team.

490 The key issue is sovereignty. That is the key issue because when you look at what GSD policy is on sovereignty and you do a cold analysis, there is a thread that runs through their positions and it is a rotten thread. I am going to show how rotten it is and how it pervades the past leadership of the party and the current leadership of the party. Their position is that the modern Andorra is not joint sovereignty. They are the party of the potential recommendation of modern Andorra to the people of Gibraltar. They are the party that somehow did not see that joint sovereignty was what could come if you talked about Andorra.

Let me just be very clear. I believe I have, with my Government, the best relationship Gibraltar has had with the United Kingdom for generations and for decades. If an official – I know none at the moment who would do so, because they are close friends and supportive of Gibraltar – or a Minister – I know none and have met none who would do so, because they are close friends and supportive of Gibraltar – were, in the future, in my presence as Chief Minister, ever to say the words 'joint sovereignty' and fly a kite, I have a message for whoever is in government in the United Kingdom at the time. Not only would they be told immediately to stick it where the sun does not shine, I would guarantee that Minister or official that if they took one step forward I would not make it my business to defeat an attempt to cast joint sovereignty again as a pall over the people of Gibraltar, I would make it my business to bring down that government in the United Kingdom. It is that simple. I would mobilise everything Gibraltar has, every resource I have to bring down a government in the United Kingdom if they dared to give traction to joint sovereignty over Gibraltar. And do you know what? With the ability of the Government of Gibraltar and the people of Gibraltar to mobilise public opinion in the United Kingdom, I dare say we could achieve it.

510 What you cannot do in 2023 is forget the history of the past 20 years, because the people sitting in the negotiating room are not going to have forgotten the history of the last 20 years,

515 they are going to have read up on it, and what we are not going to do is form part of a negotiating
team under a GSD Government led by Keith Azopardi that has sent the most conflictive signals on
the issue of sovereignty. If Keith Azopardi becomes Chief Minister of Gibraltar, if Keith Azopardi
520 leads the Gibraltar negotiating team, like I have led it as Chief Minister with the Deputy Chief
Minister, then instead of having opposite them in the Spanish Foreign Ministry, in London in the
Foreign Office or in Brussels in the Berlaymont the man who said, 'Wake up and smell the coffee,
Gibraltar will never be Spanish,' or the man who wrote the book about the identity of the people
of Gibraltar, a hawk's hawk supported by the hawk of hawks ... Instead of having that opposite
525 them, they would swap our rock-solid position for the position of the man – Mr Azopardi – who
said in print that the Andorra solution is not joint sovereignty, and a joint negotiating team
proposed by the man – Mr Feetham – who, in the thick of our difficulties with Sr Margallo in
August 2013, said that he was prepared to come back from France to help me with the issues
affecting the artificial reef and potentially to remove the reef. Imagine when Sr Margallo read that
530 the Leader of the Opposition in Gibraltar was taking a completely different position to the position
being taken by Picardo, which was we will never move the reef, it is in BGTW, and the other guy,
the Hon. Mr Feetham, was saying, 'I will come back from France and, if necessary, I can see
circumstances where we will remove the reef.' We are not prepared to sit opposite the
negotiators for the Ministerios de Asuntos Exteriores with the guy who said Andorra is not joint
sovereignty and the guy who said they would remove the reef, so we will not agree to form part
of this negotiating team.

Mr Speaker, I am not being ungenerous. I am doing a cold, legal analysis. It is there on
pages 369-73 of his doctorate book *Sovereignty and the Stateless Nation*, a very interesting read.
I do not agree with the premise. It is an important work of scholarly analysis which is hugely
535 relevant to this debate, and it will not just have been read by me. When he launched he knows I
congratulated him on it, and I read it and I remember what I read.

More controversially,

– he says in the book –

some commentators have referred to an Andorra-style model for Gibraltar. This has proved controversial only
because of the current constitutional status of Andorra is often misrepresented in the Gibraltar media as a form of
joint sovereignty. A solution based on the Andorra model would be a hybrid formula that would not fall under this
heading.

– his words, not mine –

Andorra was not a suitable precedent for the joint sovereignty model put forward in 2002 because, as a result of its
1993 constitution, Andorra had become an independent state and not a territory whose sovereignty was held jointly
by two other states. However, the Andorra model does provide an interesting example of an imaginative way of
addressing the sovereignty issue. The Andorran constitution recognises, in accordance with the institutional
tradition of Andorra, that the Co-Princes are jointly and indivisibly the head of state of Andorra, the Co-Princes are
a historical institution and are, in their personal exclusive right, the Bishop of Urgell and the President of the French
Republic. The Co-Princes perform normal constitutional functions as head of state within the Andorra system. They
also have functions in relation to certain categories of treaties or may initiate a process of constitutional revision
that appoints some members of the judiciary. It seems clear that the Andorra model is not one of joint sovereignty
but rather a model based on sovereign independence of Andorra, where the people of Andorra, who are sovereign,
have consented to the Co-Princes performing government. The Co-Princes are not sovereign in Andorra. Those who
are sovereign, namely the people, are the representatives of Andorra. To that extent, and while it is possible to
speak of the Co-Princess having the titular sovereignty in Andorra, even that is a slight misnomer which does not
accurately reflect the constitutional position, in that it insufficiently describes the sovereign legitimacy of the people
of Andorra.

It is a moot point whether Spain would accept an Andorra-style solution. This could be the quid pro quo for Spain
accepting that it cannot acquire sovereignty and that the people of Gibraltar are the key repository of that
sovereignty. Indeed, the parties may wish to enter into a tripartite agreement or treaty to replace the Treaty of

Utrecht, to which the EU may become a fourth party if it is to have some involvement in the resolution of the conflict. Such a treaty could provide for the vesting of sovereignty in or for the people of Gibraltar on trust.

540 Everything I have read is a direct quote from Mr Azopardi in *Sovereignty and the Stateless Nation*. I respect that that is his view. It is his legal view. I am not making anything up, I am reading from his text. I am not being nasty, I am not calling anyone names; I am simply disagreeing with the analysis that he has done and pointing out to my fellow Gibraltarians that this is what our negotiating counterparts will know is Mr Azopardi's position. They know for us they cannot even say the words 'joint sovereignty' or the word 'Andorra' – we walk out of the room. They know for
545 him it is the sort of thing he said the Spanish might accept that may form part of a tripartite agreement to replace the Treaty of Utrecht, that it could be quadripartite with the European Union. How can we sit that man with these views opposite the negotiators for Spain in the context of this negotiation? I am starting to think that the only hawk left on that side is Mr Bossino. Look, we are all Gibraltarian patriots. I do not think Keith Azopardi wants anything which is bad for
550 Gibraltar. We are all Gibraltarian patriots but I have a different view of what modern Andorra is, and the people sitting opposite me in the negotiation know that, the people sitting in London know that and the people sitting in Brussels know that.

What does talking about modern Andorra do to the uninitiated – that is to say a person who has not done a PhD on the subject? Let's look at what Peter Caruana said in Seville in 2010. I can
555 say this without fear of contradiction because a press release was issued by the GSD Government on 1st December – it is Government Press Release 319/2010. There was a question put to the Chief Minister and this is what the Chief Minister answered. Eduardo del Campo of the daily *El Mundo* asked what would be the best final status for Gibraltar, to maintain the current status quo, or not? This is the answer that the former GSD Chief Minister gave in 2010:

The current status quo does not displease us, it pleases us, but is it the final status for Gibraltar? I personally think that it is not. The answer to the question is simply this. My obligation as Gibraltar's political leader is not to indoctrinate Gibraltarians as to what they should think and not think about a possible future solution to the problem. That is not my obligation. My obligation is to protect their right to choose and not to be victims of imposition, which is what I do. So what if there should be proposals? Any would be good, provided that they are freely accepted by the people of Gibraltar. For example, I have many times said that a proposal which I do not think Spain would make, is not minded to make now or perhaps ever, a proposal for a possible solution to the Gibraltar issue, which to a certain extent is problematic for everyone, would be, for example, a status like Andorra, which is a situation in which, well you all know, the Andorra posts its new Constitution of 1993, obviously not the one before. Well, if that were viable, I would say that, well, let's put that to the people of Gibraltar in a referendum.

560 – GSD policy 2010 –

I would even not see it as impossible that I might recommend it to the people of Gibraltar.

GSD Policy 2010. GSD leader 2009, *Sovereignty In the Stateless Nation*: modern Andorra is not joint sovereignty. But in the end, the people who will have to decide will be the people of Gibraltar and not Peter Caruana or Peter Caruana's successor. I am not making anything up. In 2009-10 the current leader of the GSD is saying that modern Andorra is not joint sovereignty and the former
565 leader of the GSD is saying that modern Andorra is something we would be prepared to recommend in a referendum if Spain would put it. And we are going to put these people opposite the Spanish negotiators?

What happens when you talk about Andorra to the uninitiated, the question I posed before? Well, we know what happens. We have an empirical record of what happens. In his book *Outside
570 In*, Peter Hain talks about his conversations with Peter Caruana. He says this:

Emyr Jones Parry, then the Foreign Office political director and later NATO and UN ambassador, whom I trusted implicitly, advised me to meet on a one-to-one basis and ask Caruana what he thought a final settlement might look like,

– exactly the same question that the fellow from *El Mundo* put in 2010 –

so I did just that.

– in other words, Peter Hain tells us in his book he did exactly in private what the *El Mundo* guy did in a press conference –

Caruana gave an intriguing, thoughtful and encouraging response: ‘An Andorra solution would be worth looking at’, he said.

I am now going to quote from Peter Hain’s book, Mr Speaker:

Andorra’s status is essentially one of co-sovereignty between Spain and France, expressed through the King and the bishops, though it has its own autonomy and its own representation to the United Nations and in the European Union. I responded enthusiastically and we had a productive discussion in which he was, however, at pains to stress the need for caution, insisting that there had to be a long and familiar list of confidence-building concessions from Spain, such as freeing up border controls in their access, matters which had for so long caused such antagonism towards Spain.

When I later saw the former Chief Minister and Labour Party Opposition leader, the crafty but likeable Joe Bossano, he also gave me a long lecture about never selling out, an old-class warrior, he was somebody who you sensed would never change. We had a good-natured discussion, which included his experiences when living in London as a Labour activist.

Joseph Garcia, leader of the smaller Liberal group, was more extreme than Bossano.

575 – (Laughter) –

A few weeks later, I decided to go to Spain for further discussions with Ramón de Miguel and his team, hosted by our Ambassador Peter Torry. Having again talk to Emyr Jones Parry beforehand, I decided to surface a co-sovereignty proposal. Essentially, I explained to the Spanish, it would mean Britain and Spain sharing sovereignty, with Gibraltar having much more autonomy, getting rid of all the colonial nonsense and also overriding all the obstacles that affected normal daily life – border controls, restrictions on telephone access etc., the lack of easy diversions to Malaga of incoming plane flights to Gibraltar Airport in bad weather, and so on. Having broken the sovereignty logjam, the Spanish were really up for all sorts of ideas and were no longer obstructive on any of Caruana’s confidence-building measures. My officials concurred that this meeting proved to be a dramatic breakthrough.

Shortly afterwards, I briefed Peter Caruana on the Madrid meeting, telling him, ‘Gibraltar gets more power, more sovereignty in terms of your own decision-making structures, things you’ve wanted for a long time, and you, as Chief Minister, become a more powerful figure by obtaining powers currently determined by the British Government acting on behalf of London. All the frustrating obstacles and the intimidation preventing normal life from the Rock will go, but the co-sovereignty has to be a part of it. If it isn’t, then we are stuck with the status quo. I want you to be part of negotiating all the detail. You can shape the outcome and protect all your interests.’

Caruana listened politely, then all the creativity and flexibility he had first demonstrated in our productive lunch a month earlier expired in a puff of traditional Gibraltarian obstinacy: ‘There is no prospect of me doing that, no prospect of me agreeing with such an approach,’ he said. But I reminded him he had set me off on the co-sovereignty model through his Andorra idea. ‘Well, I might be willing to go along with something like that, but only subject to all sorts of conditions,’ he conceded, explaining with passion that he had to maintain the confidence of his electorate. He could not go out on a limb.

And then we know what happened. José María Aznar wobbled at the last minute. Ironically, it was Aznar who saved us from joint sovereignty. In fact, Peter Hain later says that he was deeply disappointed:

And so was Ramón de Miguel. We had negotiated toughly and in good faith. He soon phoned, embarrassed, apologising profusely. Several years later, he said ruefully to me,

– talking about Ramon de Miguel –

shaking his head, ‘Aznar and Piqué, rest in peace, made a huge mistake of historic proportions.’

580 – he appreciated the supreme irony that it was Madrid that came to the aid of Caruana –

I do not regret what we did

– says Peter Hain –

or the personal flak that I took in ensuring that, at the very least, co-sovereignty will always remain part of the future political architecture for Gibraltar. In time, I believe serious thinking on the Rock will come to see it not as a threat but as a liberating opportunity.

I suppose some have, Mr Speaker, serious thinking on the Rock.

I want to be very clear that Peter Caruana denies the version of *Outside In* which Peter Hain wrote. In the leaders' debate in 2011, with Mr Azopardi there, Peter Caruana asked me whether I preferred his version of what had transpired or Peter Hain's. I said that I would choose his version every time over Peter Hain's. But of course the one thing that Peter Caruana cannot challenge is what he himself said in public in Seville, which Peter Hain says he said in private at the Waterfront, and the answer that Peter Caruana gave in public in Seville is the same answer that Peter Hain says he gave him in private at the Waterfront. Sir Peter has never denied it, and in fact it was in Government Press Release 319/2010.

So that is what happens when you talk about a modern Andorra solution being acceptable. You open the genie. You let out the genie of joint sovereignty. Peter Hain has explained that. The whole genesis of joint sovereignty comes from talking about an Andorra-style solution being acceptable, and an Andorra-style solution being potentially acceptable is the basis of what I have read hon. Members from Mr Azopardi's book. He considers it is not joint sovereignty, but look, others do and they want to go down the route of a modern Gibraltar constitution, which is joint sovereignty with Spain – and those are the people that, if the electorate were to decide should become the next Government of Gibraltar, will sit heading the Brexit negotiating team, sitting opposite Spanish negotiators and European negotiators alongside Foreign Office negotiators. That is not safe for Gibraltar.

So it is clear that to keep Gibraltar safe you have to vote for the continuation of the negotiating team that you have now, led by the GSLP Liberals with me and Joseph Garcia representing us, and the Cabinet with Joe Bossano in it. It is that clear, and that is why, having done that forensic exercise, I tell the GSD we will not accept their offer to form part of their negotiating team because just the fact that they form a negotiating team is dangerous for Gibraltar, is bad for Gibraltar and puts our sovereignty at risk, especially with a potential Partido Popular government around the corner already saying that what they want is to put the joint sovereignty proposals on the table, as you will have read in some of their pronouncements in public.

Give Spain no hope, and you do that only with a GSLP Liberal team. We are the ones who keep Gibraltar safe. Put *them* in the room and we are toast. Of course they had to defend Gibraltar against joint sovereignty in 2003 successfully, but only because they lit the match. They lit the match, it is clear, and his book is the bomb at the end of the match if he becomes Chief Minister of Gibraltar. Even with PSOE in government, having him opposite would be a boon to the negotiators. We will not send those signals, ever. We will have no part of that, ever. We will not form part of any such negotiating team. I want to be clear: I do not want, I will not seek, I would not obtain agreement, leave or consent for my party to negotiate any Andorra-style solution and I will form no part of any team that includes people who have proposed that as something which is acceptable, let alone – if Mr Feetham were to decide to be a candidate – form part of a team sitting opposite Spanish negotiators with a man who said he was prepared to come back to Gibraltar to help me remove the artificial reef as the way of resolving the crisis that we had in 2013. Where is Margallo now, and where is the reef? Where it has to be. And one of the blocks in the headquarters of Vox in Madrid is a painful reminder to them in particular that those are British waters and that the reef remains where it should be.

If they win the General Election because the people of Gibraltar decide that they should win, before they get to them they will have to get through me, but I am not going to go and sit alongside

630 them and be part of their negotiating team, absolutely not. We will make our opinions known on what they come back with, just as they have, because it is one thing is to help them in the negotiation, give them our views etc., it is quite another to end up with Andorra splattered all over our faces like we ended up with Cordoba splattered all over our faces without anybody knowing what was going on in the negotiation there.

To think that Mr Azopardi said in December 2019 that I, the Chief Minister, Fabian Picardo, was not the right person to negotiate Gibraltar's future relationship with the EU – well, it is a good thing that the public disagreed in October 2019. We delivered, after that, the New Year's Eve Agreement, we delivered the Withdrawal Agreement. Imagine if we had not had those things. We would not be negotiating an EU treaty now. But what is clear to people sitting opposite us is that we have what it takes to say no. We have what it takes not to blink. We are very clear that Andorra is joint sovereignty and want no part of it. We have what it takes to take the tough decisions. We have what it takes to say no to an agreement if it is bad for Gibraltar, and *they* are the party that had a policy in 2010 of potentially recommending a modern Andorra-style solution to the public. *They* are the ones who carelessly unleashed the genie of joint sovereignty. *They* are the risk Gibraltar cannot afford to take. We are the option that keeps Gibraltar safe, and that should be the end of this debate because more than whether the deficit moved or the surplus moved, whether or not there was £¼ million more for scholarships or not, that is the defining issue of Gibraltar politics and on that their key position in this debate is not one that can survive today because they now know we will not form part of the negotiating team. There will be no continuity because we will not be there and the public know how dangerous it will be to put *them* at the head of the negotiation.

645 But let's look at the numbers, because the next theme they developed was that the surplus is a hopeless fiction, so let me look at the rest of the contribution of the Leader of the Opposition in this debate. He had the two key things: Brexit – 'they will come as part of our team'; then 'the restoration of financial stability is not true, the surplus is a hopeless fiction'. There is a hopeless fiction: the hopeless fiction that the Opposition, the GSD, is somehow dependable in the way that they do an analysis of the figures; the hopeless fiction that the GSD is going to form Government after the next election, which I suppose they need to keep going so at least they have 20 or 30 people to distribute their leaflets. Do not worry, we will always feed them at the polling stations because our people are like that and we like to share what we have. But otherwise, if you do not keep the hopeless fiction going, you do not even have the people to give *la papeleta*. The blue and yellow army is not so extensive, there are not that many in it. They might have to call Wagner in support if they start to run out of the blue and yellow soldiers they talk about.

660 We leave the decision as to who is going to govern Gibraltar to the people. We take absolutely nothing for granted on this side of the House, let alone the support of the people of Gibraltar, but the analysis that I have just done and the commitment to writing by him of an Andorra-style solution being not joint sovereignty I think is going to probably ring the death knell of any chance they may have thought they had of forming government. That is the only hapless – not hopeless, hapless – fiction. But what is really unacceptable is for them to try and leverage their way into No. 6 Convent Place by saying that we have massaged figures, by saying that we have somehow prevailed over the Financial Secretary – who is an official, not a magician – and all his team, to produce numbers which are untrue, and then, in order to make that fiction apparently true, massaged the figures themselves. There is a pattern developing. They do not like these numbers, and when they do not like a number they say it is not true or they say something is missing.

675 They do have some very strange bedfellows, Mr Speaker, really strange bedfellows. When it comes to taking down the Pride flag, the curtailment of LGBTQ+ rights, being anti-abortion and saying that the nation's Budget is not true, there is the GSD, Partido Popular and Vox. It is exactly the same position across the board. So when people look at what is happening in Spain on their television screens, if they look at Spanish politics and they see the things that are being said by the right wing there, they just need to click on to here and watch them doing exactly the same thing, at least some of them: Mr Bossino when it comes to abortion and LGBTQ+ rights, and

Mr Azopardi and Mr Clinton when it comes to numbers. Put them in a blender and you end up with Feijoo, Partido Popular. It is remarkable. What next? Are they going to stop banning Virginia Woolf plays, as is happening in Spain in the areas where Vox is governing with Partido Popular?

Mr Azopardi said this: 'The projection of the surplus does not stand up to scrutiny. It is a fiction, it is a convenient narrative. The Government is rewriting its financial record, pretending things are better than they are, not taking a responsible approach. The reality is people should be told how serious things are. We refuse to tell our people electoral fairy tales.' Well, we have told them how serious things are.

Then he said: 'When the Chief Minister gave his speech about financial stability being restored and the surplus, there was a stunned silence at the Chamber dinner.' Was there? No, Mr Speaker, there was a very respectful silence from the minute I started talking to the minute I ended, but it was not a stunned silence. I do not know whether the hon. Gentleman understands what he says. A stunned silence is when suddenly everybody goes quiet, but when everybody is quiet and continues to be quiet, there is respect in the room for the speaker. So how could he talk about a stunned silence? I will tell you why: he was not there. The Leader of the Opposition did not attend the Chamber of Commerce's annual dinner in an election year. He was not invited, he says. I have not been invited to Chamber dinners when I have been Leader of the Opposition, and I have paid my way. The party buys a table or the law firm buys a table. He was not there in his capacity as a lawyer, he was not there in his capacity as leader of the GSD, he was not there in his capacity as the Leader of the Opposition. It is an important thing. He then comes here and quotes the Chamber report as if it were the gospel. Well, why didn't he go to mass that day, for goodness sake? Why?

He said that the Estimates Book was a stunt prop which sets out a financial miracle, a feast of financial recovery years ahead of time. 'What a magician,' he said – I am surprised he did not call me David Copperfield, (*Interjection*) (A Member: Paul ...) Paul Whatshisname, Mr Speaker, Paul Daniels – 'a surplus built on deeply massaged figures.' Well, here is the happy ending, because these are not massaged figures, these are real figures. Mr Clinton did a similar analysis, but then actually subject what they have said to rigorous analysis, not just what is going to sound good – 'What can I say to damage Picardo politically?' – because you can say whatever you like to damage somebody politically. I can say anything I like about hon. Members, try and justify it and it is worthless, but when you subject things to rigorous analysis – which is what this debate is about; it is a debate about numbers, especially when you are talking about the surplus – what happens?

Let's look at the estimated surpluses of the past 12 years, the time that I have had the honour and privilege of being the Leader of the House and Chief Minister. Let's look at what I presented as estimates and what I presented as outturns. In every instance, every surplus I have predicted has been exceeded except for the two years when COVID hit – obviously, it destroyed everything because we started to spend the money that would have been the surplus. The lowest level of underestimation was £21.9 million – £22 million – in the year 2015-16. In other words, in 2015-16 we exceeded our estimate for the surplus by £22 million, so if this year were 2015-16 the £2.5 million would have become, by the end of the year, £24.5 million. The highest level of underestimation is £66.4 million, which happened in 2013-14, so if this year were 2013-14 and we have an estimate of £2.5 million, it is likely that we would have ended up with £68.9 million – that is to say £69 million of surplus. That is my record, not that I predict £2.5 million and I end up with a deficit. So the least well we have done over budget is £22 million. The most over budget on the surplus we have been is £66.4 million. It is consistent, at least, if you look at the trend that we always underestimate the surplus because we always underestimate revenue, which is the prudent thing to do. If you exclude the COVID years, the average underprojection for 10 out of the 12 years is £44 million a year underestimate on the surplus. That is to say if this year we were to perform to the average underestimation of the surplus, the surplus, instead of being £2.5 million, would be £46.5 million. That is not some fluke event, it has happened every year except the COVID year. That is why the argument about the £2.5 million being a hopeless fiction is a hapless fiction. It is completely nonsensical. Just look at the direction of travel. And then he

730 will say, ' But you overspent. I will show him that we overspent less than they overspent in each year and we still got the surplus.

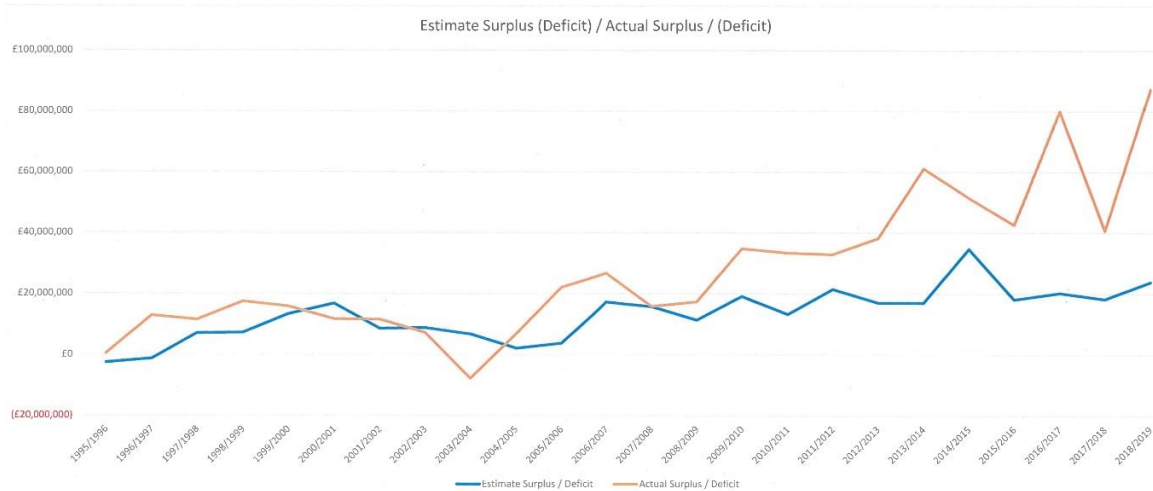
This year that we are reporting to, the last financial year, 2022-23, we did better by £30 million. So doing better on average by £44 million – at least by £22 million, maximum by £65 million – has been borne out even in this year, because this year we have done £30 million better than we
735 expected to. It was not enough to get us into surplus, but it pulled us from a £45 million deficit to a £15 million deficit, and that is despite giving £30 million to the companies structure of the recurrent. So if you took the £30 million out – and why would I say that we should take the £30 million out, because they did not give it to measure our surpluses like they measured their surpluses – this year we would have had, for the year that we are reporting, not a deficit of
740 £15 million, we would have had a surplus of £15 million, but we gave £30 million to the companies in order not to have a £100 million hole the companies, like we found when they were there. That is the reality, and if you do not give £30 million to the companies next year – which you do not have to give; we give it because it is our policy, they did not give it – the surplus will not be £2.5 million, it will be £32 million already.

745 But look at this, Mr Speaker. The trend is there. In 2012-13 we underestimated revenue by £32.1 million. We had an estimated surplus of £17.1 million. We ended up with a surplus of £37.2 million, £20.1 million better than the estimate. In 2013-14 we underestimated revenue by £66.4 million. We had estimated a surplus of £17 million. We ended up with a surplus of £50 million, which was £33.3 million better than the estimate. In 2014-15 we underestimated
750 revenue by £25.4 million. We estimated the surplus at £34.6 million. We ended up with a surplus of £51.2 million, which was £16.6 million better than the estimate. In 2015-16 we underestimated revenue by £21.9 million. We had estimated a surplus of £18.1 million. We ended up with a surplus of £38.8 million, which was £20.7 million better than the estimate. In those years you could add £25 million, if you wanted, to each of those figures because we were giving £25 million to the
755 companies, which they did not give. So we are denuding our surpluses of £25 million, which would have flattered their surpluses if we had calculated our surpluses in the way that they do.

Let's keep going. In 2016-17, we underestimated revenue by £64.9 million. We had estimated a surplus of £20 million. We ended up with a surplus of £75.8 million, which was £55.5 million better than the estimate. In 2017-18, we underestimated revenue by £23.1 million. We had
760 estimated a surplus of £18.3 million. We ended up with a surplus of £36.1 million, which was £17.8 million better than the estimate. In 2018-19, we underestimated revenue by £56.5 million. We had estimated a surplus of £23.8 million. We ended up with a surplus of £82.8 million, which was £59 million better than the estimate. And then the pandemic hit and there were no surpluses, but what a direction of travel.

765 Mr Speaker, I wonder if the Clerk would please call the usher and distribute to all Members, on this side and that, a graph that shows how we have exceeded our estimates compared to how they exceeded their estimates of surplus. Indeed, in some instances their surpluses did become deficits. There is no reason to think that our surplus is a hopeless fiction. Far from it, there is every reason to believe that we will exceed our surplus.

Table 1



770 This graph is headed ‘Estimate Surplus (Deficit)/Actual Surplus (Deficit)’. Members can see how
it starts in 1995-96 and how it goes, and Members can see that Mr Azopardi has tried to pretend
that this does not exist, that in fact the blue line will go through the beige line and we will go to
deficit. No. All of the data, all of the trend shows the opposite with the numbers that I have given
him. No evidence to the contrary, no reason to talk about a hopeless fiction, far from it. He is as
775 wrong about that as he is about Andorra not being joint sovereignty. This is not a hopeless fiction
of a surplus. This is a hopeless argument and it is put forward by hopeless advocates of doom and
gloom, hopeless merchants of doom hopelessly having failed to check their figures. The figures
speak for themselves. The numbers do not lie and they are based always on the Treasury’s
conservative figures about revenue and expenditure – we always look at overexpenditure, in some
780 instances – and surpluses.

They put a negative gloss on everything. They give a negative spin to every single aspect. They
want to talk the Treasury down, they want to talk our nation’s economic performance down, they
want to talk the public finances down, as long as they are not the ones in charge. It is predictable,
it is unfair and they are wrong, always wrong. Of course, everything is subject to performance. We
785 could have another instance which is dramatic. We could have another pandemic – please, God,
that will not happen. Many other things could happen, but the trend, except for the two years of
the pandemic, is there.

Why do they do this, Mr Speaker? Why do they think that we are not going to keep to our
surplus estimation? Well, because perhaps that is what they did when they were in government.
790 That is what happened, in effect, in some years after what Mr Clinton called their glorious march
up Main Street in 1996 when they felt like they were liberating Gibraltar, he said.

In 2000-01, with Mr Azopardi in the Government as a Minister, they had estimated a surplus
of £16.8 million. They ended up with a surplus, yes, but of £9 million. They were £6.8 million worse
off. That year, their estimate of their surplus was a hopeless fiction. In 2002-03, with Mr Azopardi
795 in the Government, they had estimated a surplus of £8.8 million. They ended up with £5.2 million,
£3.5 million worse off. That year, their estimate was a hopeless fiction. In 2003-04, the election
year, they threw the kitchen sink at the electorate. There were so many goodies thrown at the
electorate that people were knocked on the head as they walked down Main Street and past
College Lane. They estimated a surplus of £6.7 million. They ended up with a deficit of £1.3 million,
800 £8 million worse off than their estimate. That was a hopeless GSD fiction, a hopeless fiction which
turned a surplus estimate into a deficit. In 2005-06, they estimated £3.7 million. They ended up
with a surplus of £2 million, which was £1.7 million worse off.

In 2008-09 they had estimated their surplus at £11 million. It came in at £17.4 million. They did
better that year than their estimate. You are thinking to yourself, ‘He has been on his feet for too

805 long. Why is he making this point? It is good for them. Why is he making this point?' Well, Mr Speaker, it is because in that year, when they had predicted a surplus of £11 million and they ended up with a surplus of £17.4 million, that – Mr Bossano should calm himself now – is the year they took £19.3 million, which was in the Savings Bank Reserve, into the Consolidated Fund. They plundered the reserve of the Savings Bank on 31st March – this is real alchemy – to turn a deficit
810 of £1.9 million overnight into a surplus of £17.4 million, because otherwise they would have been £13 million worse off. *That* is the sort of fiction that we had to accept we were subjected to when they were in government.

Of course, if that is how they behave, perhaps they think that is how we behave, but I have shown them that the trend is completely different. It is quite the opposite. Judge us by what we
815 do, not by what you would have done. The only time we have failed our estimate targets for the surplus is in the pandemic. Even last year, already £30 million up. But I bet whilst he is sitting there he wishes that before coming up with this nonsense of a hopeless fiction as his theme and Mr Clinton's theme he had done the research, because he sits there now with economic egg splattered all over his face. I have even plotted it in a chart, because a picture is worth a thousand
820 words. I have done the work for him with the team at the Treasury. I have asked them to put it on a graph. All the numbers are there. In fact, all the Estimates Books are now online, so he can go and look at them and verify the figures. No insults, not calling anyone ridiculous, just the difficult facts that make their arguments unsustainable and demolish the proposal that they were making, unsound arguments that they put and they took to the people of Gibraltar here and in interviews
825 outside of here, all falsely representing a position which was not the case.

All of those excesses of the surplus we have done, as I have said, whilst contributing to the companies. So we calculate the surplus after we have taken £25 million out for the companies for about 10 years; now £30 million every year. The total amount of recurrent contributions to the companies structure is £311 million. Mr Clinton says he knows nothing about what we pay back
830 and what we do not pay back. It is all there in the Book. He just wants us to do it for him. He does not tally it. The capital contributions that we made to the companies, £162 million; a total of £473 million contributed to the companies structure in recurrent contributions and capital contributions. In the period between 2002-03 and 2011-12, the GSD only put in £49 million to the companies. That is why it had a hole of £100 million in it. That is how we fixed the hole,
835 Mr Feetham, by putting the money in to plug the hole. No magic, just proper accounting for the people's money, and that is not including the £65 million that we contributed to another government company, the new International Bank, which is a company: £65 million. So, in total, £538 million, more than half a billion pounds contributed to the companies structure. It is there for all to see, and our surplus, therefore, is very real, very deliverable, we hope will be exceeded,
840 not turned into a deficit, and in fact is very likely understated compared with GSD surpluses, despite us paying into the companies structure.

But all of that could fail if spending is uncontrolled under us, because we are so profligate in the way that we spend, we are so extravagant with what we spend. It is the theme that they have been developing constantly. As they say, if you repeat something often enough it will eventually
845 catch, and they have been repeating it now for 12 years. Mr Azopardi and Mr Clinton both said that we are an out-of-control Government. Mr Azopardi said, 'He should have kept to the Budget, but he overspent by £90 million last year and this year.' Well, we have dealt with those £90 million etc. He said that the estimates were the 'promises Mr Picardo does not keep'. He says that we estimate one sum, but in fact we spend more. Again, he cannot have researched those points
850 before making them, he just must have thought that that would be what sounded good in an election year, because if you research it, whatever period of 10 years you take in the time that they were in government – he was in there for eight, so let's take those 10-year periods – every 10-year period they averaged a growth in expenditure of 114%. That is to say if you take 10 years, in any 10-year period they doubled the budget and 14%. In any 10-year period under us – and we
855 are dividing the COVID year by two because it is a double year, so just divide it by two – we have increased cost by 65%. Let me just be clear with them in case they have not got it: 114% is more

than 65%, so if cost growth is uncontrolled under us, it was running wild under them, obviously. In the six years, just six years, between 2006-07 and 2011-12, just those six years, their expenditure grew by 68%. In six years, they grew more than we have grown in 10 years on expenditure. So who is uncontrolled, and why didn't they bother to do this exercise before training their *pistolete* gun on us, because this is what they are going to get back? How are you going to put these people in charge of the Brexit negotiation? They are going to say something and they are going to get cannoned back. So who was uncontrolled? They were at least double-uncontrolled as we are, in particular in the period when he was a Minister.

He said we were trying to hide the reality from the public and that he had warned that the GHA had to be realistically estimated. Are they serious when they make these points? Genuinely, I am asking whether they are serious because again this was remarkably under-researched. GHA expenditure under the GSD went from £22.4 million estimate in 1997-98 to £87.245 million actual in 2011-12.

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Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): They boasted it was a good thing.

Hon. Chief Minister: Yes. That is an increase of 290%, Mr Speaker. In our time it has increased by 74.7%. So they increased something by 290%, we increase it by 74% – and we are the ones who are out of control.

They overspent in 1998-99 by 5%, in 1999-2000 by 8%, in the next year by 5%, in the next year by 4%, in 2002-03 by 15%, in 2003-04 by 9%, then 7%, then 4%, then 4%, then 6%, then 9%, then 5%, then 7%, then 10%. That is their overspend. In the COVID years we overspent by 17%, but our average spend is much lower. In fact, in the first year we underspent by 0.46%, then we overspent by 5%, 7%, 8%. Yes, as a year we overspent by 13%. But that is less than their overspend of 15%. Then 8%, 5%, 5%, 5%. How can it be a mortal sin when we overspend on the GHA, which is demand led, and yet a gracious virtue when they overspend? When they overspent in the GHA, when he was a Minister for Health, it was all about investing in the health of our community. When we overspend, it is uncontrolled expenditure that is going to undo us and makes the surplus a hapless fiction. Does he really think that the people of Gibraltar do not see the reality, that they will fall for the fiction?

How could it be, Mr Speaker, that if we spend in the GEA the amounts that the fuel costs – we are spending more, we are spending the amount that the fuel costs as the fuel is invoiced – it is terrible and 'you have no control over expenditure', but when they do it, it is perfectly okay because they have to keep the lights on? Why do they ask me if I have a crystal ball to talk about the price of fuel and not lend me the crystal ball that they must have had when they were in government if they got their estimates bang on? Of course they did not. The price of fuel fluctuated wildly. What could you do, not buy the fuel?

But this is not just about the GEA and the GHA, Mr Speaker. Before I move on, I want to look at other areas of expenditure. The GHA capital expenditure: they overspent on the GHA capital expenditure in 1997-98 – I hope they are making a note – by 52.4%, the next year by 37%, the next year by 24%, the following year by 38%. In 2006-07, they overspend the GHA capital expenditure by 73%, in 2008-09 by 11%. And of course their *pièce de résistance* – election year – in 2011-12 the GSD overspent the GHA capital budget by 99.7% ... Sorry, no, 99.8%. We underspent the GHA budget in most years. In 2015-16 we overspent by 18% and in the COVID years by 9%. Every other year, we have underspent the GHA capital budget. Whose expenditure in the GHA is uncontrolled? Why doesn't he research the point? Why does he make me embarrass him by showing him that the point he has made is not a bad one, it is an almost crooked one? It is remarkable. But actually, in some of these years they were already spending even more under the hospital loan, the off-the-books loan agreement. So how can they criticise us?

And then – I am embarrassed for him – he went on to criticise us for the GPMS overspend. He was Minister for Health. He should have known not to do this. Why is he making me do this,

Mr Speaker? In 1997-98, they overspent the GPMS budget by 11%, in 1999-2000 by 9%, the following year by 10%, the following year by 16%, the following year by 10%, the following year by 13%; the following year, 2004-05, by 19%; in 2006-07 by 5%, then by 8%, by 7%, by 7%, by 8%, by 5%. In 2012-13, we kept it at zero. We then overspend by 9%, 9% and 2%, and then we do not overspend again until 2022-23, by 18%. How can he say our GPMS is overspending and it is a problem when I have shown him that when he was Minister for Health it was overspent by more? In that period, they increased the estimate by 111%, or 96% from the first estimate to the actual. We increased it by 10%. Fourteen years of excesses out of 16 in the GPMS budget. Of course, this is demand led. We defend the spending. But of course you also have to put up the Social Insurance to pay for it, so that you get it closer. And they attack us and say that we cannot budget? They do not even look at the numbers before they go on the attack. It is just painful, Mr Speaker. No insults, I am not calling them any name. I am just giving them back the facts, the painful, killer facts that demonstrate that everything they have said is absolutely wrong and unreliable.

On sponsored patients they overspent every year except for four, and their maximum overspend was 34%, 35%, 20%. We overspend in some years, yes, because it is demand led – what can you do? But how can they say that we are not good arbiters of the purse strings when they overspend by more than us? Come on, be fair. And if you cannot be fair, well, at least find something on which you can attack us and not something which is tantamount to spitting upwards as a team and staying there to actually collect it on your foreheads, for goodness' sake. Do the research. The public needs to look at them and feel that they can have some semblance of an alternative government in Gibraltar, not this shower that cannot even look at their own numbers in government before attacking the person who is standing opposite them. And these are the people who are going to sit opposite the negotiators? What research are they going to do? Well, maybe this research, Mr Speaker. As ever, their record in government is worse than ours. How did they think they were going to fix all these things? How did they think it was all going to be resolved? In 2004 when Mr Azopardi left the Ministry it was all going to be resolved by the appointment of David McCutcheon, on £106,000 a year, a 104.6% increase over the salary of the person he was replacing. *Toma tela*.

Anyway, what would he do? He has been a former Minister for Health. Did he gently give us advice? Did he say, 'Cut the number of nurses,' or 'You have too many doctors'? I think we have doubled the number of doctors since they were in power. Maybe he would say, 'Cut the number of doctors, cut the number of nurses, you've got too many of them. Don't send so many people for operations, or make them wait a little longer so it straddles the financial year *y te ahoras un poquito de dinero*, Fabian.' No. Would he stop repatriating services to Gibraltar? No. He does not say any of what he would do to control the costs. Or is it that he would say they would spend more in Health, that he would give them more? And if you give them more, they will spend even more, of course, yes? So is it that he is saying we are spending too much and he is going to cut, cut, cut; or is it he is going to give them more, more, more, which they say we have not got to give? But certainly on health they come here in their political glasshouse to throw stones, knowing what the consequence of that is: cracked windows, because the stone comes down.

'But', he says, 'the biggest offence is in temporary cover in the Department of Education.' Well, Mr Speaker, if you look at our time in Education, we have overspent on temporary cover by 10%, by 31%, by 9%, by 1%, by 10%, by 43%. We have underspent by 42%, by 2%, by 2% and by 0.7%. In their time, the thing that he said was where the overspending was worse they grew by 325% in the cost of temporary cover. Let me take them through the years they were in office, starting from 1995-96 all the way to 2011-12. This is the overspend per year: 8.3%, 23.4%, 34.2%, 25.9%, 26.6%, on budget in 2000, 22.1%, 23.7%, 25.1%, 12.5%, under budget in 2005-06, 12.3%, 7.6%, 67.44%, 7.3%, 13.8%, 2.5%. Well, if overspending on temporary cover in the Department of Education is something that demonstrates that you cannot control the purse strings, the GSD wins the bout hands down. We are knocked out. We have never managed to overspend by 67%. Do not try it, by the way. *(Laughter)* They win, they are the biggest overspenders. Congratulations, you won the prize – except it was the thing you were attacking us with. They were attacking us with this. Of

course, when they do it, it is an investment in the education of our children; when we do it, it is a disgraceful vice because we are out of control.

And what about scholarships? They overspent on scholarships by 9%, by 16%, by 9%, by 14%, by 17%. When they do it, it is an investment in education. When we do it, we cannot estimate, we do not know how to count. It is a vice in our hands – a virtue in theirs, a vice in ours. Of course it is, because that is political hypocrisy. When you do one thing and you say it is great, and you see your neighbour do it and you say it is terrible, that is hypocrisy. It is also an attempt to pretend to the public that you are the opposite of what you are. So when we do it, it is a failure to control runaway expenditure, and yet this is the serious politics that our community expects at the end of a lifetime of a Parliament – an Opposition that attacks on the things on which they are worse performers than the Government that they are attacking.

Mr Speaker, the hon. Gentleman and his arguments are toast. When you subject his arguments on the surplus, you subject his arguments on expenditure and you subject his arguments on safety and security of sovereignty in their hands, all of his arguments are toast. They multiplied the health budget by four from £20 million to £87 million. We have not even doubled it yet. How can they make it an issue? Well, I suppose they can make it an issue because they do not prepare, and, because they do not prepare, they come here and say things that they are unprepared to realise are going to damage them. So when you do the analysis and look at the reality of what the Budget represents and of what they have represented in government, what happens is that you gut his suggestion that this is an unreal projection based on hopeless fiction. You end up realising that if there is one Estimates Book that you can trust, it is a GSLP Liberal Estimates Book, not a GSD Estimates Book. And that is just looking at the heads that he decided to take me on. If you look at all the others, it is exactly the same.

And so, Mr Speaker, I turn now to my analysis of each of their contributions individually, in particular the analysis of the Leader of the Opposition. The Hon. the Leader of the Opposition needs to realise that when he criticises Sir Joe, it is a little unfair when he is not here to listen to Sir Joe. He missed a part of what Sir Joe was saying. I will tell him why I am saying he is criticising him. What sort of a Leader of the Opposition has Keith Azopardi been – not since he became leader of the GSD but not Leader of the Opposition, since he became Leader of the Opposition in 2019? Has he done 80 hours a week, like I was doing as Leader of the Opposition because I left my practice in April 2011 when I became leader of the GSD? Is he doing 120 hours a week, as the Father of the House was doing and did as Leader of the Opposition, if not more? I may be undercounting there, right? No, he has not been a full-time Leader of the Opposition in the run up to a General Election, he has been a full-time lawyer who has done a bit of opposition on the side. He has been in what Mr Clinton describes as our plush offices – lawyers' plush offices – being a lawyer, a King's Counsel, and a very good King's Counsel he is too. I do not doubt his professional ability. I know they always question my professional ability; I never question theirs. He is doing his work as a King's Counsel in his plush office, earning big money, right? Indeed, such big money that when the time came to negotiate with me the possibility of becoming my Solicitor General, he wanted £400,000 a year. We were not ready to pay it, not because he is not worth it – because I do not denigrate them professionally. Of course he is worth £400,000 a year, but the Government is not going to pay £400,000 a year for Keith Azopardi to be its Solicitor General. He did not have such concerns about the public finances then, did he?

The only moment I have seen a smidgen of passion about him was when he started to talk about 1996 and all that. And so, as I will say to others, when Mr Isola spoke about 1996 it was not that Mr Isola was disgracefully going back to 1996, it was that Mr Isola was replying to Mr Azopardi having gone back to 1996. Why? Because I said I remember a Gibraltar in 2011, of course, the change of government, not two changes of government ago.

And then he attacked me for saying that I want to win an election to be Chief Minister just one more time. Well, what is wrong with that? I understand he only wants to do one term. He is alleged to have offered people the ability to become his deputy – this is all allegation, I put nothing by it – on the basis that he is going to go quickly. He just wants four. He just wants to see the words 'Keith

1015 Azopardi' etched into the woodwork at No. 6 Convent Place, with his name under mine. Maybe
just one more time, like the final sighs at the end of *Careless Whisper*, Mr Speaker. What is wrong
with wanting to win just one more time – to finish what we have started, in my case? Twenty
1020 seven years ago was 1996, seven elections ago – not the last change of government, two changes
of government ago. He was 28, I was 24. How is 1996 relevant? Of course, I am talking about the
Gibraltar I found and how I have changed it when I am saying 'I remember Gibraltar when ...', but
when I did that analysis I was very careful and respectful because I said Gibraltar was not a
wasteland in 2011 but there were things that I wanted to change that were my policy, that were
1025 the policies of the people who made up the executive committees of the parties that fought the
election to win it, that are the policies of the people who make up the Cabinet from 2011. Those
are the things we wanted to change. That is why I could say, 'I remember when ...' in 2011. But in
1996, come on.

1025 Remembering the fast launches – hasn't he seen that we had a mea culpa in our manifestos
and we said there would never be a return to the fast launch activity, and people voted for that?
And there has not been a return to fast launch activity. But Gibraltar was not a wasteland in 1996,
and as I said in my original address, Gibraltar was not a wasteland in 1988 either. There was a
change of government that wanted to do things in a different way, very successfully after 1988,
1030 successfully in many respects after 1996, very successfully after 2011. But to say that it was a
wasteland for young people and that the GSD had to give people opportunities is utter nonsense.
It was only before 1996 that you had investments like reclamation, which they were selling until
their last term – fibre put into Gibraltar, affordable housing, all of those things.

1035 He says, 'When did I attack Sir Joe?' Well, in your soliloquy on 1996 when you said that
everything was terrible and you had to fix it, and the 'terrible Gibraltar' – the words that he used –
and the liberation from tyranny that is what we have been told had to happen. What opportunities
did his Government create, when he was a Minister after 1996, for young people? Scholarships?
Affordable housing? I will give them one: the bowling alley in 2008. I remember a Gibraltar in
1040 which every young person who was interviewed said the only thing missing here was a bowling
alley. They delivered the bowling alley, fair enough, but the scholarships, the housing for when
they came back, the jobs did not happen after 1996. It happened during and because of 1996.

1045 I thought, however, it was particularly ungenerous of him to attack Sir Joe in his soliloquy on
1996 and I thought it was particularly ungenerous of him to attack me because I became
emotional. He has known me for long enough to know that I wear my heart on my sleeve because
I cannot hide it, however big a coat I try and wear on it, and I cannot talk about family without
getting emotional. I can talk about everything else, I can defend myself against him, against
1050 anybody who comes on any issue, but when I talk about family I become emotional. It was
particularly ungenerous of him to say that I was acting when I became emotional, ungenerous and
unfair, and he knows in his heart of hearts that that was just completely cheap.

1050 He has spent his time here as Leader of the Opposition complaining about the fact that we got
contributions for Campion Park – terrible that we could not even pay for Campion Park. But he did
not make any such complaints about Commonwealth Park. We got a huge contribution from
another charitable trust for Commonwealth Park. They did not make any complaint then. So we
get money to develop Commonwealth Park, no problem; we get money to develop Campion Park,
1055 'Ooh, terrible.'

And how can they say that they are better managers of debt when we have reduced the debt
due to the Government under the Central Arrears Unit and they grew it because they got rid of
the Central Arrears Unit?

1060 They no longer attack us for the tax refunds because we are paying more tax refunds than ever
before. Indeed, our surpluses are unflattered and reduced by the amount of refunds that we pay –
about £10 million a year, which we add more to; £14 million this year. Indeed, last year – forget
not giving the contribution to the companies – we ended up in a deficit of £15 million when we
gave £14 million back to taxpayers, which they never did when they were in government. We
could have hung on to it in an election year to show that we are taking it to a deficit of minus

1065 £1 million. Indeed, then I would have had a serious conversation with Sir Joe Bossano and said
'Mira Joe, este año dejate de darle 30 millones a las compañías' and I would have declared a
surplus this year just ended of £29 million. But no, we pay the taxpayer back, in particular in
difficult years, because the taxpayers need their money back.

1070 So in all of that, with the affordable housing that is being delivered at Hassan Centenary
Terraces, where the snagging is going so well I understand there is nothing to snag and people are
delighted with the homes they are getting and are going to get in phase 2; with affordable housing
being the foundation of people's wealth, not with the sorts of problems that people have in
Bayview and Cumberland, which *they* developed, where we are going to have to bail them out at
1075 Cumberland because parts of the floors are sagging and falling, Sally and John that he talked about
actually feel a lot better under this administration than they would under a GSD administration,
not least because they are confident that we do not believe that Andorra is not joint sovereignty,
but anything they buy from us will multiply as an investment. Sure, we are late on delivery, but
isn't it better that we deliver late but at the right quality than they have to spend a lot of money
rectifying because we rushed to finish on time?

1080 Mr Speaker, I put it to you that if this were not a Parliament, if this were a court, I could sit
down now and if you had to deliver judgment on the public finance issues, on the economic issues,
on the political issues and on the sovereignty issues, knowing the judge that you are, of good
character, I am sure that you would deliver a judgment entirely for the Government with costs on
an indemnity basis against the hon. Gentleman.

1085 The Gibraltar team at the Island Games is back. They have broken records. They *are* a broken
record. All we have heard is exactly the same every year. How much contempt can he have for the
people of Gibraltar to go back to 1996, as if that mattered with this electorate? The worn-out
mantra that they tried to make stick, the character assassination of Joe Bossano which they then
regretted because they decided that they had to play him against Picardo. Vote Picardo get
1090 Bossano, in 2011, as a bad thing. Vote Azopardi get Picardo, in 2023, as a good thing. What hope
can anybody have that the GSD is led by a man with vision, by a man with imagination and by a
man with dynamism? It is not. It is a party with no energy, it is a party with no capacity to govern
Gibraltar, it is led by a man with no imagination, no vision and no dynamism in the political sense.
I make no criticism of him professionally or personally.

1095 Mr Speaker, I feel almost as if Mr Azopardi is trying to create a local Gibraltar version of MAGA:
Make Azopardi Great At Last. This is not about Gibraltar, it is clearly about personal ambition, but
the electorate can see straight through it. The electorate have a clear unease in their gut that they
do not have an alternative government, that they are looking at a lack of ideas in the GSD, a lack
of energy, a lack of commitment from Members opposite – that is very clear, a complete lack of
1100 commitment. In fact, it is about time that hon. Members started to give back to this community.
It is time that the GSD got something done – a GSD acronym as well: Get Something Done. Come
on, get something done. The least they can do is organise and really put the battle to us, because
in this two-horse race our democracy needs a serious contest of ideas and they are not up to it.
They cannot do this whilst being in the Court of Appeal, whilst being in the Magistrates Court,
1105 whilst being in the Supreme Court, whilst giving an opinion, whilst making so much money, whilst
sending the Bill, whilst collecting the fees. They cannot do it. They are getting money to be the
political representatives of people of Gibraltar, and that should be their salary and that should be
what they run on. But they have not done it. The election is now around the corner. They cannot
give this the time it needs. They are taking people for a ride.

1110 In the last meeting that we had – we have not finished Questions yet – the Leader of the
Opposition of His Majesty's Government of Gibraltar, seeking to become the Leader of the House
and the Chief Minister, seeking to lead Gibraltar's negotiating team in the Brexit negotiations,
asked a question about chickens. I get it that it matters to people with the noise, but is that really
a Leader of the Opposition's question? Seriously?

1115 And do we know how much each question costs? If you take their salaries and divide by the
number of questions they put this year so far, Mr Reyes – wakey, wakey – costs £568.76 per

question. He is obviously the senior partner in the organisation: £568 per question. Mr Phillips, £212.34 per question – obviously the junior in the organisation. Mr Azopardi, £315.37 per question – senior-junior or junior-senior? Mr Feetham, *más baratito*, £256.86 per question. I would not pay him that for his legal advice an hour, he might want to know. Mr Clinton, £241.29 per question. That is what they cost per question. The question on the chicken cost us £315.37. I congratulate Mr Bossino for being value for money: £151.67 per question. That is more than I charged when I started practice, per hour, but a decent fee for an hour's work by a junior lawyer these days. I think it is a bit expensive per question. But this demonstrates that the value for money audit that we have done shows they are not value for money for the people of Gibraltar. It is a scandal. The total average per question is £291.05 per question. Each question is costing the same as an hour of a middle-ranking lawyer's time. It is a joke. If Mr Clinton wants to talk about value for money, he had better start looking at himself. If he wants to talk about ridiculous, do not look at himself, because I am not going to call him ridiculous, look at the ridiculous cost per question.

And we are not taxing the people more, Mr Speaker, even to pay for their questions. We are making sure that the cost of COVID is being spread as it should, and in fact we have been able to lower the cost already. We are taking tax down this year. I gave him three hours between my speech and his. How could he come here and talk about us taxing people more? I suppose because he thought we were going to stick at the 2% for two years. Didn't he want to at least amend his speech a little bit? He said if they were in government, taxes could go down more quickly and salaries could go up more steadily. If they spend most of their speeches telling us that the public sector costs too much, and then he talks about putting their salaries up more steadily, do they think they are going to believe that? Don't they know in the public sector that they are coming either to cut the cost by reducing services and reducing the headcount, or cut the salary bill, or else they are misleading everyone?

He was the one who said I was presenting a false picture of solvency and financial health to the people. I am not. I can demonstrate, as I have, that our surplus estimations are reliable. He is the one presenting a false suggestion that our Budget is a hopeless fiction. He is presenting a false suggestion that there will be tax cuts and public sector pay rises under them, because both positions cannot be true. He is literally doing the opposite of what he said. He is not telling our people the hard truth. He just does not want our people to be told our good news, the good news – now there is a reference to the Bible – because what he is trying to do is literally feed the 5,000 with five loaves and two fish. It would be a miracle if he were to do it – down taxes, up salaries, all magic, or sleight of hand, or either Mr Speaker. He knows we do not just have five loaves. He knows we are accurately reporting the numbers. He knows he cannot give the pay rise he is hinting at. He knows he cannot give the tax reductions that he is hinting at. It is either one or the other. He knows either that our numbers are correct, or he knows and he does not mean it when he is saying that he will give tax reductions and pay rises; or, option three, he thinks that he can emulate Christ and feed the 5,000 – or, in this case, the 32,000 – with five loaves, two fish and a deficit, because that is what he is telling us we are going to produce. He is saying there is not a surplus, he is saying there is a deficit because the surplus is a hopeless fiction. Well, of all the people sitting opposite that I am looking at, I did not have him down for Christ, I can tell you that much; I did not have him down as a miracle worker. As Mrs Thatcher said, I say of myself in the eyes of him. If the GSD saw me at Eastern Beach walking on water, they would issue a press release saying it is a disgrace that the Chief Minister does not know how to swim.

'Where in the I&DF is the wastewater treatment plant? It is disgraceful. You are not committed to it because it is not in the I&DF.' Well, it is not in the I&DF because we are not going to pay for it. It is going to be produced by a third party. The tender actually provides for them to produce the plant. We will provide the sewage for the operation of the plant. That is why it is not in the I&DF, because there is no capital cost to the Government.

Then he called us 'the most secretive administration in our history ... hundreds of millions of pounds in off-the-book transactions ... we do not know where it has been spent'. Now it is more

1170 than just a simple web of companies – a ‘jungle’ where we have stashed the people’s money away.
I will address a little bit of that in my reply to Mr Clinton, but to him and Mr Clinton the idea that
we have to explain to them what the beach sheds are for and what they are intended to do ...
Well, Mr Speaker, I will dissent to particulars. The beach sheds are for people to put away the stuff
they take to the beach without having to take it home. The purpose is to receive cash when we
sell them or rent when we rent them and therefore produce a profit. I would have thought it was
1175 pretty basic. This is not a complex financial transaction. This is *para mete la barraca, la sombrilla
y la silla*, and as Mr Bossano has said, we have been oversold, there is more interest than there
are sheds, but even that they need explained to them. I suppose this is the same level of quality
of analysis about the beach shed and what it is for as you are asking questions about chickens.
Really a tasty bite of a question, I must say. I really got my teeth into that one. I would have
1180 thought it was obvious.

And then he quotes from the Chamber report, talking about uncontrolled expenditure, as if it
were the King James Bible, but he does not go to their dinner to hear them say at the dinner that
the Government is doing very well and to hear my analysis of why that part of the Chamber’s
editorial was wrong. Maybe if he had come he would understand.

1185 And what about the homeowners who are having to pay their mortgages against higher
interest rates? What about the deal that the GIB is doing to keep those interest rates down? How
can he talk about the negative without reflecting the positive thing that the Government has done
to ameliorate the cost for John and Sally that he talked about?

What about the schools their children go to, the magnificent schools that children now go to
1190 in Gibraltar? Or is it that he thought it was okay for the children of the Upper Town to go to
St Bernard’s, which was a Victorian school under Mr Reyes as Minister for Education, because the
children from the Upper Town matter less than the children from the South District? Is that the
reality? Maybe that explains why they are not so welcome when they visit the Upper Town at
election time, because the children of the Upper Town matter as much to us as the children of the
1195 South District, the North District and everywhere else in Gibraltar. That is why every school in
Gibraltar has to be fit for purpose and to a standard, and that is where you have to judge the
Gibraltar in which we live. That is a point I make to all of them, Mr Speaker. Talk about the Gibraltar
in which we live being anything other than a quality Gibraltar.

And remarkably, having said in the first part of his speech that he was going to deliver tax cuts
1200 and he was going to raise salaries more quickly, he then said to me that the tax cut I am proposing
is not affordable, and then he said that the lump sum that we are going to pay to the public sector
as a result of our negotiation with the unions is not affordable. How can you, in the same speech,
say, ‘With me, taxes down, salaries up; with him, the 1% tax cut is not affordable and the lump
sum non-consolidated amount is not affordable’? I despair, Mr Speaker. Please can I have a serious
1205 Opposition? The public deserve a serious contest of ideas. Where is Sir Peter now? I disagreed
with him profoundly in everything, but the quality of the argument was much higher than the
quality of the argument today.

And it is all a bribe, they say, because it is going to be paid at the end of September. Well, the
unions are negotiating with the Government in the run up to the Budget. The Budget is in
1210 June/July. We agree to pay something at the end of the second quarter, the first half of the year,
and it is a bribe because they think it coincides with the election. At the end of the day, their
predictions on the election have been as bad as their predictions on the estimates. Mr Clinton was
predicting an election in February 2022, and then when it did not happen he said March, and then
when it did not happen he said May, and then when it did not happen he said before the summer,
1215 and then he said in the autumn, and then he said in the winter, and then he said in February, and
then he said in March, and then they said in May, and then they said pre-summer. You cannot rely
on them on anything. The date of the election has been obvious for all to see if they follow the
instruction the Father of the House gave me many years ago when you look at the options. They
are not even reliable when it comes to looking at the calendar.

1220 Then, when he attacked me on the delivery of affordable homes, I thought the man has taken
leave of his political senses. I am not going to do the analysis now, I am going to do it when I deal
with Mr Bossino, but how can he attack me for a failure to deliver affordable homes when already,
having failed to deliver all of the ones that I promised, I have delivered more than they delivered
1225 in 16 years? Anyone who delivers one apartment delivers more than he delivered in the eight
years he was a Minister, because they delivered zero.

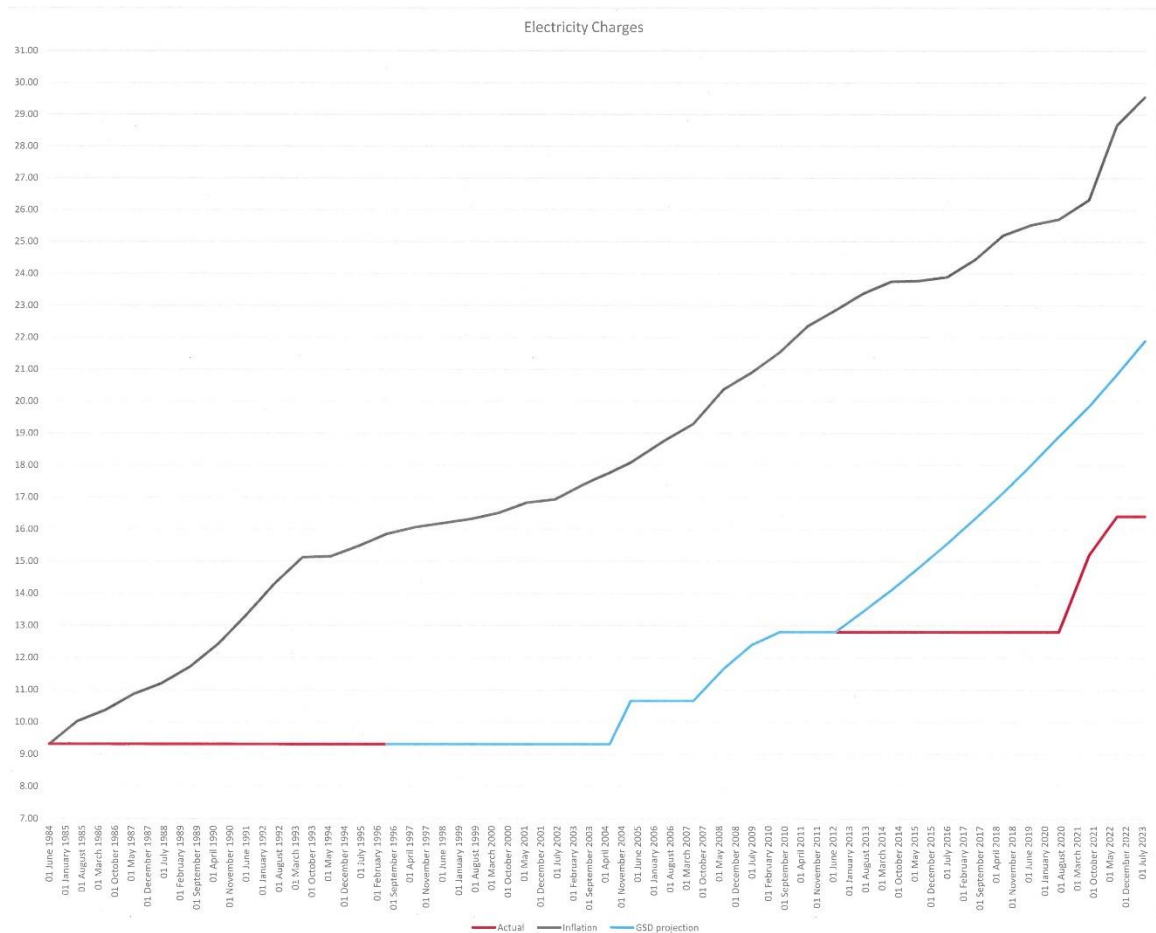
When it comes to rainy day funds, I would say that the hon. Gentleman should take advice
more from Sir Joe Bossano than from Roy Clinton, because when it comes to Community Care and
the Savings Bank, those are much better under the stewardship of Sir Joe than they are under
anybody else. I will prove that to him, too.

1230 He said I wrote an electioneering headline that I wanted, which was that financial stability has
been restored. I do not want that to be an election headline, I want that to be reality for my
children and for his. I want it to be reality for everyone in our community – for the patients who
need care, for the magnificent public sector workers who need to be paid. I do not want to restore
financial stability to win an election. I would happily, if the Devil were to come and put on the
1235 table ‘restoration of financial stability but you lose the election’, I do the deal with the Devil, I
shake his hand, I lose the election, but I take the restoration of financial stability for our people
every time. This is not an election headline, this is the deepest desire of the Government, which
includes the man who said the road to self-determination is paved by self-sufficiency. That is what
we believe. This is not writing a headline, this is actually delivering a strong economic performance
1240 despite COVID, despite the aftermath of Brexit, and it is doing what we need to do. But he
obviously decided he was going to write his speech when he saw the news report of what I had
said at the Chamber dinner, which he was not at, because he is supposed to be responding to my
analysis. He did none of that. Lazy politics. That is what we come to expect of them – a few hours
of work as Opposition leader a week, and from there you win the election. Not quite. The people
1245 of Gibraltar expect more than part-time politicians.

And no, the people are not bailing out the Government with their taxes, the people are paying
for COVID with their increased taxes in an *esprit de corps*, a feeling of solidarity that everybody
understands and should not be exploited in a Trumpian fashion by those who now want to suggest
that we are being bailed out. What is being paid for? Everything that happened in COVID. And
1250 what else? The schools for our children, the scholarships for our children, the care for our patients,
the domiciliary care for those who are home so that we have beds available in the Hospital. And
when we did the COVID things, we did them with their full support, so if anybody is being bailed
out, it is the whole House that is being bailed out because they agreed that we should do the
spending and incur the debt that we had to incur.

1255 And then he says all of this has been paid for by higher electricity charges. Seriously, higher
electricity charges? If the hon. Clerk could get the usher to come, Mr Speaker.

Table 2



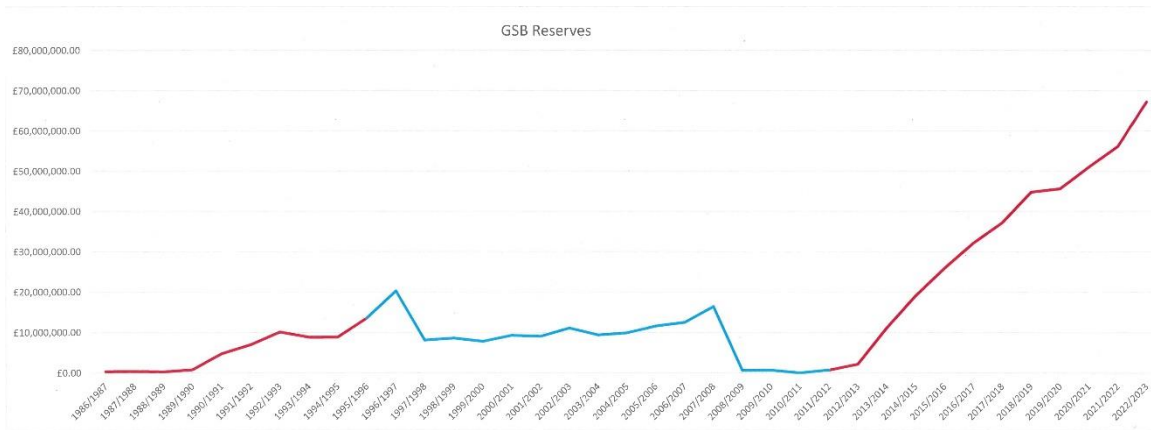
1260 This year, we have once again frozen electricity charges. The price per unit at the moment is
 1265 £16.40, and we are not putting it up, even though we said it needed to go up because the cost of
 fuel has gone up. We are not putting it up because we understand that there is a cost of living
 issue. But do hon. Members forget what the cost of electricity would be if they were in
 government? I have plotted it, Mr Speaker. The red line shows how water and electricity charges
 went up under the GSLP administration between 1988 and 1996. The blue line shows how it went
 up under the GSD and the red line shows how it has gone up under us. We had to put it up because
 the cost of fuel was going up. Look at the cost of fuel, which is the black line. We stopped it going
 up.

1270 Hon. Members will see that the chart shows two lines moving forward from 2011-12, not one.
 There is not just a red line, there is also a blue line. Do hon. Members remember the reason for
 that blue line? They can come here and say it is terrible that I put up electricity charges in the year
 that that electricity production costs have gone through the roof, but do they really think the
 people of Gibraltar will forget that when we entered government they had signed an agreement
 with RBS which included a legal requirement on them to put up electricity charges 5% a year for
 20 years? I have not plotted it for 20 years, but 5% per year for 20 years is 100%. I have plotted it
 to where it is now. If we had a GSD government, the cost of electricity would be much higher. It
 would, today, be 21.9p. So how can he attack me for having to put up electricity a little bit? Does
 he not think of these points when he makes them? If somebody has an obvious response to you,
 do not make the point, because you are going to get it back.

The political maturity of Gibraltar today is such that we put up tax by 2% for two years when
 we have to, we can bring it down sooner than we expected to, we pay our way, we have the
 support of the United Kingdom with a sovereign guarantee but not a handout, and all of this also

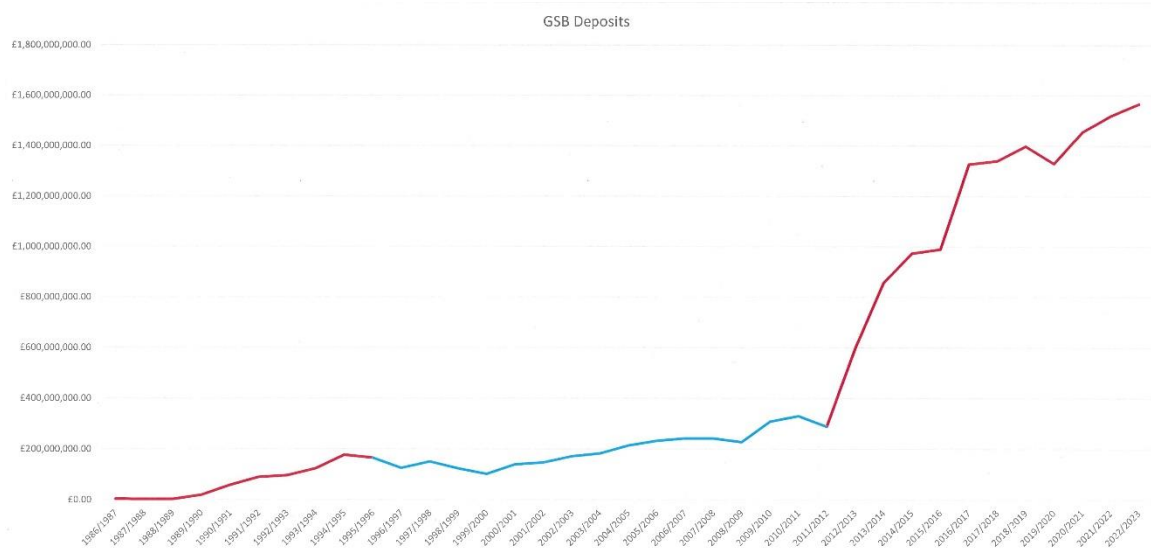
1280 with a cash reserve, a cash reserve in the Savings Bank and the cash reserve that exists in Community Care, so that we do not have to give Community Care donations when the rain comes. Mr Clinton says, ‘Why don’t you use the rainy day funds?’ Well, to an extent, Community Care was seen as the rainy day fund. We are using it because we are not giving it money and they are paying using the money that we have given them.

Table 3



1285 But look at the deposits in the Savings Bank. A picture is worth a thousand words.

Table 4



1290 Mr Clinton and Mr Feetham say that they do not like Joe Bossano as the arbiter of the Savings Bank and what it does, that there is no board, there is no real decision-making there. Well, look at how the Savings Bank deposits shoot up when Joe Bossano is in charge. Look at that. The public do not agree with Mr Clinton or Mr Feetham, or with Mr Azopardi. Look at how the cost of electricity would have shot up if the GSD had been in government – the second blue line, over the red line, 5p per unit more expensive, a quarter more. And what does that increased level of deposits in the Savings Bank do? Look at the reserve of the Savings Bank. Yes, the blue line goes down to zero. As I said when I did the analysis of their surplus, they snuffed the £19.3 million in the Savings Bank reserve to take it to the Consolidated Fund to flatter their deficit into surplus.

1295 And yet look at what it does: it goes up massively under Sir Joe. And finally – all of these things that they talk about that they do not seem to give thought to – look at Community Care. Look at

how it goes down to zero in 2011 and look how it goes up. And now it comes down because we are allowing them to use their rainy day fund so that we do not have to give them more in this period.

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How could it be clearer? Sleight of hand and massaging of the figures, seriously? We took a deposit balance and more than multiplied it by five. The deposits in the Savings Bank in 2011-12 were £288 million; they are now £1.5 billion. The public do not agree with them that Sir Joe is not a good arbiter of where their money should be put. In 2010-11 there was £1,000 in the Savings Bank, £1,444. There is now £67.1 million of reserve. That is the reality. There is no sleight of hand here and massaging of figures. This is the uncomfortable truth, and that is why everything the Hon. the Leader of the Opposition tried to do was an entirely hopeless fiction. Indeed, if he turned up with that speech to me, as a publisher, I would tell him to get lost because it is not a book that is going to sell much the minute the critics get a look at it.

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Mr Speaker, I think that careful analysis demonstrates to anybody who may be watching that there is absolutely no reason to believe that Mr Azopardi would better prepare himself to go into the negotiations on Brexit, that he would better prepare himself to present an Estimates Book next year than he has this year when he is allegedly doing the job of Leader of the Opposition, and therefore very good reasons to reject his candidature to take the top job in Gibraltar politics – that is to say not to make him Chief Minister after the next General Election. But if he had a strong team, that might avail him of some support, which might at least carry him into No. 6 Convent Place. Unfortunately, as I now move on to deal with the rest of them, it is pretty obvious that he has not got a very strong team.

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His strongest support, I suppose, is allegedly Mr Clinton. A lot of what I have done has already dealt with much of what Mr Clinton said on the issues of expenditure and on the issue of the surplus. I want to start with Mr Clinton by telling him that he was right, in my view, about one thing, that when we worked together in the winter and spring of 2020 it was our finest hour. Absolutely true. There was a gathering storm and we got together and worked together, and nobody will ever be able to take that away from us, not even any one of us in the subsequent unfair and ungenerous criticism that he might seek to do of the effect of what he agreed to do in the winter and spring of 2020.

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For all the reasons I have set out about the tenor of my address today to them in respect of their arguments, I am actually very pleased that he is here and he is healthy and that the scare that his ticker-ticker gave him last year is in the past, that we will, I hope, continue to enjoy his analysis during the course of what is left of the lifetime of this Parliament and that then he will be roundly rejected by the people of Gibraltar and be one of the ones who is not elected. I wish him all the worst politically and all the best personally, as he knows, but it was absolutely right that he should reflect – and I thought he did that generously – that it was our finest hour. But to go from that to saying that Joe Bossano has a parochial, small-town vision just does not seem to me to be something that you can reconcile. That is what he is saying. He is saying we have parochial, small-town visions. He is saying it to all of us, to him. We have already extended the three loan guarantee to Gibraltar agreement with the banks, the loan. The UK loan is subject to the final sign-off by Parliament – it has to go to Parliament to be laid, it is an exercise that has to be done – and we will be able to draw down on the moneys on the new loan when the old loan expires. The old one expires in December, the new loan kicks in after that, and the 14 days in Parliament in the UK will have expired in good time for that. So that is done. I have laid it today because it has been signed and I have to lay it as soon as it has been signed – and I am sorry for a bit of a rush there, but it was being signed and I thought he would believe it was right that I should bring it as soon as possible. He can now look at the terms of it. He will see that they are the same terms, something which he thought would not be acceptable.

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And then he goes on to talk about the ‘jungle’. Well, we are all in the jungle, Mr Speaker, the mighty jungle, but he has made the mistake of waking the lion that was sleeping. Sir Joe already replied in the analysis that was shared by Gilbert Licudi on how they got it wrong on departmental expenditure. But look, we are running an organisation with an income of over £700 million, with

1350 expenditure in the region of £500 million to £600 million. Of course the accounts are complex. This is not a salary coming in, paying for the mortgage, paying for the car and paying for the baked beans. This is an extraordinarily complex beast now. That is why there are a hundred more pages to our Estimates Book. Of course, if you do not understand that, you think it is a jungle, but all of the information is in there.

1355 But you know what, Mr Speaker? It is also true outside of this place, beyond the Frontier. It is a jungle out there with the law of the jungle and Gibraltar has to be fleet of foot and needs to be able to defend itself, and in some instances cannot afford to lay *Hansel and Gretel* like clues to others as to how we do things, or they would seek to stop us from doing it. There are people out there who wish us harm, and we are not going to give those people a route map to how we are going to ensure that our people survive.

1360 I thought, Mr Speaker, as I said before, it was particularly ungenerous of him to call me ridiculous because we were doing a bit of heckling. They were doing a lot of heckling during our speeches. We did not call them ridiculous. We may have said they were nervous. But I think on reflection, given the things that we say to each other personally – not politically – he could have called me many other things, political things and not ridiculous, because he confirmed again that he is not an economist and so I assume that he will be content when I say that I am, therefore, less than impressed by his economic analysis. Yes, you did. The hon. Gentleman says he did not do any economic analysis. He said that he did not think that interest rates would come down. That is an economic analysis. He must be the only banker in the world – because he is not an economist – who thinks that now is a prudent time to fix for 25 years, because he was saying it is terrible that we had not fixed for 25 years and we had only fixed for three. I explained why we had only fixed for three, because we think in three the rates are going to be down. We may or may not be right, we do not have a crystal ball, but he seems to think the opposite. The front page of the *Sunday Times* section on money this weekend was all about the fact that it is very likely that interest rates are going to come down in three years, and it is giving advice – which may be wrong, it could go up or down – to people who are taking mortgages or going to floating or going to fixed to hold for three years. Who knows? Nobody has a crystal ball, but neither does he. So he cannot say that we are wrong to have fixed for three and wait to try and fix for the remaining 22 either. The prevailing wisdom, so to speak, is that interest rates are likely to come down, and if you look at what Rishi Sunak has done in saying to the Bank of England that they must tame inflation, that suggests that interest rates are going to go down very sharply before a British general election and then drop as they try to get inflation down. We may or may not be right. If we are not right, we will have to fix for another three and then find the right moment, a sweet spot, to try and fix for the 22. We will see.

1385 But then he makes inferences, in the way that he addresses us, which are very ungenerous. He says he is not there for the knighthood, he is not there to represent any sectorial interests, he is only there because he is worried. I have no doubt that he is there for all of those noble reasons, but why is he saying it to us as if we were here for anything other than the same noble reasons? Is it that he thinks I am here for the knighthood, or that Joseph Garcia is here for the knighthood, or any of us? Certainly we all know that Sir Joe Bossano was not here for the knighthood, but why must he think that the rest of us are somehow here for a knighthood or a gong? Maybe it is one of these excuse qui s`excuse s`accuse, one of those things where you do not see the mote in your own eye, where you are saying something to someone that you actually mean about yourself, because it is what you would be doing. I do not know whether it is that.

1395 He did not understand that I was a man of depth, he said, who could quote Shakespeare, and that he was very impressed by that. Well, maybe he needs to look at himself a little bit. Maybe he has some of that 'ambition, which o'erleaps itself and falls on th'other', which is from *Macbeth*. Or maybe there is something dark inside him that wants a gong or wants a knighthood. Maybe the more apposite quote is 'stars hide your fires, let not light see my dark and deep desires', also from the Scottish play. Maybe those are the things that are playing out inside him.

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For me, this is a vocation. I am here because I love politics. I think Keith Azopardi and Damon Bossino are here because they love politics, because they started in politics with Joseph Garcia, with Vijay Daryanani and with me. I think the others are also here because they love politics, because we love Gibraltar. We love politics because we love Gibraltar. I have just told him in the analysis I have done before that I am prepared to do everything it takes to bring down the British government if they talk the words 'joint sovereignty' in front of me. You think I am here for a knighthood? I would not get, perhaps, to see the end of the night if I try and take them on, but I take them on – let alone the knight and the hood. So it is wrong to make inferences that suggests that he is here for noble reason and we are not, with respect to him.

On the issue of the reconcilable £26 million, he spent a large part of that saying how can we go from a £45 million loss to a £50 million loss? He explained how part of the revenue is made up of the additional employment and the additional 2% and he showed us exactly where he is able to find these things. Why is he doing that? Why is he showing us his working out, just to demonstrate that his main thesis is wrong? If he says, 'Look, I have worked it out because the 2% here is the employment' and shows it is all in the Book ... You can work it out in the Book, but knowing that Gibraltar has to refinance he takes every opportunity he can to try and denigrate the book, which is what people will put reliance on when doing an economic analysis. Well, the real experts in HM Treasury in London and the real experts in the lending banks have taken a different view. That is why I have been able to lay this document today, but he says he cannot reconcile this £26 million, and he says it must have been done, therefore, by some sleight of hand. Of course, because if he does not know how it is done, it cannot be done. If he does not know how it is done, then it must be a trick. If he does not know how it is done, then it cannot be correct. To an extent, the hon. Gentleman will forgive me for saying that that is pure, unadulterated political arrogance – 'If I cannot do it, if I cannot see how it is done, then it cannot be done,' – and in that, he reminds me a little bit of Iago in *Othello*. There: more depth, Mr Speaker. He took the easy reference, the Cassius reference, 'Yon Cassius' with 'a lean and hungry look' – him ... mean and hungry, compared to me these days ... Believe me, Mr Speaker, I am the hungriest person in this place with my intermittent fasting, *very* hungry; I hope not mean. Albert Isola can be described as many things – charming usually, mean never. So, frankly, I think he is getting his Shakespeare wrong. In Iago we saw someone who used to say 'I am not what I am' because he hid something, and so when he got up and said, 'I am not here for gongs, I am not here for knighthoods, I am here for a noble purpose,' I was almost reminded of that other Iago quote: 'I know my price, I am worth no worse a place', which was Iago saying that he actually was better than everybody else, which is a little of what he says that he is.

And then, of course, when we ask him about any issue, he says, 'No, you work it out,' and then he complains when we tell him that, too. I am very clear that there is no sleight of hand here. He gets documents from us confidentially, which we agreed to provide him as part of the COVID process, which give him some information, and yes, as a result, I am surprised that he comes here and says we are not transparent. We are actually giving him a lot of information confidentially.

And, yes, there is an uptick in March 2023, but he does not do what a fair-minded person would do, which is perhaps to ask me, or think maybe this forms part of the February receipts. No, he does not pose a question. He comes here with a warped theory that, in my view, says more about him than it does about us. His questions assume we have done something underhand, which might be somebody not seeing the mote in their own eye. The answer is actually that the numbers were just banked in March for February as they always come in at the end of the month, and actually, contrary to his narrative but consistent with ours, revenue payments on account are up. Hopefully this signals the shoots of recovery out of COVID, but of course that does not work for Iago's narrative, because despite knowing that we had to renew with the banks, he was still thumping and thumping and worried and worried – but not so worried that he did not want us to ensure that we take the full £500 million possibility because he wants to have the £75 million in the unlikely event that he is elected into office. He wants to know he has got that £75 million. Is it for

tax cuts? Is he borrowing for tax cuts, like Liz Truss and Kwasi Kwarteng? Is he borrowing for pay rises? Is that how they are going to fund it?

1455 I have just laid the document. The answer to his questions is this. We did receive £24 million from state aid recovery in September 2022. There was some doubt as to whether this will be challenged. As a result, it has not been taken into revenue to flatter the figures, but rather it has been kept on deposit, despite the fact that it is very likely that we will be able to keep the lion's share of it. So we did not flatter the income tax receipts in March by generating excessive government tax company payments. Gibraltar Commercial Property Company Ltd, GSBA Ltd, 1460 Gibraltar Carparks Ltd and GSTR Ltd met their statutory obligations to tax by making their total tax payments, and this is in line with their obligations. CFCL did not make a payment as there was a credit balance held at the Tax Office. Again, perhaps the above points to what he might have done differently if the situations were reversed.

1465 It seems to me that he thinks he can just grab the Book and other Books and have his reports and sit in his office, which I assume would be somewhere in Convent Place as Minister for Public Finance, and just review reports, like Warren Buffett, and in that way control expenditure and control everything. He is not the Oracle from Omaha. God help us if he had not heeded Buffett's advice, because we have, and when the tide went out we were not caught without our bathing costume. Even now, with the tide coming back, we still have our full reserve in the Savings Bank. 1470 If we had followed his advice and put all our indirect borrowing on balance sheet, we might not have got the borrowing that we needed when we needed it.

How deluded is he when he asks for these value for money audits as the way that he will identify waste? First of all, the Principal Auditor, for no reason connected to the Government, is delayed. The last value for money audit that the auditor identified pointed to £2.5 million of expenditure as being something that needed to be addressed – of course, not the whole 1475 £2.5 million. So what is he saying, that his job as Minister for Finance will be simply to wait to receive the Principal Auditor's report on value for money and then address that, which of course should be addressed? That is what he is going to do? So the estimates process with Roy Clinton is the same again as last year, except the bit where the Principal Auditor has said we need to look at value for money? Well, he will be a much less effective Minister for Finance than this Minister for 1480 Finance, or indeed the former Minister for Finance, because I sit down and I go, with my team, through the estimates line by line trying to identify any area where in a new year we could cut costs. He is not going to do that. He is just going to wait for the Principal Auditor's report. I put it to him that he will not be very much value for money if that is what he is going to do as Minister for Public Finance. 1485

Of course interest rates have gone up and our interest rate costs are higher. Everybody knows that. How can that be a point that he makes as if it were a salient, important new point to make during the course of this debate? That is why we have not fixed for longer than three years, because we are doing the right thing and I value more doing the right thing and fixing for a shorter 1490 period, even though as a result I have not been able to come here and say, 'There, fixed for 25 years.' It would have been a great political boon to come here and say fixed for 25 years. I could have done it at today's rates. I had the offer. I will tell him I had the offer to fix for 25 years at today's rates. I chose not to. I made what I think is the right call for my children and for everybody's children, because otherwise, in 25 years they will still be paying today's rates when it is very likely 1495 that if they fix for 22 years, in three years they will be paying lower rates. We do not know, but it is the right thing to do for Gibraltar because all of the thinking suggests it is going to be going down, but it is very unlikely to be higher and all the advice I have from economists, from banks, tells me that it is very likely to be lower. So I have taken that advice in the interest of Gibraltar. I will have him out for a beer three years from today. Whoever is Chief Minister, whoever is Minister for Public Finance – none of us might be by then – if the interest rate is higher, I will pay for the 1500 beer. If the interest rate is lower, he will pay for the beer. Mine is a Peroni.

Anyway, it is very clear to me that if all he is going to do is look at reports and look at the auditor's value for money audit, he is going to be an armchair general, as he is today, even when

1505 he is on the front line. He is going to sit in No. 6 Convent Place waiting for reports to read, and that is it. He is not going to be on the front line. He is not going to be sitting with the Financial Secretary going through, line by line, with the controlling officers etc. Always behind the report, never on the front line, never in touch with the issues in the GHA, never in touch with the issues in the GEA except when finally the lights go out. When they come in and bring him his mug of tea made with cold water and they call him Chancellor, as he no doubt will require his secretary to call him, and she says, 'Chancellor, your tea is cold,' and he says, 'How dare you bring me cold tea?' and she says, 'Chancellor, you have not paid for the petrol for the generator,' he will realise that you have to have an eye to what is happening on the front line and not just sit behind a report and think that you can run Gibraltar from a report at No. 6 Convent Place.

1515 All of this is all about Project Fear. We have seen it today. They have taken a complete part of the Tory campaign machinery: Project Fear on finances; Get Brexit Done if you vote for them. My goodness! Of course their mission is to hold us to account. I get it, I have no rancour in their trying to hold us to account, but that does not mean just criticising us. They have to understand we have a mission too, and it is a critical mission. Our mission is to lead, and lead we do, and when we lead, we do the things that we have to do to ensure that the tunnel is finished; that we close the Eastside deal; that we do not project for further borrowing if we can avoid it; that we finish the affordable housing; that the dockyard is turned around with a new operator, where we drive a hard bargain on the lease but we get what we want there and we see them succeeding; where the banks have agreed to a three-year extension on the same terms as before, with the 22 years to come afterwards, where we work with the United Kingdom to have approval for this extension of three years with a sovereign guarantee, with more to come for 22 years, I am confident; 30 new companies in the gaming centre; continuing to grow financial services; 747 more jobs. That is how you lead, not by sitting behind a report and looking at a value for money audit sitting in Convent Place. That is what we are doing.

1530 We are not saying that with the 10% of the surplus we are going to pay for the loans. It is £500 million. We are not saying that is how we are going to pay for it. We are saying that we are committing 10% of the surplus to go towards the surplus to reduce it, and then we pay the surplus at the end. It is payable in a bullet at the end. That is what we are talking about. But look, if we have a GSP Liberal Government with an average surplus of £44 million, in 10 years we will have paid £40 million towards the capital, which will reduce the interest. What we are doing is giving a commitment on 10%. We are not saying that is how it is going to be paid. If we have a surplus of £100 million, we can give £50 million to repay the debt. If we have a surplus of £25 million we can give £10 million to repay the debt. What we are saying is we are committing to *at least* paying 10% from the surplus. But of course they think we are never going to have surpluses. If we choose them, the surplus will always be lower because I have done the analysis that demonstrates it.

1540 The expenditure part of the Book that he criticised us so greatly for, I was surprised to see he was suggesting was somehow wrong. I have done the analysis already with Mr Azzopardi. Our expenditure grows by 65% in any 10-year period, theirs by 114%. How can they criticise us? In fact, their average is 114%. It is a maximum of 134%. In the six-year period between 2006-07 and 2011-12 they grew the expenditure by 68%. That is what the numbers objectively show. When they had control of the purse strings, when they were not just sitting there criticising, when they were in No. 6 doing, they were worse at controlling expenditure. They grew expenditure more.

1550 And he was wrong in his analysis to think that there was anything wrong with our revenue, absolutely wrong. For the reasons I have shown and demonstrated with graphs, our revenue is more reliable than theirs, our surpluses are more factual than their fictions, because the one that they had to raid the Savings Bank reserve for was a fiction.

1555 And then he says, 'You bandy GDP about. Don't you realise' – listen to Sir Joe – 'GDP has nothing to do with public finances? Of course GDP has nothing to do with public finances.' It has the same to do with public finances when I mention it as when Sir Joe mentioned it in his speeches and when Sir Peter Caruana mentioned it in his speeches. Those are the economic indicators. So you talk about the economic indicators ... He had better perk up because if there is the slightest

chance that he is going to win an election after the autumn, he needs to design a Budget speech because he is the Minister for Finance. There is a section in the Budget speech delivered by everybody who has delivered a Budget speech, whether it was the Financial Secretary or, thereafter, Bwana, as Brian Trainer referred to Sir Joe when he took over. That section is the economic indicators, and there you give the GDP, you give the numbers for employment etc. That has nothing to do with public finance, which is what this debate is about, but it is an economic indicator because this is a state of the nation address.

So why is it wrong that I talked about it in exactly the same ways as Sir Peter talked about it? Sir Peter would go on about GDP for a lot more than that. I never linked the GDP to wages. I never did that. It was Unite the Union that did that in their report, but I am grateful because I think it is foolish to link GDP to wages. He agrees with me, therefore, that the reports of Unite on wages in Gibraltar is based on a false premise, although the hon. Lady went on to rely on it greatly. When the GSD Chief Minister refers to the GDP, it is magnificent, it shows the growth that they are presiding over; when I refer to the GDP, I should listen to Joe Bossano and not talk about it, although Sir Joe Bossano talked about it when he used to be Minister for Finance. These people tie themselves up in so many knots that they are completely unreliable. The public must be saying, 'My goodness, why are they putting poor Mr Picardo through this, having to explain this to them? It is remarkable.' Of course the GDP is not public finance, it is a measure of growth of the economy. Those two are different. There is not a linear connection between them, but as the economy grows, usually public revenue also grows because there is more economic activity, more interaction for the Government, more payments of taxes, more payments of all government fees. That is why it is relevant. And as the GDP grows, also our kitty grows, usually. It is not linear, it is not connected, but there are some non-linear connections.

When he talks about us taking on unseen debt, he seems to think that he can conveniently completely ignore the companies under which they borrowed, not just one: GCP carparks, the borrowing on the Hospital. They have all said ... the new GSD all say that the Hospital was hidden borrowing, even the person who was Minister for Health at the time.

And when it comes to Sir Joe saying it is just an estimate, as if that were irrelevant, it was not Sir Joe saying that. Sir Joe was quoting Sir Peter Caruana, the man one of their number has described as the greatest Gibraltarian of all time. (**Hon. D A Feetham:** Our time.) No, you said all time. (**Hon. D A Feetham:** Our time.) You said all time. Anyway, (*Interjection*) he dropped the Book to say, 'This is a worthless waste of paper.' Mr Speaker, do you know what he should do? I have not brought it, because I think it is a bit childish, but he should drop the last GSD Book, the 2011-12 Book, and listen to the thud it would make, and then drop our Book and listen to thud it would make, because ours has a hundred more pages. It is like comparing my manifesto of 2015, the 'Strongest Foundations' manifesto – boom! when that fell – with the pamphlet that the GSD delivered in 2015. It did not quite sound the same. But look, there is something in it. We have got a hundred more pages. How can you say there is not disclosure of the facts of the finances of Gibraltar with a hundred more pages? It is remarkable, Mr Speaker. By the way, he needs to remember it is not LIBOR anymore, it is SOFR.

I am not going to sing to him *Welcome to the Jungle* from Guns N' Roses, but it is a jungle out there, and therefore having a National Economic Plan that is assisting the Savings Bank in its own growth and assisting with the growth of the economy is a very good thing because the jungle out there could get a lot more dangerous for us in coming years. So whether it is sheds on the beach or any other positive, profitable economic activity, the Hon. the Minister for the Savings Bank has the full support of the whole Cabinet in what he is doing there, and, I think, of the whole of Gibraltar.

When he talked about *The Jungle Book*, I was surprised that the hon. Lady actually smiled and they were a little positive to each other about it, because *The Jungle Book* was written by Rudyard Kipling. When I quoted Rudyard Kipling's Magnificent *If* last year, I was told in response it was terrible that I had done so because Kipling is now seen to be responsible for anti-Semitic tropes, and if that is the case, Mr Speaker, I will not be quoting Kipling, but I was surprised that despite

1610 having heard that, he went down the route of quoting *The Jungle Book*. I am not going to go down
the route of *The Jungle Book* quite yet, but if this is a jungle ... I may be Tarzan but he is no Jane.
He is more like Cheetah, monkeying around with the Estimates Book, throwing it around –
amusing, but not serious. If we are dealing with *The Jungle Book*, then maybe he is more like King
Louie, the man who sees himself as the king of the swingers, the jungle VIP, the one who wants
the gong, the knighthood – he has reached the top. But what is to stop him going further? I can
1615 hear him singing to me, Mr Speaker, ‘the king of the Swingers, the jungle VIP. I’ve reached the
top’ – of the Opposition – ‘and had to stop and that’s what’s bothering me. I want to be a Minister,
Minister cub, and stroll right into office, and be just like the other Ministers, I’m tired of monkeying
around.’ Is that what he is saying? Is that why he sees it all as a jungle? Is that why he is talking
about gongs and knighthoods? Is he just tired of being an accountant and he wants to be a
Minister instead?

1620 His idea that he is going to completely flatten the jungle is not one that is met with support
from the Minister for the Environment. Taking down jungles is not a good thing, it is the root of
all evil affecting the planet, as is the sort of politics that is done by people like Trump and
Bolsonaro, where they get up and threaten people. The hon. Gentleman got up and said that the
directors take that into consideration in their plush offices when he was talking about the charities
1625 that make up the National Economic Plan. So already, without the election called, they are
threatening people. The hon. Gentleman – I am very grateful – is nodding his head, and I am
grateful if *Hansard* would reflect that when I have said that the hon. Members are threatening
people, the hon. Gentleman has nodded his head. It is remarkable. We are back to the same old
GSD with a blacklist of people whose heads they are going to cut off when they are elected, if they
1630 are elected. That is not the Gibraltar that we want. That was not about leading a liberation up
Main Street in 1996.

And then he says that the burden of tax has increased on the ordinary worker. Has it? I have
just taken it down 1%. The ordinary worker is paying with everyone. I have put up tax, where they
had it at 5%, to 27%, not on the ordinary worker but on people earning hundreds of thousands of
1635 pounds. And then he says, ‘You should tax property developers.’ Did he miss the measure I
announced in respect of taxing contracts?

And then he says what we have to have is a Finance Bill, because everything is about going
back to the old ways and how things were done. He is the Jacob Rees-Mogg of this Chamber. He
just wants to go back. If he were in the *Mr Men*, he would be Mr Victorian. He just wants to go
1640 back to the way things used to be done.

The one thing that he was very clear about, which I am grateful for, was when he said that we
should only have given the pay rises to those earning £34,000, or the lump sum. At least he is
clear. The GSD’s position, the position of their ‘Chancellor’ is the measure of payment of the lump
sum, or the pay rise, should be only for those earning £34,000 or less. That is a very clear position.
1645 I am very grateful that he has put it, and the unions and all public sector employees should know
that they would have given a pay rise to those reaching up to £34,000. (*Interjection*) Okay. But
then he reads the bulletin from Unite and says it makes sense with the second limb. So he agrees
the second limb. He agrees this limb and the second one. (*Interjection*) It is remarkable that he
should challenge one but accept it with the other. I just do not understand it.

1650 And then he talks about the billions that we owe. The calculations that he does are always
completely wrong, just trying to pick up any figure that appears to have been borrowed without
taking into consideration all the amounts that have been paid – for example, the £500-odd million
that I have told him has been paid into the companies structure. He talks about these billions
owed to try to scare people about debt, but he never talks about the asset side of the balance
1655 sheet. If you are going to talk about the fact that we owe so much, talk about the billions of value
that the Government of Gibraltar owns. The Government of Gibraltar owns billions of pounds of
assets, many more billions than even in his worst calculation he can suggest we have in debt, and
so there is absolutely no reason for people to be worried, no reason for people to have to be
concerned.

1660 Then he told me that I had not done much for the private sector. What does he want me to do,
 reduce the revenue more? By doing things for the private sector, what he is asking me to do is
 reduce taxation or reduce charges, or give handouts. He is telling me on the one hand that we
 have not got money to even do the payment to the public sector because that is going to wipe out
 the surplus, and then he turns his tongue with the fork that he has nailed it into to say give more
 1665 to the private sector as well. In other words, not just to 6,000 people, give to 31,200 people. I
 know he is not an economist, but can he count? It is remarkable.

Mr Speaker, on the Public Accounts Committee, can I just make it very clear to him if he goes
 with a policy on the Public Accounts Committee to the general public in his manifesto he must
 know that he is going to be misleading them, because the Opposition, if it is the GSP Liberals, will
 1670 not form part of a Public Accounts Committee. We said it before, we said it in 1996, we will not
 form part of ... We think it is a bad thing for an economy like Gibraltar to have the Public Accounts
 Committee process. We think it is a bad process. We said it in 2019, we said it in 2015 and we said
 it in 1996. So if he goes with a policy that says there is going to be a Public Accounts Committee,
 he needs to understand it is not going to become a reality in the nature of how Public Accounts
 1675 Committees are organised in other parliaments.

Then he talked – again, when he got most animated – about 1996 and how people were
 liberated from the tyranny of the GSLP. In other words, the great Sir Joe – whom he worships, who
 he thinks is great, who he thinks is magnificent – was a tyrant in 1996 who we all had to be
 liberated from, to bring in the person who then went on to spend more than all of the estimates
 1680 he had ever proposed; in other words, the person who committed all of the sins that Mr Clinton
 is attacking me about. But 1996 was not about a new hope – 1988 was a new hope, 1996 was *The
 Empire Strikes Back*, as I told them before. They were not marching in liberation, they were
 marching as the emperor finally got the place in his grasp, because – I do not want to mix my
 metaphors, Mr Speaker, and my issues – by the time we got to 2010-11, senior politicians in
 1685 Gibraltar were giving interviews to Spanish television about issues affecting life in Gibraltar, which
 would not be carried locally, and not just Sir Joe Bossano on the Dr Giraldi Home but also Keith
 Azopardi, who also gave an interview on the Doctor Giraldi Home. The liberation of 1996 was a
 little like the liberation of Warsaw or the liberation of East Berlin, which was a momentary
 liberation before the Iron Curtain came down. That is the reality, and indeed the leader of the GSD
 1690 today, as leader of the PDP, was talking about tyranny in Gibraltar in 2011 and the undemocratic
 nature of what Gibraltar is – although Mr Clinton is right, at least he stayed in the GSD.
 Mr Azopardi walked in liberation in 1996 and then walked back in 2011 saying that it was all
 tyranny again.

How can he say with a serious face that we want to rule by decree? We have curtailed the
 1695 Henry VIII style measures that have been implemented in Gibraltar considerably from the
 Henry VIII style measures that have been proposed in Westminster. We have curtailed them a lot
 more. We have agreed them with hon. Members opposite. So what ruling by decree?

Mr Speaker, this was a complete joke of a speech. He says we do not want to come here to
 answer questions. We answer more questions than they ever answered. We have monthly
 1700 meetings of the House when we can. A demonstration of that is that we had them monthly before
 the referendum, and then afterwards it has been very difficult but we tend to have monthly
 meetings, and then COVID got in the way. How can he say these things and think that we will not
 think what he says is a joke to such an extent I thought I was watching ‘Carry on Roy’, which was
 not as funny as *Carry On Cleo* and much more in the nature of *Carry on up the Khyber*, which was
 1705 a depiction of the Charge of the Light Brigade by the *Carry On* squad?

Starting to end his contribution by saying let in people who care is once again supremely
 ungenerous because he suggests that the people who are here do not care. Does he really think
 that we do not care, that I would have lost what I have lost, that I would have done what I have
 done, that I would have given what I have given if I did not care, that all of us would have done
 1710 what we have done, lost what we have lost, given what we have given in the time that we have
 been in government if we did not care? Come on. You let yourself down very seriously when you

make statements like that. Be serious. Although I am prepared to accept that he did not mean it, that remark was cruel and it was unnecessary, especially after this term and everything we have given in this term. When he reflects, I hope his conscience will tell him he was wrong to suggest that we do not care.

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Mr Speaker, Dick the Butcher will have many supporters, he said, for his 'Kill all the lawyers' refrain. More eyebrows were raised on his side of the House than mine when he said that. I suppose that in saying that he was just confirming that he still wants to be leader of the GSD, that 'Vote Roy' is not a campaign that we have seen the end of. So much for 'Bossino 27'. It may not be such an easy attempt as Mr Bossino might have thought.

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For somebody who wants to lead a political party in Gibraltar to say that he thinks access to Downing Street and having the opportunity to speak to the Prime Minister on the issues that relate to Gibraltar does not matter and is just a photo opportunity is really not sensible because it is hugely important to be able to put the case of Gibraltar to the Foreign Secretary directly, to the Prime Minister directly. Those are hugely important and it means that I am not the new dawn false prophet, it means he is, somebody who fails to understand the basics of politics and the politics around him.

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He says, 'Where are the new schools that you are delivering this year in the Book? Where are they?' Well, one of them is rented, so it is not going to be there, and we have told him we will be able to determine the rent when we have finished the conclusion of the agreements; and two are being paid for by the TNG Foundation. He knows that, doesn't he? We made a public statement about it. In lieu of the premium for Bayside agreed at £21-odd million, they are building the schools. So they do not have to be in the Book. It is that simple, so what was so remarkable? One of the key themes he was developing: they do things that are not in the Book. Hidden, hidden, hidden. It is all out in the public statements and the information we have given them. It is remarkable, but to say that the Book is just a waste of paper is a demonstration that with friends like him Gibraltar needs no enemies. We do not need Peter Hain to say that the things being done in Gibraltar are a scam if we have Mr Clinton to suggest more or less the same thing. Before, everybody in this Chamber would at least defend the work of our civil servants. Now the GSD attack the work of our civil servants, and the GSLP Liberals defend the work of our civil servants.

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We are not seeking a blank cheque from the public. We account for every penny we spend. That is the reality, even if he cannot see it because he is not good enough to understand the Book because, let's face it, he is sometimes not able to work things out. When we tell him they are in the Book and show him what they are, he says, 'I look forward to the closure of the COVID Fund formally by the Chief Minister.' Well, actually, it is not the Chief Minister who can close the COVID Fund. There is a reference in the rules to the Chief Minister closing the COVID Fund, but the law says it has to be closed by the Governor, so he is wrong about that as well.

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He says people should know only 33% of the COVID Fund was used to pay BEAT, 77% was used to go to government revenue, which enabled the Government to pay everything else – the salaries, the GHA etc. – and we should have used the rainy day funds when it was pouring. Well, look, I have just shown him that we have permitted Community Care to run down its reserves – that is to say, to use that reserve. But we have been able to get through and restore financial stability – as I have shown him, we have and we will, as I have shown them in the charts – without touching the reserve of the bank. It is a very good thing that we have done it without touching the reserve of the bank – and not what they did, which was to take the £19.3 million in order to be able to still have some element of a surplus – without leaving the Savings Bank reserve at zero or Community Care at zero, which is what they did to us.

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And yes, I do think that the hospital deal is wonderful because it means we are going to pay much less interest and we are going to have much more left over for the use of the general costs of healthcare.

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Finally in relation to Mr Clinton, I do think that at one stage the device of throwing the Book was the only way he knew he could keep people awake for the rest of his speech, so I forgive him

it, but I will never forgive him saying that we have to be replaced by people who care, as if we did not.

1765 Mr Speaker, I move on now – with a little left, but I hope to be finished by two – to deal with Mr Bossino. Mr Bossino has been called many things, principally by the people who sit with him. He has been called Slim Shady ... all of these things that the people sitting next to him call him. I am not going to call him anything of that sort, I am just going to do him the honour of referring to him in the same way as Mrs Thatcher referred to Geoffrey Howe after he had retired, because
 1770 listening to him really was, when it came to attack, like being mauled by a sheep – Shaun the Sheep, actually, because he looks a little like Shaun the Sheep with that beard that he has left – and an intellectual sheep at that, because none of his arguments could actually fly. They were all grounded by the facts. I give the same economic analysis every year. I was not giving it because Vijay Daryanani is Minister for Tourism. I go through those economic indicators every year and
 1775 the economic indicators showed that all the things that he had been saying about the terrible Minister for Tourism were, actually, untrue. Everything has to be set in its proper context.

Before I come to that detail, I have heard the Hon. Mr Azopardi and the Hon. Mr Feetham say so many times now, ‘Whilst Keith Azzopardi is leader of the GSD, there will be no way back on equal rights for LGBT+ people and women’s rights,’ but I think it is important that I translate, for
 1780 the general public who may be watching today, what that means. What Mr Feetham is saying in code and what Mr Azopardi is saying as both a sword and a shield is that when they fall, *après Keith, le déluge*. In other words, once Keith is gone, it is Damon, and when it is Damon it is an obligation, for reasons of conscience, to undo the amendment to the Crimes Act on women’s reproductive rights – that is to say abortion – and an obligation to undo or have no more progress
 1785 on matters relating to equal sexual rights etc. As the hon. Lady said – I do not know whether he was here to hear her – he represents the sort of politics of Uganda, the politics of Vox, of taking down the Pride flag, of not having a Pride cavalcade down Main Street. He is to be seen down Main Street every Saturday taking his picture with whoever happens to be out in town organising anything public. He captures political COVID on the day of the Pride parade down Main Street
 1790 every year. I say political COVID advisedly because I think if he did have to go down Main Street, he would probably wear a mask in case he caught anything – in case he caught L, G, B, T, Q or +. It is remarkable. *Après Keith, le déluge*.

So you see, when I talk about GSD austerity and when I talk about GSD cuts, what the general public need to know is that I am not just talking about cuts to services, to salaries, to the
 1795 headcount of the Civil Service and the public sector; I am talking about cuts to rights, cuts to progress, austerity in the rights that the people of Gibraltar have acquired to love who they want to love, to marry who they want to marry, to have a termination if their circumstances so require and are in keeping with the rules that this House has set out and the public commenced. Austerity – not just in the financial, austerity of rights. There is a constituency for that, Mr Speaker,
 1800 of course there is – we did not win the referendum on abortion by 100%, we won it by 70-odd per cent. If he wants to represent that constituency and the GSD want to represent that constituency, of course they should – that position should have political representation – but you should stand up and say that you stand for that. He is not shy of doing so, and I encourage him to do so, to say that except on the sovereignty of Gibraltar, where I consider him a hawk rather than a dove, he is
 1805 Vox. Opus, Vox, you name it, we all know what he is. He knows what he is and he is not shy of it, and it is good that he is not shy of it. He defends what he is and that is absolutely right. He should not allow the others to camouflage who he is and who his party are ‘whilst Keith Azopardi is leader of the GSD’. And then what?

He talks about Parson’s Lodge and the Moorish Castle. It is almost as if he wants us to refurbish these places, which would entirely undo their heritage value. As if we were bad managers of that.
 1810 With £10 million the GSD gives you a hole in the ground where there used to be a theatre. With £1 million the GSLP gets you a UNESCO site. With £1 million a year the GSD did not even have to start with the foundations of the Theatre Royal.

1815 When it comes to being managers of our heritage, Mr Speaker ... I was reading this article by Keith Azopardi on 21st September 2006, warning against the GSD's Cordoba Agreement:

Azopardi warns against sharp-toothed wolf in sheep's clothing.

I do not think he meant Shaun the Sheep, he meant Spain, I think, then, because it was before he had written his treatise on modern Andorra not being joint sovereignty. I am always fascinated by the articles I find around what I am reading:

PDP executive tanks lead way for new members. The GSD's management of one of our prized heritage assets, the tanks that contained the water, that victualled the Victory on its way to victory at Trafalgar, were destroyed.

1820 This is what the PDP, led by the now leader of the GSD, said. It was the tanks that drove more people to become actively involved in the PDP. So the leader of the GSD was leading a party then that thought that the management by the GSD of the heritage assets was so gross that it was driving people into the party that led to the GSD losing the election in 2011. Thank you, Mr Azopardi. I never thank him enough. We won by very little margin in 2011. If it had not been for him, the GSD would not have had its vote split and they would have won the election. We won
1825 it thanks to the current leader of the GSD. I think we are going to win in 2023 also thanks to the current leader of the GSD and his position on sovereignty and Andorra, so I have to thank him for 2011 and for 2023.

1830 But on the management of heritage, Mr Bossino needs to think a little bit more. What about the large-scale projects that we have done at Wellington Front, the ongoing work at the Northern Defences, the Mount, the Lime Kiln, the Upper Rock, the Almond Tower at the Moorish Castle?

1835 He also wants to bad talk the Museum and Knightsfield. He wants to talk it down. He says his key compromise, his key position, key policy, fundamental ... 'When I am elected, I will publish the Knightsfield contract.' I think it contains a confidentiality clause, but okay, if he were elected perhaps he could negotiate his way out of it. But it is not a contract that we negotiated, so the great reveal that the GSD will do when they publish the Knightsfield contract will be to publish the deal that the GSD did with Knightsfield. The great disclosure is of their allegedly now not-so-good activity in government, if that is what he is saying, because we did not do that deal.

1840 And then he says that Environment and Heritage do not talk. Has he realised that Environment and Heritage are the same guy in this room, the same Minister? Of course they talk, of course they are in contact. And that he has no idea, no vision, the Minister for the Environment, Oh, yes? We brought the Antiquities Act to Parliament, we set up Heritage Vision, we work with the Heritage Trust. And when he says that we do not co-ordinate between Environment, Heritage and Tourism, the National Park Co-ordination Board was created by the National Parks Bill, which they voted against. You could not make this up. Has he seen, since 2011, the number of projects that John Cortes has led on when it comes to heritage etc.? Has he been to the Upper Town? I go very regularly. I love the Upper Town. I was born in the Upper Town and I lived in the Upper Town, in Calpe. Albert Isola, whom he denigrates, used to live in Bell Lane. We are Town people, not South District people just like him. I was not lucky enough to live in the Rock Hotel, I lived in El Calpe. When I go out with my bike, I come down and go through all of that area. Has he seen how good
1845 the area around Old Police Barracks is, the refurbishment of the Moorish Castle Estate, the refurbishment of Police Barracks Estate and Old Police Barracks, the new schools at St Bernard's? Has he seen how good it looks? Is it perfect? No. Is it better? A hundred per cent better.

1850 And how is it that when we talk about the air terminal costing three or four times what it was anticipated to cost, that is talking about old chestnuts, but when the Leader of the Opposition gets up and gives a soliloquy on 1996, that is talking about contemporary issues? Seriously? Mr Bossino
1855 has demonstrated that he, too, is soon going to be no more and no less than a FLOP. He is going to be a future Leader of the Opposition, but that is it, it is clear, a future Leader of the Opposition.

1860 On airlines, we now have 39 flights a week. The flights are full. We have BA operating three flights, 22 Saturdays this summer, the first time for our Airport; a daily flight to Manchester since last summer, also a first, with capacity increased. You look at the facts and it is better under Vijay Daryanani than it was under Joe Holliday, despite Joe Holliday being called Holliday. But he does not want to listen because he wants to attack. He does not want the facts, he wants to make it up.

1865 And then, Mr Speaker, you have a guy like Vijay Daryanani, who – despite it all, because this is the theatre of gladiatorial conflict, has to listen to him saying the things that Mr Bossino says, despite the indicators all showing the magnificent performance – sent him a letter on 17th February, maturely:

Dear Damon

– I know that they have been friends before –

During the question and answer session in Parliament earlier this week, I extended an invitation to you for a meeting in my office, where I would brief you confidentially on Royal Caribbean International's decision not to call at Gibraltar during 2024. I once again extended an invitation during last night's *Viewpoint* debate.

As I have said publicly, we are dealing with a publicly listed company and consequently there are matters under discussion which are commercially sensitive. It is not appropriate to air these in public. Gibraltar is a serious, reputable jurisdiction and the Government is of the view that further public statements will harm Gibraltar.

Now that the *Viewpoint* debate is over and your concern of being muzzled for the debate is no longer an issue, I once again make myself available to brief you confidentially and answer any questions you may have. Our offices can arrange a mutually convenient time. I look forward to hearing from you.

Very best wishes.

Vijay Daryanani.

1870 What has the response been, Mr Speaker? Tumbleweed. He has not replied. He is laughing from a sedentary position. A mature person in the shape of the Minister for Tourism inviting him to a discussion to deal with issues: no reply. He pretends to be mature. He then does not behave as if he were mature. He has not got a moment to reply to the Minister, to write and say, 'Dear Vijay, of course we should work together on everything that we can, but I consider this to be a highly political issue. I want to exploit it to the maximum. I do not care about Gibraltar. I just want to make the most of it for my own party political ends. I am not coming to see you.' Nada, zilch, not even an acknowledgement. That is not maturity.

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1885 A number of new cruise lines are coming to Gibraltar. Royal Caribbean is coming back in 2025. What are the issues? There has been a lot of repositioning. They have changed where they were. He says we need a strategy, as if we did not have a strategy. We are already down no more and no less than the rest of the world is down on cruising and with more new cruises to come. Pure spin. And when you look at the indicators, when you look at the numbers and you look at the money coming in, it shows that it is all pure spin – spin delivered with the usual charm and charisma and gusto, but God bless us should we end up with him running Gibraltar with just charm and charisma, because it does not get you very far. At least the Hon. the Leader of the Opposition does not rely on that, because he has no charm and charisma.

1890 And then he calls us a shanty town. How is it that he thinks he is using his pulpit for the public good in Gibraltar, describing any part of Gibraltar as a shanty town? Does he know what a shanty town is? There is no part of Gibraltar that is a shanty town any more. There might have been.

1895 And we are not going to take his advice and go to Fitur. We are not going to take that advice. You look at what he says ... He says, 'Don't go to Sea Trade,' which is the place where the maritime industry is represented and the Minister for the Port and Tourism should definitely be, 'go to Fitur instead.' They used to say, 'Don't go to the C24 in New York, it's a waste of time.' It sounds to me like they want to go to Fitur, they do not want to go to Miami and they do not want to go to New York because Miami and New York, for a short period – not the wibbly-wobbly – is too much like hard work and Fitur is a tapas run in Madrid. But whilst we are here, we will go to the ones that

matter, the conferences that matter, to continue to bring business – and, note, not to tapas runs in Madrid. I will leave that to him, hopefully not paid for by the taxpayer.

1900 In all that time as Shadow Minister for the Port not to have raised for one moment in a positive statement the incredibly successful, careful and remarkable work done by the Port Authority, and the Captain of the Port in particular, on the removal of the wreck of the *OS35* is just remarkable. I will tell him why. Usually our critics are outside of Gibraltar. On this issue, even the Spanish media and Spanish officials have praised the excellent work done by Juan Luis Ghio as Captain of the Port and the team at the Port Authority and Vijay Daryanani as its Minister – and he and the Leader of
 1905 the Opposition have just criticised. So the Port Authority of Algeciras, our critics beyond, have said, ‘An operation very well done on the *OS35*, absolutely well delivered, did the right thing when the time came, put it in the right place and now removed in the right way.’ And then nothing. *Que savorio*. Negative, just rancour, not praising even officials and saying, ‘The Minister is has done very little because the Minister is a Minister, but here, the officials in the Port Authority that we
 1910 in the GSD created’ – you created the authority, turned it from a department to an authority, gave them 12½% extra pay; that is how you controlled expenses – ‘have done a magnificent job. This guy who is now the Captain of the Port was employed by us when we were in government. What a great choice, he is now Captain of the Port. He has done a magnificent job. He has put Gibraltar up there because when we have been under the microscope, nobody serious has criticised us,
 1915 everybody serious has praised us.’ Not a dicky bird. Instead, he prefers to say, ‘What was the Minister doing going to Bangladesh instead of going to Fitur on tourism?’ Talk about mixing apples and pears. The Minister did not go to Bangladesh for anything to do with tourism. He is also the Minister for Business. It was a Commonwealth business conference. So how would he connect the two? How can he be so nonsensical in his approach to the politics? This is the man who thinks of
 1920 himself as the next leader of the GSD and then sees himself as the next Chief Minister of Gibraltar. We are not a Spanish town, to go and sell our wares in Fitur.

And by the way, the criticism of the roundabout outside of the airport tunnel I thought was particularly laughable because we built the design they left. We did not want to change the design because it would have cost consequences, so we built the design they left. So again, he is not just
 1925 criticising themselves by suggesting there is something wrong in the Knightsfield contract, he is criticising themselves by criticising the roundabout which they left.

It is just tragic to see an Opposition that puts such little thought into the work they are doing, a little like – and I am going to take these two themes together now – Mr Reyes, and I am grateful he is back, and Mr Bossino. We have built, he said, the sporting facilities too far from residential
 1930 areas. If we built them closer to residential areas, they would say we were creating congestion, which is what Mr Reyes said we are going to create by putting Bishop Fitzgerald and Governor’s Meadow where we are putting them, at the Europort Avenue. I almost pulled every single one of my hairs out when I heard that, every single one. How can Mr Reyes attack us for putting Bishop Fitzgerald and Governor’s Meadow at Europort Avenue? *They* put Bishop Fitzgerald and
 1935 Governor’s Meadow at Europort Avenue, we have just rebuilt them. It is remarkable. This is remarkable. They are worse than a shower. And Mr Bossino says it is terrible that you put the sporting facilities there – the sports days were a disaster, nobody could park. Well, I went to the sports days up at Lathbury. Everybody could park, everybody was delighted, it was packed and there was space left over. These are wonderful new facilities. I do not just say it. I know they have
 1940 had new people taken into their executive, very proudly announced new people that they have taken into their executive recently, some females in particular. Kim Chang, who is the Director of the Gibraltar Institute for Sport, said this on *NewsWatch* last week about the sporting facilities in Gibraltar:

One of the other legacies from the Gibraltar Island Games is we have these fabulous sports facilities, and now we are capitalising on that. We have just launched the Gibraltar Institute of Sport, so we have got that. And we recently had Lady Mary Peters over – she is going to be the patron, so that is a fantastic coup for us. And we are just going to maximise these fantastic opportunities in Gibraltar for warm-weather training, to try and boost the athletes who

have done so well here and try and better those performances for Auckland in two years' time and then the Commonwealth Games. And let's try and increase high performance sport in Gibraltar.

1945 This is the Director of the Gibraltar Institute for Sport, a guy who knows something about sport. And then Lady Mary Peters – she is the Olympic gold medallist – on GBC as well:

I am absolutely falling in love. I came for three days to see all the facilities that Joslyn is going to set up at the Gibraltar Institute for Sport, to see if we can bring people here to use these facilities, because they are fabulous.

This is an Olympic gold medal winner. Mr Bossino will forgive me for putting more score by what she thinks of what the track at Lathbury is like than him. I know he goes for the odd jog, but he ain't no Olympic gold medal winner, Mr Speaker.

This lady says of Northern Ireland:

We have 1.7 million people and I don't think we have these facilities, and you've got 34,000 people and you've got them. So I think you've got to increase the participation in sport, although it's already increased in the schools, but I'm going to bring elite athletes here, to use the facilities to train, and the youngsters will be able to watch them and train like them.

1950 And Joslyn Hoyte-Smith, also an Olympic gold medallist, says the same thing:

They are fantastic facilities here. We are looking at bringing elite athletes and high-performing athletes. The facilities are outstanding. There is no reason why anybody in the world wouldn't want to use these facilities.

1955 And Mr Reyes says it is a bit windy up at Lathbury, you should have put it somewhere else – or Mr Bossino said that. Gibraltar really does deserve a better Opposition, not because the Opposition should become the Government but because the Opposition should be roundly discarded. I am becoming disappointed Together Gibraltar have given up. They should have taken over from them. It is remarkable.

And then he said, 'Well, you must have sold Rooke to the highest bidder.' No, we have not sold Rooke to the highest bidder, we have sold Rooke to the lowest-rise bidder that provided the best project for our community. Wrong again.

1960 And then, going on to housing, he says the housing list is staggeringly an unacceptably high. Really? Well, let's look at the golden legacy. He is the one who said that the GSD left us a golden legacy. In 1988, the housing waiting list was 2,126. When the GSLP left office, it was 265. It is in the *Hansard* for 28th June 1996. So the GSD inherited a housing list that was 10% of what it had been when the GSLP had inherited it. By 2011 it had gone up to 1,433, so in 16 years they multiplied the housing waitlist by six. We had already halved it by January this year, when it was 1965 792, so our performance is double as good as yours. Not as good as Pepito yet, but double as good as you. So where is the housing list that is staggeringly and unacceptably high? He set the benchmark. He said the GSD left us a golden legacy. A golden legacy is 1,433 people on the housing waiting list. We have 792. Ours is platinum.

1970 'The GSD's handling of housing development is marked by appalling mismanagement.' I did not say that, he did. 'The GSD's handling of housing development is marked by appalling mismanagement' are not my words. That is the PDP manifesto signed by Keith Azopardi in 2011. That is what the leader of the GSD thinks of the GSD's performance in respect of housing development. You could not make this stuff up, Mr Speaker.

1975 He complains about the affordable homes. He says it is terrible that they are delayed. Well, how many more affordable homes did they promise to develop? In 2015, in the thing that Mr Feetham will remember was the manifesto that was a pamphlet, absolutely no affordable homes were promised. In 2019, the commitment is this:

We will pursue to completion any housing projects that are inherited from the GSLP in respect of which there are existing contractual commitments that may have been commenced by the time we are elected to Government.

1980 That is it. They promised to build zero affordable homes in 2015 and in 2019, and that must ring true because, let's face it, in 1996 and in 2000 they built zero affordable homes. Zero. Maybe that is why the leader of the GSD said that the GSD's handling of housing developments is marked by appalling mismanagement. He was right.

1985 Let's look at what he says is our lost generation. It is what he said. *Nonsense*. Look at the number of affordable homes that have been developed in our respective periods in office. The first GSLP administration delivered 2,442 affordable homes under the 50/50 regime, 305 a year over eight years. The GSD delivered 801 over 16 years, 50 flats a year. In the 12 years to date, we have delivered, already, 1,273 – actually delivered. That is 106 flats per year. When we finish the current programme, which I hope we will be able to finish if we are returned to office by the people, we will deliver 2,141 homes definitely in 14 years, but let's say 16 years so we do the calculation in the same way: 178 flats a year versus 50 flats a year. Who has got the lost generation? They do. Who has the responsibility for the appalling management of Gibraltar's property development? They do. Who has failed the young people of Gibraltar? They have. That is the reality, and if he had done the research he would not have exposed himself to the point being made against him. That is why he cannot be Chief Minister of Gibraltar, because he does not bother to descend to particulars, he does not bother to understand the point he is making, he does not bother to realise the risk he takes with the things he says and he should never be empowered to take risks with Gibraltar on behalf of the people of Gibraltar, and this is a demonstration of how wrongly they have got it. And if he is going to build a rental estate, with what money? They say they have to tell us the difficult truth, they say we have no surplus and they say we have no money, so how are they going to build a rental estate?

2000 He was saying to me that I had said my gut told me that we were going to win, but he said my gut was smaller so maybe I was wrong. This year, at last, I can genuinely say that reports of my girth are greatly exaggerated, because now I am of a smaller gut. It is completely new for me to be thin: new wardrobe, new look. Not for him – he has always been gutless, something I have always been jealous of, but now I am brave and thin.

2005 He talked about the lonely photograph of my mug at Catalan Bay. Doesn't he know that because of data protection I never take a photograph of the mug with the person I am seeing, I only take a photograph of the mug on its own? And I was far from lonely at Catalan Bay. I got a lot of business done. But in fact, if people told him I had very few people with me, I can tell him the few people I had with me were more in my private meeting than went to their public meeting at Catalan Bay. That, I will tell him for nothing, and I must tell him – I am very sorry to disappoint him – I cannot recall being booed at a recent awards ceremony. If I had been, I would take it because people are entitled to boo – you are a public servant – but it does ill behove him to just make it up. But I suppose he just makes it up because there is nothing else to attack us on.

2015 They said it was terrible that Mr Isola got up and responded to some of the things that had been said because I was supposed to be the one doing the reply, and yet they then went on to have seven bites at the attack cherry, suggesting that they can do what they like and we can only reply through me. I suppose it is typical that when somebody says to them that they are wrong it is inelegant, and when they call us every name under the sun it is proper politics. It is the typical mixing of the virtue and the vice. Maybe he called Mr Isola inelegant because he had not heard what Mr Clinton called me. And then he said that if they are elected, we will have a clean Gibraltar again – and I do not think he meant the streets. And that is not inelegant? Frankly, I think his yardstick of elegance is very one sided.

2020 He then went on to try and suggest that there was a difference between Joe Bossano and me on the issue of the treaty. Far from it. Every word that Joe Bossano has spoken he speaks for the Government and for Joe Garcia and for me, every word, especially about the four-year horizon. This treaty, if we do it, has a four-year timeframe because if the thing that is supposed to happen at the end of the four years is not something that we negotiate our way out of, we will not agree it, and that is it. But given that they say they are going to take over the negotiation, how do they purport to negotiate that that four-year horizon does not materialise? Is it that they are going to

2030 say, 'We need the treaty to continue at whatever price – please could you change the bit that we
do not like?' Or is the better negotiating position, which is our real negotiating position and not
just a tactic, to say, 'Oh, yes? Well, if that is going to happen in four years, end of treaty'? What
does he think is the right way to negotiate the way out of that which we do not like? Of course it
is by doing exactly as Joe Bossano has done and I have done, which is to set out the reality of the
2035 position, to say that the people of Gibraltar will not accept that and that there will be a four-year
horizon. And these are the people who say, 'Put us in charge of the Brexit negotiation and come
along, so that when we crash the car you are in it too.' Good luck with that.

It is no coincidence, however, that things are being done in the last months of the lifetime of
this Parliament. People are electing a government to be there for four years, to do until the last
2040 day of the four years, and in this particular lifetime of this Parliament we have had two years when
we could not do anything, so of course we are delivering towards the end in some respects, but
delivering we are. When we do not deliver, he chastises us for not delivering in the lifetime of the
Parliament. Therefore, he has to accept that we deliver when we deliver it in the lifetime of the
Parliament, however late.

2045 Mr Reyes delivered his short, 31-minute speech – for which we were grateful – making points
which are frankly remarkable. He says that the GSD would never use taxpayers' money for the
stadium. Well, if there was one thing in the pamphlet, it was a stadium paid for by taxpayers'
money. So the GSD's position has been to pay for the stadium with taxpayers' money in 2015 and
to never, ever pay for the stadium with taxpayers' money today, because it is convenient.
2050 Genuinely, if anybody is interested in looking at what they say versus what they have said, it is
really quite remarkable. They say one thing today and another tomorrow.

What really I thought was shameful was that Mr Reyes should say to us that he hoped for our
children's sake that the new school buildings which will come into use from September prove to
be a product conforming to the higher standards. How dare Mr Reyes say that to us? Mr Reyes is
2055 a very affable person, he is a very affable colleague in Parliament, but this is an affront. As from
September, apart from the Jewish School, every school will have been built by the Government of
the GSLP Liberals – including St Joseph's, which is the first one done in the first GSLP
administration. They presided over surpluses – I have shown their surpluses were smaller than
mine, but they had surpluses – and they allowed the children of the Upper Town to continue to
2060 have to suffer the Victorian building that was St Bernard's. It was Victorian and it felt Victorian.
John Cortes and I cried when we went to the KGV and saw how our Alzheimer's patients were
being treated. We shed a tear, too, when we went, together with Gilbert Licudi, to see
St Bernard's. It was my alma mater. That is what posh people call the school they used to go to. I
had very deep affection for it. I was ashamed. Although it was in the very first months of my
2065 leading this community, I was ashamed to see that the good people of the Upper Town were
having to have their children put through that school in the way that the GSD had left it. So, given
that Mr Reyes was Minister for Education at some time – weren't you? – well, was in the
Government that had a Minister for Education that tolerated that, frankly I think it is remarkable
that he had the gall to say to us that we have to deliver to the highest standard when we are
2070 delivering to the highest standard, really remarkable.

On vocational courses, for example, the hon. Gentleman does not seem to know that we have
offered a vocational course in Bayside and West Side for construction and it is had to be
discontinued because it was taken up by zero students. It is remarkable.

2075 And the idea that the teaching profession is somehow being ignored when the teaching
profession is actually working with us on the school developments ... They are involved in the
planning. The head teachers are involved in the planning and talking to the staff to make sure that
they get the schools that they need. I am so looking forward to finishing this part of the
programme when, in the first week in September this year, we have the handover of the new
Bishop Fitzgerald, the new Governor's Meadow and the new St Mary's, because the programme
2080 will be almost complete. We will then move the Jewish School, we hope, and every school will
have been developed by a GSLP Liberal Government, if the people of Gibraltar return us to office.

Mr Speaker, I come almost now to my conclusion, dealing with Mr Phillips and Ms Marlene Hassan Nahon. Mr Phillips, frankly, was loud. That was it, he was loud. He is not here to hear me respond to him. He has not told me where he is. The Hon. Ms Hassan Nahon has told me that she has to be away from Gibraltar. She said she intended no discourtesy and I fully accept that. Mr Phillips has just not turned up. I am not surprised because nobody can objectively look at our record in government and say it is hopeless. Nobody can objectively say that our Book reveals half the story. Nobody can objectively say that we want no oversight or transparency.

What is actually regretful is that a Member of this House should suggest that for the last four years in particular we have been playing Monopoly, we have been playing games. I do not know whether Mr Phillips has enough Spanish to know the phrase that suggests that his face should fall of shame for having said that. How can anybody seriously say to this team that has been through what we have been through – that had to lock down this community, had to pay BEAT, had to take the risks that we had to take in ending lockdowns, in creating a silver hour and a golden hour, that had to address the community every day at four o'clock in the afternoon to tell them what was happening and what was going to happen next – that we have been playing a game? Maybe it sounded funny when he sat down and in an infantile way confected a speech that he thought might connect with some of his own supporters but go no further, but it is deeply disrespectful to this House and to every public servant of Gibraltar, and indeed even to the other Members of this House who sit alongside him and co-operated with the Government, to suggest that we have been playing a game for the past four years. It is deeply disrespectful to our families in particular, given what we did. It is extraordinarily disrespectful to the families who lost loved ones in the past four years during the pandemic, to the people who are experiencing problems at the Frontier because they are blue ID card holders and we have not been able to do a deal because it is not safe and secure to do a deal on the terms that have been put to us – deeply disrespectful. The past four years have not been a game, Mr Speaker, and I deeply resent the suggestion that they have been.

Mr Phillips cannot even come up with something funny to say for himself. He had to adopt Ms Hassan Nahon's planet Picardo reference from last year. Well, at least for her it was an original thought. Couldn't he think of anything original for himself?

He attacked Mr Isola for talking about 1996, probably because he missed that the person who talked about 1996 was Keith Azopardi, his leader, and Albert Isola was replying.

But then, most remarkably, because I know he had been here last year, he said we had not heeded their warnings of a potential perfect storm. He said Mr Feetham and Mr Clinton had been warning of the potential perfect storm. Has he forgotten what Mr Feetham said about the perfect storm and the effect of it? I am surprised because it was the cover of my Budget reply notes. This is a quote I put on the cover of my Budget reply notes and which was the theme of my response in 2021 and 2022. It is a direct quote from Daniel Feetham because Daniel Feetham sometimes makes the point for me even better than I make it myself. He said this:

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 and no one could have predicted the pandemic.

So much for the warnings that we were being given by Mr Feetham. Mr Feetham himself said, 'My warnings were irrelevant because we would have ended up in the same place.' No, it is all, for Mr Phillips, about getting Brexit done, it is all about the Venetian palace at No. 6, it is all about criticising the Music Festival. The hon. Gentleman has become the *Daily Express* of political speeches, although I am surprised he criticised the Music Festival because he and his family were there enjoying it with us – enjoying perhaps a bit too much a few too many of the drinks that were shared at the time, so I am surprised. Maybe he had forgotten, because he had had too many of the drinks, that he had been there, because he was criticising his own spending.

So I do not accept that I am leaving a broken Health Service, a decimated public service. I really do not accept that. And the idea that I am giving jobs for the boys – literally? I suppose the only

2130 way he can make that out is by arguing that the 26 people who are unemployed are not members of the GSLP, because everybody else has a job. Those are the numbers that Mr Feetham says he cannot believe. I will come to them in a moment.

Mr Speaker, I am going on a little longer than I expected, but not for very long.

2135 He said something which I thought was right. He said the people who broke the system cannot be trusted to fix it. Absolutely right. That is why they can never come back to government, because they are the ones who broke the system, as I have shown with the numbers I have gone through. Neither did I say – and he completely misinterpreted – that we are the third richest country in the world. We are not the third richest country in the world. I did the GDP per capita calculation saying I think it is a nonsense and that it does not work but that it has been done every year, so I have to do it. Even the nonsense argument is not to suggest that we are the third richest country in the world. I did think at one stage he reminded me a lot of Lord Farquaad from *Shrek* in the way he was going on.

2140 If we have not done a Brexit deal, it is because it is not safe. If we have not come off the FATF grey list, it is not because we are not doing things properly and Cayman did them properly. We are very likely to come off it much sooner than Cayman did, because they were on it for two years. 2145 ‘There is no proper governance in Gibraltar. The GSD will concentrate on this when in government.’ This is utter nonsense. This is worse than spin.

And what he says is disgraceful is that I made them come back in the afternoon to give speeches ‘because we should be on summer hours’, he said. What utter nonsense is that? I am surprised that Mr Phillips should suggest we should only come here in summer hours. It was 2150 actually quite pathetic. What about the times we have been here late into the night? I have delivered a Budget speech at nine o’clock in the evening, Mr Speaker. He had none of that. He and the hon. Lady are complaining about being made to come here on a summer’s afternoon when obviously they would prefer to do something else. I had deliberately manipulated the diary of this House? Well, Mr Azopardi spoke at 3.30, Mr Reyes at 12.30, Mr Clinton at 5.30, Mr Bossino at 2155 8.30, Mr Feetham at 4.30, Ms Hassan Nahon at five o’clock. So what is wrong? I have given speeches at 9.30 at night. Before this was on television, before it was being streamed, people had to listen on the radio if they wanted to. I suppose I had an audience – I am here, aren’t I? – so he is criticising the GSD for that, in effect.

And the fact that there is no line on mental health is terrible, he says it is disgraceful. He says 2160 it is really terrible – serious, Mr Speaker – it demonstrates we have no commitment to mental health. Does he know that he sits next to a former Minister for Health in the GSD? And does he know that when the Hon. the Leader of the Opposition was Minister for Health in the GSD there was no separate line in the Estimates Book for mental health issues? Talk about being stabbed in the side, not in the back. Honestly, I think Benny Hill does a better job, even though he does not say a word and just runs around. 2165

We are not cutting locums, we are employing more consultants. You have fewer locums when you fill the consultant post. This is a remarkable approach to these estimates. It is not even worth going through the detail of what he says.

2170 The smelly bowlers from Green Arc that he talks about – does he know that they signed that contract, which is still enduring, just like Mr Bossino was criticising the Knightsfield contract, which they did? As I told you at the beginning, Mr Speaker, we have changed so much we have even changed what they think of themselves. Even they think that the contracts that they did were not good contracts. He does not recognise the better air quality that there is in Gibraltar – none of that, because he thinks he knows it all. He says he has a blue and yellow army ready to do the 2175 Brexit deal that they are going to get done. I really did expect a lot better from Elliott Phillips when he was elected to this House than the diatribe that we were presented with in the way that we were presented with it.

Mr Speaker, the Hon. Mr Feetham treated us to what may be his valedictory. As usual, I am persuaded of my view that he immatures with age. He really does remind me of Gaston in *Beauty and the Beast*, the primary antagonist of the beast, known for his muscular physique, his 2180

handsome appearance and his self-centred personality. In the story, Gaston is infatuated with Belle, the film's protagonist. Here, I suppose we are both infatuated with Gibraltar. (*Interjection by Hon. D A Feetham*) I would not want to freak out Mr Bossino at that thought. Gibraltar rejects Gaston's advances because she values intelligence, kindness and inner beauty over physical appearance, but Gaston's arrogance leads him to become increasingly determined to win Gibraltar's affection and eliminate any competition – primarily the beasts on this side who Gibraltar has developed feelings for. So the whole story is about Gaston and the conflict that he feels as he tries to manipulate and harm others to achieve his goals. It is so apposite, Mr Speaker. Throughout that cartoon, Gaston displays manipulative behaviour, rallying the villagers against the beast and organising a plan to dispose of him. However, his arrogance ultimately becomes his own downfall and his actions lead to his own demise. The parallels are all there.

And yet he gets up to round up for the Opposition as if he were still the Leader of the Opposition. He gets up and makes the first mathematical mistake: 23 years in politics, he says, half my life. *Mas quisiera tener 46 años*. Put all of the rest of the numbers that he treats us to in context. He cannot even multiply 23 by two. He calls me his principal political opponent. I think I am supposed to be flattered, but he is not my principal political opponent, my principal political opponent is Sir Peter Caruana. They have not yet been able to produce anyone who has been able to stay the course as Leader of the Opposition for long enough to remove me, so I am not going to accept that we are principal political opponents. I will say that the hon. Gentleman was not a close second but he is at least – I will give him this – a distant second. He is the only one who at least took the fight to us for a little while.

Then he goes on and says that I am not elegant. Okay, he may say I am not elegant, but Gibraltar has preferred me on three occasions to him, and Gibraltar does not tend to get it wrong. As he was delivering what is, to all intents and purposes, a valedictory – I think it is in effect a valedictory, although I know him well enough to know that he still harbours the chance that they will ask him to stay and they will beg strongly enough and he will reluctantly say he will – I almost felt a little like saying this is the moment that Andrew Neil was referring to when he talked about Liz Truss finally realising that her ambitions and her ability did not match; always painful, always sobering.

He is right that we are divided on the Estimates Book. We say we are honest, they say we are not, but when you look at the numbers and you look at who compiles numbers, which is the Civil Service, not the politicians – unless they had the habit of telling people what to put in the Book – it is clear that our Estimates Book is an honest reflection of our prudent management of the economy.

He says that the people of Gibraltar will not want a Government that gets away with any abuse of power. What abuses of power? There are no abuses of power, absolutely none; and if there are, there are courts to go to. No one has sued us for abuse of power in all the time we have been in government. They had a couple of cases of abuse of power, in particular a case involving gold. We did not.

He said that Mr Isola could not undo the great work that Keith Azopardi had done on joint sovereignty. Mr Isola does not need to undo the work that Keith Azopardi may or may not have done. You just need to re-watch the leaders' debate of 2011 to see Peter Caruana say to Keith Azopardi, 'For goodness' sake, Keith, you were just in charge of financial services, you had nothing to do with the public finances of Gibraltar', and absolutely denigrate the contribution of Keith Azopardi.

Given what he told us, how he jumped on to the analogy of the jungle, I was reminded, in his case, of so many characters, but I was reminded in particular of the snake in *The Jungle Book*, because Kaa, the snake in *The Jungle Book*, spends his time saying much what he said repeatedly to the people of Gibraltar unsuccessfully, just as Kaa was unsuccessful: 'Trust in me, just in me, shut your eyes, trust in me.' That is the song that Kaa sings to try and hypnotise the boy: 'You can sleep safe and sound, knowing I am around, slip into silent slumber, sail on a silver mist ... Trust in me.' That is what he has been trying to do for the past 12 years, persuade the people of Gibraltar not to trust their Government but to trust him, and on every occasion he has put himself up, he

has lost, he has lost, he has lost, just like the snake in *The Jungle Book*. I really do think it was not a good idea to talk about the jungle for the other side.

2235 They were warning about the problems, they were warning of all these things, he said again, so he fell for the trap of repeating what Elliott Phillips has said about them, that they had been warning about the problems, but in fact he had forgotten that he had said that even if we had heeded his warnings we would have ended up in the same place. He is hoist by his own petard. His own words undo his warnings.

2240 If you look at the thing he said which I thought was most fundamental this time, he said, 'Based on all the indicators, they' – the GSLP Liberals – 'have failed.' Except, of course, if you look at the indicators. If, instead of using the word 'indicators' – because you read it in *The Times* and you thought, 'I am going to say indicators when I go to Parliament next time. I am going to say financial indicators. If you look at the indicators, you have failed,' – and you actually do the work of looking
2245 at the indicators, when you look at the comparison of the Budgets between us and them – I have given them the graphs – look at the growth in GDP and look at the growth in jobs, the reduction in unemployment, look at the housing waiting list and look at the affordable homes delivered, you name it, on all of the KPIs we beat them hands down except on one: expenditure. They increased expenditure by more than us, except they are saying expenditure is the problem. So expenditure
2250 is more controlled by us than by them.

Then he went on to attack Joe Bossano, which he could not help because I think there is a thing there, still, about 2002 and the executive and all that. He could not help it. I have to say to him he has to get over that. It is 20 years since he left the executive of the GSLP. Come on, we can all be friends. I am serious – this is not my poker face.

2255 When it came to this debate and I was preparing my notes ... I always put a quote at the front. Two years it has been his, Mr Speaker, because the whole subject of this debate, in effect, is about trust, about trust on the numbers, and in particular it is about who you trust to go and run the negotiation for Brexit, who finishes the Brexit negotiation, who sits there – across the table from Spain, from the Europeans – with the UK in this negotiation. What did he say of me? I do not think
2260 he meant it as a compliment:

Mr Speaker, I have to say I have never met anyone – and there is a sneaky admiration that I have for him on this front – with a greater ability to keep a poker face – of course, I am referring to the Chief Minister ...

Well, it is going to be in the manifesto, because when we go into the negotiation what we need is a poker face. That is what you need in a negotiation. That is why it is called a poker face. It is somebody who, in a negotiation, is able to keep their wits about them to such an extent that the other side is not able to see what he is thinking. That is a poker face. And he has said in this debate,
2265 when he and the Leader of the Opposition were saying that they should be the ones running the Brexit negotiation, that the guy with the best poker face he has ever seen is me. Can he say those words again, so I can get it for a party political broadcast? Or do I have to rely on the video of here, Mr Speaker? That is the best compliment he could have given me, where the key issue in the election is going to be who goes to the negotiation: obviously, the guy with the poker face. Who
2270 is going to go? The guy who wrote the book saying that Andorra is not joint sovereignty? This is not a poker face, this is a full house for the other side.

Then he went on to the 2011 General Election and what he was doing there. Mr Speaker, it is too late in the afternoon for me to have to, once again, demolish the arguments that we have demolished and that the jury of public opinion, namely the electorate, has already determined he
2275 was wrong about at every turn. But I can, if he likes, over a coffee take him through everything he said and show why it is absolutely wrong. He cannot rewrite history. Albert Isola was here from 1996 to 2000 hitting the GSD when he was in the UK, so he cannot say that Albert Isola was somehow a cheerleader for Peter Caruana. At least Albert Isola stayed in the GSLP. He did not come back from the UK and then join Peter Caruana and perpetuate his time in power.

2280 The one thing, however, that I am not going to let him get away with is the thing he said about unemployment.

Mr Clerk, please call the usher, because a picture is worth a thousand words.

2285 He said he did not believe that there were 26 people unemployed in Gibraltar, as we have told him. He said he sees so many people who are unemployed – maybe because they do part-time politics, he might see a couple of day and those are the 26 – but he did not believe that those were the numbers. So I am giving them a chart now with registered unemployment in Gibraltar from 1995, with employee jobs from 1988 to 2000 and employee jobs from 1996 to 2022, and also unemployed average between 1990 and 2022 and unemployed average per year as well.

Table 5



Table 5b



Table 5c

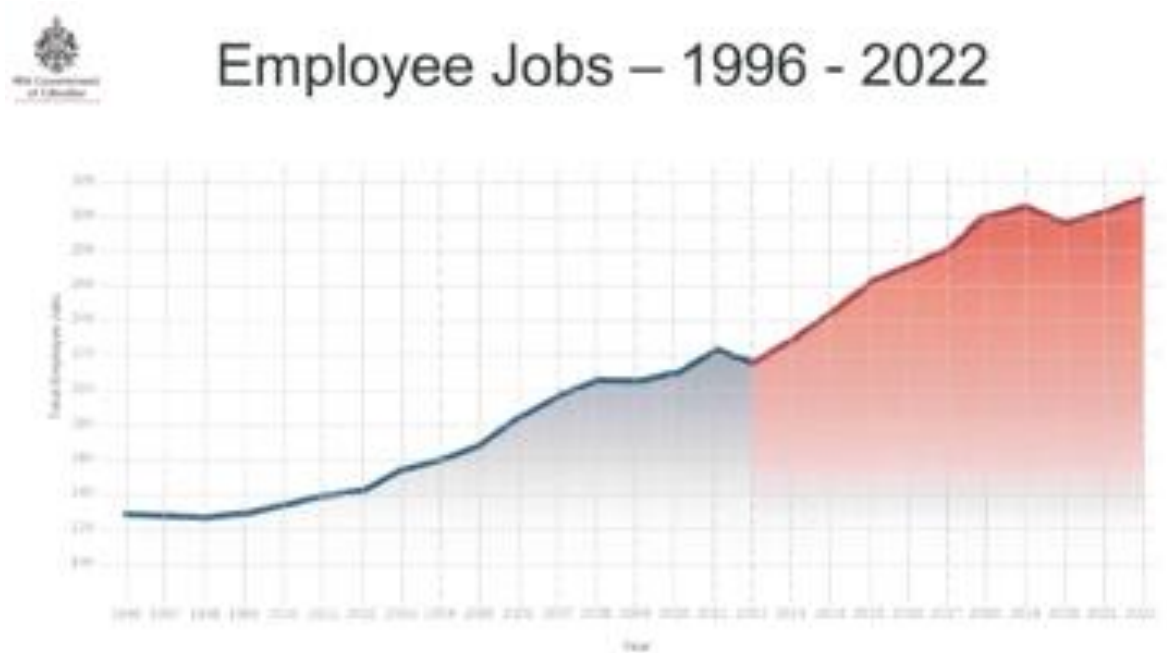


Table 6

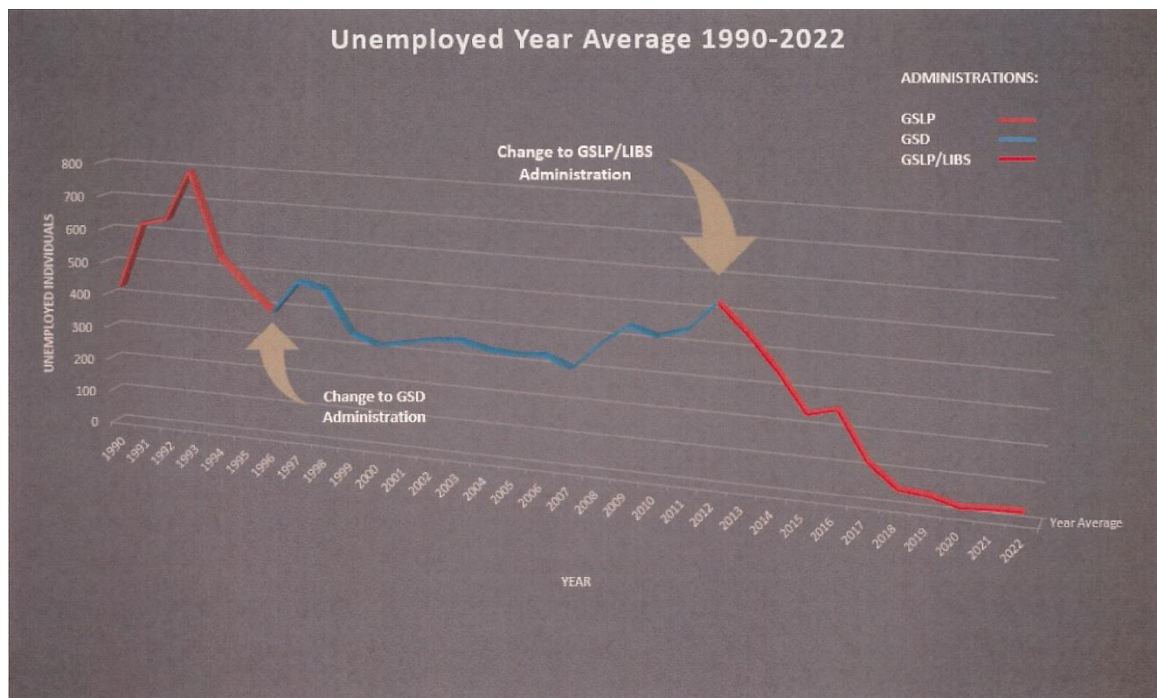
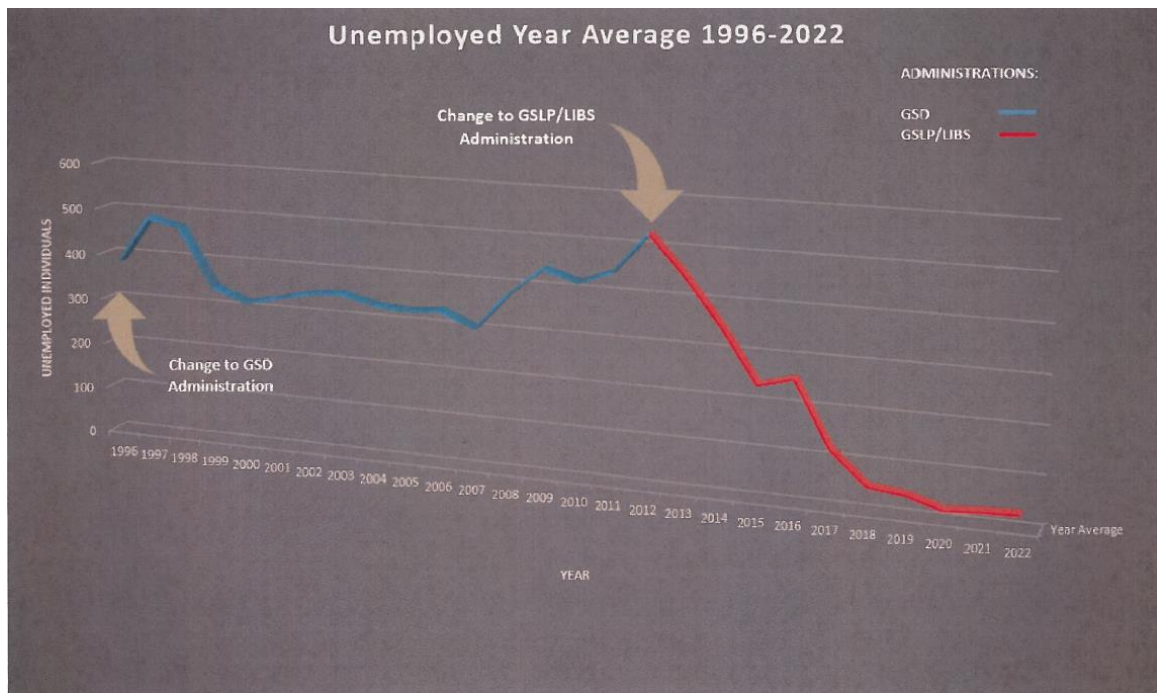


Table 7



2290 The numbers speak for themselves and a picture tells a thousand words. Look at how
 2295 unemployment falls, measured in the same way that they measured it. Look at the number of
 employee jobs. As the curve goes down in unemployment, the curve goes up for employment.
 Look at that between 1996 and 2022. There is the answer. He can believe it. Or is it that he also
 believes that it is not just the Financial Secretary who puts in the numbers that I tell him to put in
 without any regard to what the reality is? Is it also he thinks every employer who returns an
 employment record to the Employment Service, so the Employment Survey is skewed and it
 produces these results? So he does not just not believe me, he does not believe every employer
 who returns a return to the Employment Service.

2300 There is a caption there, because when he was sitting here next to Peter Caruana – well, not
 really next to him, a bit further down – Peter Caruana said this:

Look, if I am an unemployed Gibraltar person, and we know there are around 280 to 300 and something of them,
 some of those are unemployables, some of those are not looking for employment, and if they are, they are so choosy
 and selective that I suppose they want to wait until the office of Chief Minister is vacant to apply for it, and if they
 cannot get that job, they go round saying that they cannot find a job. No, what they mean is that they do not want
 to accept any of the many jobs that are going.

2305 That is what Sir Peter said in the *Hansard* in 2008 was the view of the GSD with 300
 unemployed – with him sitting there next to him. That is not our position. We said we could get
 more people in jobs, and more people in jobs we have got. That is the reality. The numbers speak
 for themselves and you can see those numbers for yourselves. We have left no stone unturned to
 find jobs for Gibraltarians and we will continue to do so.

2310 What I did not think was fair was that he should end his address by praising the Police in a way
 that suggested that we do not. Let's be very clear. The Royal Gibraltar Police enjoy the confidence
 of the whole of this House, not just the Opposition. The Commissioner of Police enjoys the
 confidence of the whole of this House, in particular the Government, not just the Opposition. This
 Commissioner enjoys the full confidence of the Government. I have said so on television. He did
 not have to come here to suggest that we do not. He does his cousin no service, by pretending to
 come here to help him, to do that. He does the opposite. He attempts to do what he always
 attempts to do: he attempts to politicise the Police for his own purpose.

2315 I will tell him how you undermine the Police. You undermine confidence in the Commissioner
of Police by sitting next to him when he is having a meeting with the GDP and telling them what
the shift patterns are going to be if they merge, and saying, 'No, Louis, that is not how you are
going to do the shift patterns,' and telling them what you think, as Chief Minister, the shift
patterns should be, which is what happened when he was Minister for Justice, when Louis Wink
was Commissioner of Police and when Sir Peter was Chief Minister of Gibraltar. Well, he thought
2320 he was also the Commissioner of Police. That is how you undermine the Commissioner of Police
and that is how you undermine confidence in the Police.

What you should do is let them get on with what they do better than any other organisation,
and that is what we do. That is not to say that there cannot be issues. Of course there are issues
and of course they have to be dealt with – that is the interaction – but not to bring here any
2325 suggestion of a lack of confidence in order to curry favour with the Police, in particular when you
are saying that this is your valedictory. I thought at one stage he was going to grab the
microphone, he was going to jump here into the centre dais as if he were Robbie Williams and
treat us to the Clash's good old *Should I Stay or Should I Go* – if I stay there will be trouble, if I go
it will be double. For goodness sake, Mr Speaker, what a performance. It is the same old frustrated
2330 Daniel Feetham, the same old broken record.

By going through all of the scaring that they have done since 2011 till now, the one thing he
does not get is the moral of the story of *Monsters University*. In *Monsters University* you have an
ecosystem where the whole city is powered by the screaming of children. The monsters go out
and scare the children so that they scream, and the screaming fills the tank with power. Yes?
2335 When I have time with my children I do like to watch something with them. The moral of the story,
which is deeper than just watching a cartoon, is actually that the monsters work out that they get
more energy from the children by inspiring them and giving them hope than by scaring them, and
that is exactly the difference between him and me. It is exactly the difference between them and
us. They have spent the last 12 years trying to scare the public into voting for them. We have spent
2340 the last 12 years telling people what we want to do with Gibraltar for Gibraltar, alongside them
and inspiring them. That is the difference between him and us. Maybe he should give Mike
Wazowski a call. In the end, this may be his last Budget address, or it may not. If it is, in the end,
our relationship will have been more like Coyote and the Road Runner than anybody else –
another cartoon, where the road runner always got away.

2345 The hon. Lady is not here to hear me respond to her and there is very little I intend to say
because she has already indicated that she will not be standing for election, but she said some
things which need to be replied to and some things that I want to say to her. First of all, I am very
happy that the hon. Lady leaves politics as she entered it, and that, to me, is as a very good friend.
We have had our ups and downs, we have had serious issues between us, but we have remained
2350 close in the time that we have both been Members of this House. In particular, she has worked
very closely with us on issues of progressive politics and I do think that in the future, should those
progressive policies ever come under attack, the public in Gibraltar – if I am retired by then or
have been discarded by then – will know that I am available to come and fight for those
progressive policies. I am sure Mr Azopardi will, too. I am sure Mr Feetham will, too, and I am sure
2355 she will, too. She has, to a very great extent, led on those issues and I think she has a very proud
contribution that she can look back on in the context of what she has done in respect of
progressive issues and, in particular, women's reproductive rights.

'The state of our nation today is appalling' is what she said. Really? When you start to say things
like that is when you are not being serious in your analysis. 'Gibraltar is becoming unbearable to
2360 live in with so much development and unpainted railings' – apparently, unpainted railings is
something that one refers to in a Budget speech because it makes Gibraltar unbearable to live in.
What about Commonwealth Park, Champion Park – railings painted every two years? What about
our tunnels and the Upper Town, with art? What about all of the new areas there are? I think if
the hon. Lady looks at the schools to which our children go, the homes in which our people are
2365 living ... Of course there are still some things to go. Gibraltar is not more appalling today than it

was in 2011, in 1996 or in 1988. Of course there are issues, of course they have to be resolved, but frankly, Gibraltar is not going to consider that a statement such as that Gibraltar is appalling to live in is going to be serious. What about the bike lanes? What about the green walls in the new schools? Come on. The Upper Town is not abandoned. The Upper Town needs work still in some areas, but it is looking better than it has ever looked before. So when you ask where has the money gone, it is in the schools, it is in all of those new developments. It is obvious.

2370

I was grateful that she had picked up the GSD also in the way that they were attacking the issue of tax, because she was more serious when it came to tax, but I thought she was wrong to suggest that we had been using dirty tactics because of the way we had timed the debate on the estimates.

2375

I have gone through that already.

She referred to vanity projects. I still do not know what those vanity projects are. I suppose the vanity projects are the schools, I suppose the vanity projects are the primary care centres, the affordable housing or the sports facilities. I do not know what the vanity projects are, otherwise, but in the end she has come to politics, she has done politics, she is leaving politics and she leaves a friend and she leaves with the regard of the Government for the work that she has done.

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Mr Speaker, I now round up. It is really quite remarkable that Members opposite have told us they are once again going to vote against the Budget, this year in particular, for a simple reason: they say they are going to become the Government in the autumn, which means they will be running the Government with estimates that they have voted against. They are going to vote against being able to spend money the day after the General Election. They are going to vote against being able to continue to pay civil servants after the General Election. We will be gone, in their world. In their hopeless fiction in which they win a General Election, they have voted down the money they are going to have to spend. It is really quite remarkable. It is very clear that all of their statements were flops for the reasons that I have gone through, that many of them are already FLOPs because they are former Leaders of the Opposition, that Mr Azopardi is soon to be a former Leader of the Opposition, not because he is going to become Chief Minister but because he is going to be got rid of by the GSD when he does not become Chief Minister and then Mr Bossino is soon going to be a FLOP, a future Leader of the Opposition. But what they have demonstrated is that they have not got what it takes in this Budget debate.

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Are we are tired? Of course we are tired. We are tired of them. We are tired of their negativity. We are tired of them not having full regard for our people. That is the reality. We are not tired of delivering the best affordable homes in our history, we are not tired of delivering new schools for our children, we are not tired of serving our people. In this last state of the nation debate, what have they offered our people except flawed analysis, flawed understandings of the estimate, and their policy, which has fallen immediately, which is to suggest that we should form part of their Brexit negotiating team? Nothing is what they have offered our people.

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And what have they done in the past four years? They do have *hacheo* politics, the politics of rumour and innuendo, the politics of what they call perception because they cannot point at anything in reality. In particular, Mr Azopardi and Mr Bossino: one asking questions about chickens, the other one running like a chicken away from a meeting with the Minister for Tourism, always ready to criticise, never ready to meet and discuss. Mr Azopardi and Mr Bossino do seem to be the new Claudia and Cynthia of the Calentita-style politics that they seem to be running, bringing gossip and *hacheo* to this place. And to think, Mr Speaker, that that, opposite us, used to be the party of Peter Montegriffo and Peter Caruana. We might have disagreed with them, but that was a party of substance – but now the party of Azopardi and Bossino. Or is it Bossino and Azopardi? I do not know which way round.

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What substance is there now in the GSD that we have before us? They arrive together and they smile together, but they are obviously at political loggerheads. The next election for Mr Bossino is not about government and it is not about Gibraltar, it is about leading the GSD. It is the final act, in my view, of the post-Caruana civil war, in which Mr Bossino and his Vox-like values, I believe, will prevail, and then we will have the final real battle looming between progressive GSLP liberal politics and GSD deep conservatism, because they, the GSD, are all about opposition, not about

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leadership, all about opposition, not about vision, all about opposition with no plan for our people's future. The GSD stand against everything, but they stand for nothing. We know everything they are against but we know nothing about what they might support, other than that Andorra is not joint sovereignty.

So our people know now that the GSD are not a credible option for the future. It is the GSLP Liberals that will keep Gibraltar safe. We will get Gibraltar through the jungle, just like we have got our people through COVID, just like we are getting us through the Brexit crisis. Our message to our people who have suffered these COVID years, who may have lost loved ones, who are suffering the cost of living issues, is that we will continue to work for them as we have these past four years, these toughest four years. When our people look back at the challenges of COVID, the conclusions of the New Year's Eve Agreement even whilst we were in lockdown, the way we dealt with lockdown and with furlough, the way we designed BEAT, the way we got the vaccine because of the way we nurture the relationship with Britain, the way we got our sovereign guarantee because of the way we nurture the relationship with Britain – all of those photographs at No. 10, which are more than just photographs – everything we did for our businesses and our citizens alike, and they see how the economy and the public finances have recovered and they look at the alternative, I believe our people will genuinely and deeply value what we have done. They will genuinely and deeply consider the work that we have done which shows our good faith, demonstrates our hard work, shows that hard work pays off and evidences our deep and undying *love* for our country and our people.

There is only one coalition of parties in this Parliament that is on the side of the Gibraltarian people, and that is the GSLP Liberals. There is only one coalition of parties that is ready to stand up always for the Gibraltarian people, and that is the GSLP Liberals. There is only one coalition of parties in coalition with the Gibraltarian people, and that is the GSLP Liberals, only one coalition of parties that is the political wing of the Gibraltarian people, the GSLP Liberals – never caring for ourselves, always acting in the best interests of our people, whether our actions are popular or not. Judge us on our record. On judgement, we were right about the Lisbon, Strasbourg and Brussels processes from the beginning. When the GSD defended the Brussels process and attended the talks, we said no. We were right then and we are right now. When the AACR defended the 1987 Airport Agreement and the GSD defended the 2006 Cordoba Airport Agreement, we said no. When the GSD spent £100 million on the Airport before spending a penny on the KGV, we said no. We were right then and we are right now.

The public will also look at the contribution by hon. Members opposite, reflecting on these toughest four years. They came here to criticise everything and recognise nothing, and on spending they criticise our record but they forget that when they had the purse strings they lost the public's money. Yes, the GSD lost the public's money. They lost £10 million on the Theatre Royal. They lost £7 million which they loaned to OEM and was never paid back. They made no investments in the comprehensive schools, we had to deliver that; no investment in a Victorian St Bernard's, we had to deliver that. A number of multi-generational projects which needed doing delivered on time and on budget by the GSLP Liberals: a new PCC, a new children's PCC, new affordable homes at subsidised prices, and great quality new sporting facilities so our athletes do not have to go to Spain to train anymore unless they want to. Which of these is an extravagance? An increase in public sector pay and improving terms and conditions? Which of these do the Opposition say is an extravagance if they now argue that we should increase some of these things more? They talk about our spending too much, but they never point to the one thing they would not have spent on. They say we need to lobby and market more, and then they say we should not fly on the flights available because they cost money. This is nonsense opposition from parties with only nonsense to propose to the general public in Gibraltar.

The Gibraltarian public know the GSD is not on their side. The GSD is on their own side. They do not want to win for the Gibraltarian. They want to win for the GSD. They want to win for the rich they represent – the people they used to tax at 5% and we now tax at 25% – not for the working people we defend and whose side we are on. That is how they defended the working

2470 people, by having the tax on those who earned hundreds of thousands at 5%, and the tax on those who earned £20,000 or £30,000 at 25%. We do the opposite. We make sure that everybody pays their share.

So what was the golden legacy of the GSD? That the rich pay 5% and the rest pay 25%? Taxpayers' money loaned to OEM and lost? That was the golden legacy? When you spend one
2475 minute looking beyond the headlines at the social media noise that they try to make, you can see the truth, and the people of Gibraltar can see the truth. They will not have the wool pulled over their eyes. The public, in my view, will see that the only option available at the next election, the only choice that will keep Gibraltar safe will be the GSLP Liberal team, and that these estimates for the year ahead are the best demonstration that we continue to work to keep Gibraltar safe,
2480 that we keep the vulnerable safe and that we keep the incomes of working people safe, that we keep our public finances safe, that people who work each day in everything they do in this Cabinet team do it to keep Gibraltar safe.

We are the only safe choice, Mr Speaker. We are the only ones who will keep Gibraltar safe, especially given the clear position of the leader of the party opposite on an Andorra-style solution and what it means, which once again puts Gibraltar at risk under the GSD, puts Gibraltar's
2485 sovereignty at risk with a GSD Chief Minister who has specifically written down that an Andorra-style solution is not joint sovereignty. That creates the risk, once again, that under the GSD a joint sovereignty solution would be mooted, and that is something that the electorate will want to avoid at any cost. They will want to avoid the risk that a vote for the GSD presents. The electorate will want to act to keep Gibraltar safe, and in my view they will vote to keep Gibraltar safe and they will do that by returning us to government to keep Gibraltar safe, because in this election, like in every election, it is always, first and foremost, for us, about keeping Gibraltar safe – just like this Appropriation, every Appropriation, is for us about one thing above all else, about keeping Gibraltar safe. With this one, it is about finishing what we started, about the social justice that we
2490 want to do, about the protection of the vulnerable, which these estimates are designed to do.

And so, Mr Speaker, for that reason, I once again unhesitatingly commend the Bill to the House, and, because nobody does it better, I commend a renewed GSLP Liberal Government to the people. (*Banging on desks*)

Mr Speaker, I just left one thing out. I would propose that we come back and look at the detail
2500 of the estimates in the Committee Stage and Third Reading at 4 p.m.

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 2024 be read a second time. Those in favour? (**Members:** Aye.) Those against? (**A Member:** No.) Carried.

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Clerk: The Appropriation Act 2023.

**Appropriation Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Mr Speaker: You need to give notice of the Committee Stage and Third Reading.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the House should
2510 resolve itself into Committee to consider the following Bill clause by clause –

Mr Speaker: Shall we say, 'I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree'?

2515 **Hon. Chief Minister:** Okay, too fast, yes. I beg to give notice that the Committee Stage and Third Reading 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?

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Members: Aye.

Mr Speaker: The House will now recess until four o'clock.

The House recessed at 2.49 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.01 p.m. – 7.06 p.m.

Gibraltar, Tuesday, 18th July 2023

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The Gibraltar Parliament

The Parliament met at 4.01 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*]

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

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 Appropriation Bill 2023.

In Committee of the whole House

Appropriation Bill 2023 – Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2024.

Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2. Head 1, subheads 1 and 2.

Mr Chairman: Head 1, Treasury, subheads 1 and 2 stand part of the Bill.

Clerk: Head 2, No. 6 Convent Place, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, can I just ask: on the grant to the Gibraltar Regiment at 2(14), that reduction is based on discussions with the Regiment?

Chief Minister (Hon. F R Picardo): Yes, Mr Chairman, this relates to a sum of money that was being paid in respect of work being done on terms and conditions which has now come to an end, and the person the Regiment was employing to do that work and who was being funded through that grant is no longer employed by the Regiment. Other support which is given to the Regiment is given through the Other Grants and Donations head.

Hon. K Azopardi: Mr Chairman, can I also ask on 2(22)? I am not sure if this is in order, but the Chief Minister will say if he has the information. Can he give us a bit more information on the outturn for 2022-23 on *ex gratia* payments, the general nature of those payments?

Hon. Chief Minister: Mr Chairman, these total nine *ex gratia* payments of different amounts. They are, all of them, potential claims which have been settled.

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Mr Chairman: Head 2, No. 6 Convent Place, subheads 1 and 2 stand part of the Bill.

Clerk: Head 3, Office of the Chief Technical Officer, subheads 1 and 2.

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Mr Chairman: Head 3, Office of the Chief Technical Officer, subheads 1 and 2 stand part of the Bill.

Clerk: Head 4, Customs, subheads 1 and 2.

Mr Chairman: Head 4, Customs, subheads 1 and 2 stand part of the Bill.

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Clerk: Head 5, Income Tax, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, can I just ask, on payroll and overtime emergency, the kind of provision to which those funds are directed? Why is it classified as emergency?

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Hon. Chief Minister: Mr Chairman, the view we have taken is that the manning level should support the ability to discharge the functions of a department in normal run of play. Therefore, there should be very little in terms of manning level maintenance because the manning level is maintained, there should be nothing agreed by way of conditioned overtime in these clerical departments, and therefore, when something needs to be done, it is, in effect, something which needs to be done and therefore should be classified as an emergency and is approved by the head of department and by the Chief Secretary as something that needs to be done in a particular period of time.

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Hon. R M Clinton: Mr Chairman, if I can ask, just slightly below that, in Payroll 1(1)(c), Allowances – estimated as £90,000 and came in at £180,000, estimate next year £90,000 – why the increase to the outturn?

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Hon. Chief Minister: Mr Chairman, I am told that the outturn is higher as a result of substitution paid and changes in allowances which were agreed at the time. For that reason, they came in higher.

Hon. R M Clinton: Mr Chairman, if the Chief Minister could elaborate on what he means by ‘substitution’?

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Hon. Chief Minister: Substitution is when one officer is substituting for another, Mr Chairman, and is being paid a temporary allowance. So the person who is not at work continues to get their allowance because it is part of their pay, and the person who substitutes for them also gets the allowance because they are doing the job to which the allowance attaches.

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Mr Chairman: Head 5, Income Tax, subheads 1 and 2 stand part of the Bill.

Clerk: Head 6, Parliament, subheads 1 and 2.

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Hon. E J Reyes: Mr Chairman, does it follow the same logic in 1(1)(c), where it says allowances, I think, of £5,000? Is that allowance when someone is acting for a higher grade from the clerical staff, or is it something completely different? Given it is Parliament, I have a curiosity on that one.

Hon. Chief Minister: Mr Chairman, it can mean various things. The allowance includes a substitution allowance, but is not just a substitution allowance. Different officers may have
85 different allowances and they are booked under the allowances head. Without going through the list of allowances, I would not be able to tell you which are the ones that are relevant here, but it is not just the substitution. The substitution is something that can happen but is not necessarily the allowance that is relevant.

90 **Mr Chairman:** Head 6, Parliament, subheads 1 and 2 stand part of the Bill.

Clerk: Head 7, Human Resources, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, can I just ask, on Establishment, there is an increase in
95 established posts there – first of all, the reason for that. Is that because other functions have moved to HR or because there is an expansion of that department?

Hon. Chief Minister: Mr Chairman, the hon. Gentleman will see that there are a number of changes. For example, the Gibraltar Development Corporation number is up from 10 to nine ...
100 the Industrial Staff is up and there are a few other individuals booked here in respect of the Supernumerary Career Breaks etc., and the supernumerary staff is now all being booked here. He will see there is a section on supernumerary staff, so as people who need to be moved and are supernumerary are provided for, they are provided for here, even though they may not be working in the Human Resources Department. We have wanted to capture everyone who is
105 supernumerary in one place rather than have different individuals booked as supernumerary in departments who, because they are supernumerary in that department, may be seconded somewhere else and then you lose track of them. So by putting them all here, you are keeping an eye on who is supernumerary and you will have a better control, when they are deployed
110 somewhere, of what they are doing, because it is the Human Resources Department directly who are on top of that secondment and that supernumerary officer. You also do not run the risk that a supernumerary officer might be confused as a member of the complement of a department and that when somebody was supernumerary the number might remain as a member of the complement of a department. That is why we are booking it here. The increase that the hon. Gentleman will see – and this will fluctuate year on year – will not be relevant to those who are
115 working in the Human Resources section. Those are really dealt with above, before the bold reference to supernumerary staff.

Hon. K Azopardi: I see. And is it right, then, that because the Deputy Director of Nursing Services is being booked as supernumerary here, the intention would be, beyond the post holder,
120 to abolish that post?

Hon. Chief Minister: To abolish this particular office holder's position. As I understand it, Mr Chairman, the Deputy Director of Nursing was replaced as Deputy Director of Nursing in the GHA, but he moved to supernumerary and kept that title because that was the title it was agreed
125 he would have the remuneration for, and we did not want to create a new grade which attracted the same remuneration as Deputy Director of Nursing, but there is a Deputy Director of Nursing who replaced him in the GHA.

Hon. K Azopardi: I see. The Deputy Director of Nursing who replaced him in the GHA does not
130 carry the title Deputy Director of Nursing – is that right? – and carries a different title. Is that really what we are talking about?

Hon. Chief Minister: Mr Chairman, I do not think they carry the title, they carry the responsibility. The title has moved here and we have those issues, but the work is being done.

135 **Hon. K Azopardi:** And in respect of the GDC increase – the supernumerary the Chief Minister has explained – the increase on the GDC staff would be attributable to what?

Hon. Chief Minister: Mr Chairman, as the hon. Gentleman knows, the GDC is not broken down in the same way as the Civil Service posts, so these are the career breaks in the GDC that are being booked here. We had the same issue. He will see that there are supernumerary career breaks, which are the career breaks in the Civil Service, which are under a bold line on page 33. The GDC career breaks are being booked here again to keep an eye on those career break individuals and ensure that we are on top of the terms of the career break, which are usually a fixed period of time. When it is in the departments, sometimes HR could lose track of those and we do not want that to continue to happen.

Hon. R M Clinton: Mr Chairman, in subhead 2(6), Rents and Service Charges came in at £153,000 last year and the projection is £30,000, which seems to be quite a reduction.

150 **Hon. Chief Minister:** Mr Chairman, this is the Public Sector HR Department that we had established as a separate entity. That has now terminated its contractual commitment for a rental unit at Europort, and that is what reduces the cost.

Hon. K Azopardi: Just one final one on this one. On subhead 2(12) the increase in estimate from the outturn would be attributable to the explanation the Chief Minister has given that they are now booking extra GDC staff in this head – is that right?

Hon. Chief Minister: Yes, Mr Chairman.

160 **Mr Chairman:** Head 7, Human Resources, subheads 1 and 2 stand part of the Bill.

Clerk: Head 8, Immigration and Civil Status, subheads 1 and 2.

Hon. K Azopardi: Here, my question on subhead 1(1)(a) is almost in reverse. Looking at the establishment and the bottom line, or indeed the establishment of the department, it does not look like there is a big difference – there is only a difference of one person, yet the estimate is lower than the forecast outturn. That would be attributable to what?

Hon. Chief Minister: Mr Chairman, the complement is exactly as it should be, because the only person missing from the complement, the only post holder gone, is the supernumerary post holder.

Hon. K Azopardi: I understand that there is one less because that is what the establishment says, but what I am really asking is does that account for the reduction of, in effect, £60,000?

175 **Hon. Chief Minister:** Part of the reason is that, Mr Chairman, and it is also partly because there is a vacancy occasioning during the course of the year.

Mr Chairman: Head 8, Immigration and Civil Status, subheads 1 and 2 stand part of the Bill.

180 **Clerk:** Head 9, Financial Secretary's Office, subheads 1 and 2.

Hon. K Azopardi: In Financial Secretary's Office at 1(1)(a), the estimate, based on the same number of staff, is higher, but based on what – because posts have been filled, or just ...? What is that due to?

Hon. Chief Minister: Mr Chairman, it is just a move of the money. If the hon. Gentleman looks at the forecast outturn for 2022-23, he will see, on Secondment, that the sums paid in respect of the former Financial Secretary are reduced to zero. The current Financial Secretary is paid directly as a civil servant because he is a civil servant. The former Financial Secretary was not a civil servant, so, although there was a Financial Secretary, he was not paid out of the payroll at 1(1)(a), he was paid out of Other Charges at 2.

Hon. K Azopardi: Sorry, I am not sure I am following, because the Chief Minister mentioned Secondment but I cannot find Secondment. *(Interjection)* Oh, I see.

Hon. R M Clinton: Mr Chairman, it is just that if you look at the estimate of 2022-23, it was in at £200,000 for the secondment, but obviously the Financial Secretary's payroll number in the Book is much less than that. Is he saying that included both what he would have been paid as Financial Secretary plus something on top?

Hon. Chief Minister: No, Mr Chairman, that is not what I am saying. What I am saying is that the cost of the secondment is set out there when it was a secondment. For the outturn for 2022-23 it is not the full year. For the full year he needs to look at the actual of 2021-22 and the estimate for 2022-23. The secondee was not a civil servant and he was not paid as a civil servant. He was paid as per the secondment amount, which the hon. Gentleman has seen in the Book for the past four or five years – which I assume he has not missed because it is all information is here, it is not information that is not here – whilst the current Financial Secretary is paid on the terms of the grade that he holds in the Civil Service, which is lower.

Hon. K Azopardi: Sorry, but I am not understanding the point. The former Financial Secretary having left, and he left sometime during 2022-23 ... What I am asking about is 2023-24. There is an increase in salaries from the forecast outturn of £585,000 to £690,000, and I get that the secondment is zero because the former Financial Secretary is no longer there, but what accounts for the difference between £585,000 and £690,000?

Hon. Chief Minister: Mr Chairman, if that is the exercise he wants to do, he should not look at the £585,000. If he wants to look at the salaries of the Financial Secretary's Office without a Financial Secretary being paid as a civil servant, he needs to look at the estimate for 2022-23. The cost of running that office without paying for the Financial Secretary as a civil servant was £512,000, so the difference between £690,000 and £512,000 is what tells him the cost of the current Financial Secretary.

Mr Chairman: Head 9, Financial Secretary's Office, subheads 1 and 2 stand part of the Bill.

Clerk: Head 10, Government Law Offices, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, can I just ask, under subhead 2(23) Professional Fees, the forecast outturn – that corresponds to the sums of money for which there is information on the government website? That accounts for the breakdown? Is that correct?

Hon. Chief Minister: Yes, Mr Chairman, as I understand it. Of course, the bills come in, sometimes, at different times in the year, so reconciling the bills against the financial year is not always going to be exact, but they should be able to reconcile them across financial years.

Mr Chairman: Head 10, Government Law Offices, subheads 1 and 2 stand part of the Bill.

Clerk: Head 11, Office of the Deputy Chief Minister, subheads 1 and 2.

240 **Hon. R M Clinton:** Mr Chairman, in subhead 1(1)(e), Salaries in the Archives, there seems to be a £46,000 decrease from last year to the estimate for next year, but the establishment seems to be the same. I was wondering what would account for that.

245 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Chairman, that is related to the salary of the Archivist. The post is vacant at the moment. If an Archivist is appointed – and the process has already started – then that money will be allocated from somewhere else, from the supplementary funding at the back.

250 **Hon. R M Clinton:** So, Mr Chairman, if somebody is acting in their position, do they not get paid additional amounts to cover?

255 **Hon. Chief Minister:** No, Mr Chairman, the policy position that the Government has taken for some time is that you are only paid an acting if you actually do the job and the job that you do entails you doing something different to what you do on a daily basis. It is not automatic that if the person above you in the scale is absent for whatever reason, you automatically get their pay. We do not think that is a useful use of government money, so it is not automatic and the amount of any vacant post is therefore not provided for. We provide during the course of the year when the post is filled. He will see that throughout the Book.

260 **Hon. K Azopardi:** Mr Chairman, can I just ask on subhead 2(12), Land and Property Management – the sums which are booked here would be would be arising from what? Can we have an idea of that?

265 **Hon. Deputy Chief Minister:** Mr Chairman, that relates to decisions taken in the Land Management Committee. It involves things like taking emergency works, replacing fences, giving compensation to people who might be moved. It is that kind of thing. It is related to land issues.

270 **Hon. K Azopardi:** Can I ask on 2(19), the Hong Kong Office, which we had understood was closed but there is still a notional amount there – the reason for that being what, that there is an intention, perhaps, to consider opening it again? Why is it booked at all?

Hon. Deputy Chief Minister: Mr Chairman, that relates to invoices which have spilled over in the process of closing it down.

275 **Hon. E J Reyes:** Mr Chairman, on subhead 2(17) under the title Commonwealth Enterprise and Investment Council, can we have a bit of clarification? That is obviously going up slightly in expenditure, from £22,000 to the predicted ... it is over £10,000 difference. What exactly is charged under that head?

280 **Hon. Deputy Chief Minister:** Mr Chairman, that refers to the arrangements for the Commonwealth Enterprise and Investment Council office in Gibraltar and it is a contribution that the Government makes to that.

285 **Hon. R M Clinton:** Mr Chairman, I would be grateful if the Deputy Chief Minister could elaborate a little bit in terms of why it would need a contribution from the Government. What costs does it incur?

Hon. Deputy Chief Minister: Mr Chairman, the hon. Members will see that there are several Commonwealth entities and institutions which the Government has contributed to over the years.

290 This is not the only one. In this particular case – I think it was explained at the time in the context of Brexit, our departure from the European Union and the need to identify new markets and new business – this was taken on board as one of those for that reason.

Hon. R M Clinton: Yes, but what is the money actually spent on?

295 **Hon. Deputy Chief Minister:** The money is spent on the office in Gibraltar.

Mr Chairman: Head 11, Office of the Deputy Chief Minister, subheads 1 and 2 stand part of the Bill.

300 **Clerk:** Head 12, Civil Aviation, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, on subhead 2(3), Contribution towards Aerodrome Running Expenses, that is a contribution that is made by the Government to whom?

305 **Hon. Chief Minister:** Mr Chairman, this is a contribution paid – under an agreement done, I think, at the time he was in government – directly to the MoD. It is, in principle, a payment which goes towards the upkeep of the surface of the runway itself over a period of 20 years or so that the runway is resurfaced.

310 **Mr Chairman:** Head 12, Civil Aviation, subheads 1 and 2 stand part of the Bill.

Clerk: Head 13, Environment, subheads 1 and 2.

315 **Hon. K Azopardi:** Mr Chairman, on subhead 1, I am just looking at the bottom line. The estimate is £250,000 less than last year's forecast outturn. That would be due to what? The number of posts looks pretty much the same in terms of the establishment. Is it attributable to vacant posts? Can we have an explanation for that?

320 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Which line in particular, Mr Chairman? He said the bottom line of head 1. Yes, the difference between the two is a difference between the provision, for example, in emergency overtime, which is a token at £1,000 because it cannot be predicted, and the actual amounts that were paid as a result of the overtime having to be called in.

325 **Hon. K Azopardi:** I can see, Mr Chairman, that that accounts for £94,000, but the difference is – (*Interjection*)

330 **Hon. Chief Minister:** Because that is the total of the whole of head 1, so it is all of the overtime when you take it together. There is £80,000 there – £80,000, £80,000 and £8,000 and then go over the page and there is £94,000.

Hon. K Azopardi: Mr Chairman, in subhead 2(8), the contribution to the GDC staff services would be significantly reduced from the outturn. Again, that would be why?

335 **Hon. Prof. J E Cortes:** Subhead 2 in which line? Number eight. This will be as a result of posts no longer being there. Gibraltar Development Corporation posts are not part of the complement, and therefore, in the same way that vacancies are not funded directly at this stage, this will be posts that are no longer there.

340 **Hon. K Azopardi:** Mr Chairman, if that is the case, then I am not sure I am understanding, if we go to page 51, how GDC staff is ... there is only a difference of one there.

Hon. Prof. J E Cortes: Mr Chairman, there are two explanations. In fact, the overtime also is, as I said earlier, not provided for, and there was a considerable amount of overtime. If the hon. Member looks at page 51, there is also a reduction in one post there, which will make a contribution towards that difference.

If I may also offer some more information, on page 187, which covers the GDC payment, he will be able to see that that is explained under the environment head as a difference between the forecast outturn of £200,000 to £77,000 estimate in relation to the difference in overtime, which is the point I made earlier. Thank you.

355 **Hon. K Azopardi:** Can I just ask, Mr Chairman, on subhead 2, line 30, Upkeep of Cemeteries – ‘cemeteries’ in the plural – that contractual sum would cover all the cemeteries in Gibraltar, meaning, obviously, the ones that are used, but also the historic cemeteries?

Hon. Prof. J E Cortes: This is for North Front Cemetery. There is a small contribution towards Trafalgar Cemetery and occasionally the Jewish Cemetery, but this is essentially North Front Cemetery.

360 **Hon. R M Clinton:** Mr Chairman, in respect of subhead 2(18), Environmental Health, is there a fixed-term contract for provision of services with the Environmental Agency Ltd?

Hon. Prof. J E Cortes: Yes, there is.

365 **Hon. R M Clinton:** Mr Chairman, would the Minister happen to know for how long that contract is?

Hon. Prof. J E Cortes: I do not have that information here. I can advise the hon. Member if he reminds me outside the meeting, but I do not have that information.

370 **Mr Chairman:** Head 13, Environment, subheads 1 and 2 stand part of the Bill.

Clerk: Head 14, Collection and Disposal of Refuse, subheads 1 and 2.

375 **Hon. K Azopardi:** Mr Chairman, can I, on subhead 2(2), ask why there is such a big figure there of over a million pounds? Is it booked as overtime where it says ‘emergency’? Is that a million pounds – £1,000,038.

Hon. Prof. J E Cortes: Yes, that is overtime.

380 **Hon. K Azopardi:** I see the figure, for example in 2021-22, booked, as a different amount, as manning-level maintenance. I am not sure if that is the same work booked in a different way. Is it normal, that level of overtime, of over a million pounds?

385 **Hon. Prof. J E Cortes:** It is essentially the same; it is the same work. The subtle difference will be – and I would need to check the actual detail – that it will have been overtime as a result of absences due to vacancies, which is why it was down initially as manning-level maintenance, but that is essentially the same money, it is not going somewhere else.

390 **Hon. K Azopardi:** And so the other question I was asking the Minister was is that normal going back? I am not sure if he has that information, but is it normal that you have over a million pounds spent in that kind of work, whether it is booked as manning level or overtime?

Hon. Prof. J E Cortes: Yes, it is.

395

Hon. R M Clinton: Mr Chairman, on subhead 2(8), Disposal of Refuse, there seems to be a big jump of over a million from last year's outturn to the estimated. Is there some change in conditions that has warranted effectively more than a 50% increase?

400 **Hon. Prof. J E Cortes:** Yes, that is due to two factors. One is the increase in volume – we do produce more rubbish than we used to – but largely it is because of the increase in the fees that are charged by the receiving facility. They have increased and therefore we have had to increase the provision.

405 **Mr Chairman:** Head 14, Collection and Disposal of Refuse, subheads 1 and 2 stand part of the Bill.

Clerk: Head 15, Upper Rock Tourist Sites and Beaches, subheads 1 and 2.

410 **Hon. D J Bossino:** Mr Chairman, can the Minister give some more information in relation to subhead 2(16), which is described as Sites Management Systems – what the activity is there? And secondly, why there is a significant increase of almost of a million pounds from the estimated amounts of the forecast and then the estimated amounts for this coming year.

415 **Hon. Prof. J E Cortes:** Yes, that is the combination of the visitor management system and the cave experience. The reason it has gone up is that it is linked to the number of visitors and therefore the government income has increased, but also the payments have increased because of the increase in visitors to the sites, particularly to the cave.

420 **Hon. D J Bossino:** Is that a service which is contracted out, the visitor management system that he refers to?

Hon. Prof. J E Cortes: Yes, it is contracted out. The costs go up linked to revenue. The more visitors we have the more we get, but the more we pay.

425

Hon. R M Clinton: Mr Chairman, on subhead 2(27) Beach Services, is that contracted services for lifeguards?

Hon. Prof. J E Cortes: Yes, that is the lifeguards and beach attendants. The management thereof is contracted out.

430

Mr Chairman: Head 15, Upper Rock Tourist Sites and Beaches, subheads 1 and 2 stand part of the Bill.

435 **Clerk:** Head 16, Education, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, can I ask on subhead 1(1)(a), Salaries, where the outturn was lower and obviously there is a commensurate estimate of this year similar to that of last year's – the outturn was lower because of vacancies in the teaching posts, is that right?

440

Hon. Prof. J E Cortes: Yes, this was due to delays in the recruitment process which meant that some of what was projected and is now once again projected as salaries would have been covered through temporary cover.

445 **Hon. R M Clinton:** Mr Chairman, in head 1(1)(d) Temporary Assistance, consistently from 2021-22 there is an expense of £7.9 million, 2022-23 £6.2 million, and yet £104,000 for the coming year. Is there anything the Minister has done that he envisages he will need specialists or special needs learning assistants or support for maternity cover or other items which would justify such a huge reduction?

450

Hon. Chief Minister: It is not a reduction, Mr Chairman, it is the same estimate as we had last year.

455 **Hon. R M Clinton:** Yes, Mr Chairman, but the outturns, both for last year and the year before, were, in a very large order of magnitude, much larger, and it would appear that it would be sensible to make provision of the same magnitude or at least a fraction of the magnitude. But a notional amount – is that realistic?

460 **Hon. Chief Minister:** Mr Chairman, the point is always that as we recruit other teachers etc., as we recruit more permanent staff, temporary staff should be reduced, and therefore we always try to ensure that we are making the best use of money by keeping the pressure on and putting just the £1,000 and ensuring that we have the staff we need, and, if possible, in the full-time complement, not in the temporary cover complement.

465 **Hon. R M Clinton:** Yes, Mr Chairman, I can understand that, but there is only a variation of one person in the Education complement from last year's projected. If there was a need last year, would there not potentially be a need this year?

470 **Hon. Prof. J E Cortes:** But we are talking about last year. These posts were taken on during the course of last year.

Hon. R M Clinton: Mr Chairman, if the Minister looks at the establishment breakdown, there is no actual change from 2022-23 to 2023-24.

475 **Hon. Prof. J E Cortes:** But if the posts were there but were vacant they would have been covered under temporary assistance, and the intention is to minimise the temporary assistance because it is covered, as the Hon. Leader of Opposition pointed out, in salaries which are back to where they were estimated last year but more than the forecast outturn, because of what I have explained. The temporary assistance has been shifted to salaries.

480

Hon. R M Clinton: Which is effectively the question I was asking at the beginning, Mr Chairman: has something happened that he would not envisage having to use them? How many people have actually now been taken on board?

485 **Hon. Chief Minister:** The issue is, Mr Chairman, that ... I think this is the nub of it. He is not going to see a change in the complement that is going to explain that. It is that the complement is provided for, but it is not being paid for in some instances. That complement we now expect has been filled. The complement has not changed, but it has not been filled because of recruitment issues etc. We now believe that it has been closer to being filled and therefore there
490 will be less of the 2.4 and more of the 32.9.

495 **Hon. E J Reyes:** If I may, Mr Chairman, on subhead 1(1)(c), when we talk about allowances, if we are correct in assuming that those are the teaching and learning responsibility posts and the allowances given for teachers who have those posts, the expenditure over the two previous financial years is twice as much as what the estimate is. From previous answers to questions, the Minister has led me to believe that those posts are almost all allocated or filled, and, if not, it is because it is an active teaching post, someone is actually paid for it. So am I correct? Are they TLR allowance? Or what allowances are they?

500 **Hon. Prof. J E Cortes:** These are essentially substitution allowances, which ties in with what we were saying earlier. During a time when the vacancies were filled in a substantive manner, you would expect those allowances to be higher and we are expecting them to be lower now that the vacancies are more or less filled. So they are substitution acting allowances.

505 **Hon. E J Reyes:** And in 1(2)(c) is it the same principle that covers for the allowances under the Industrial Wages section? Under industrial I take it they are probably lab technicians and maybe cleaners or whatever, so is there a need to have someone covering for that?

510 **Hon. Prof. J E Cortes:** Yes, there are quite a number of industrials, including all the cleaners, and that is a similar allowance.

515 **Hon. K Azopardi:** Mr Chairman, on subhead 2(35), St Mary's School rents, I assume that the finalisation of the school and the commencement of the rental period will be sometime during the financial year, so that there would be more than that token amount that would be paid out. From answers that have been given in the House before, it seemed to us that the annual costs would hover around £1.2 million, so do they have a more realistic forecast than the £1,000 of how much would be spent during this financial year?

520 **Hon. Chief Minister:** Mr Chairman, at this stage I do not want to say much more in relation to that because there are issues in the negotiation between us and the new landlord which are still live and therefore – they could be watching – I do not want to give anything away.

525 **Hon. K Azopardi:** Without treading on the negotiations, when he says 'the new landlord', has there been a change of position or is that just a sort of terminology?

Hon. Chief Minister: We have not signed the lease yet.

530 **Hon. K Azopardi:** Mr Chairman, the intention would be to use this school from this coming new school term, as from September – is that right?

Mr Chairman: Head 16, Education, subheads 1 and 2 stand part of the Bill.

Clerk: Head 17, Gibraltar University, subheads 1 and 2.

535 **Hon. K Azopardi:** Mr Chairman, can I ask, on the contribution to the Gibraltar University, which is subhead 2(1) ...? There is a reduction there of the estimate and can I ask ...? That, I assume, follows discussions with the University, and, if so, why is it being reduced? Is it being supplemented now by the University earning other funding through other means, through fees?

540 **Hon. Prof. J E Cortes:** Yes, Mr Chairman, the intention was always that the University would eventually become self-financing and they are well on track, as I pointed out in my speech last week. These are figures arrived at in discussion with the University and they are confident that they can meet their budget. They have already shared that one with me, as is their obligation

545 under the Act, and I share the confidence that they are now going to be able to meet it and that there will not be any shortfall.

Mr Chairman: Head 17, Gibraltar University, subheads 1 and 2 stand part of the Bill.

550 **Clerk:** Head 18, Heritage, subheads 1 and 2.

Hon. D J Bossino: Mr Chairman, can I take the Minister to subhead 2(13), which is entitled Heritage? Can he explain what that relates to?

555 **Hon. Prof. J E Cortes:** That is the contractual fee to the Gibraltar National Museum.

Hon. D J Bossino: Is that the one that goes to the service provider, Knightsfield Holdings? Is that part of the fee, or the entirety of it?

560 **Hon. Prof. J E Cortes:** Most of it goes to the service provider. I could not confirm all of it. There may be some flexibility for other peripheral expenses, but yes, that is essentially for the service provider.

Mr Chairman: Head 18, Heritage, subheads 1 and 2 stand part of the Bill.

565 **Clerk:** Head 19, Culture, subheads 1 and 2.

Mr Chairman: Head 19, Culture, subheads 1 and 2 stand part of the Bill.

570 **Clerk:** Head 20, Driver and Vehicle Licensing, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, on subhead 2(20), which is Transport Inspectors, the reduction there is due to some kind of policy initiative or different tasks or redeployment of work?

575 **Minister for Transport (Hon. P J Balban):** Mr Chairman, yes, the reduction there is because there has been a reduction in the complement. That is why the figure is lower.

Hon. K Azopardi: Mr Chairman, I am not following that because I would have thought that the reduction in complement would have been reflected in payroll instead of transport inspection.

580 **Hon. P J Balban:** Mr Chairman, this is GDC staff, so it would not be reflected in personnel in that section. Just to try to be helpful, if you look at green page 189 you will see where that section is.

585 **Mr Chairman:** Head 20, Driver and Vehicle Licensing, subheads 1 and 2 stand part of the Bill.

Clerk: Head 21, Technical Services, subheads 1 and 2.

Mr Chairman: Head 21, Technical Services, subheads 1 and 2 stand part of the Bill.

590 **Clerk:** Head 22, Social Security, subheads 1 and 2.

Mr Chairman: We are now dealing with Social Security, yes? Right. Would you call the head, Mr Clerk? Call the head.

595 **Clerk:** Head 22, Social Security, subheads 1 and 2.

Hon. R M Clinton: Mr Chairman, I think we had this arise last year. Subhead 2(17), Contribution to Statutory Benefits Fund – again, there was an estimate of £7 million and then nothing, and we have another estimate of £7 million. Is there an intention to make this payment of £7 million?

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): The £7 million goes to the Statutory Benefits Fund. The fund actually is not in deficit at the moment, it has a small surplus. The deficit or the surplus of the fund depends on the flow of contributions and benefits, so if during the year or closer to the end of the year we find that the need for the £7 million is not great and there is a problem of underfunding somewhere else, then we will do what we did last year. That is to say we are not going to spend the £7 million there if we have a need for it somewhere else which is not at the expense of the funding of the Social Security Statutory Benefits Fund going into the red.

In the absence of anything else, if we put in the £7 million, as it is at the moment, what we would have would be a greater reserve in the Statutory Benefits Fund. This is only going up by 1% this year, so it could be that this year they may need the £7 million because it could be that the entrants ... Every year there are more people coming into benefit than people dropping off at the other end, as it were. That is why there is an increase every year. So with 1% last year and 1% this year, it is possible that there may not be enough funding from contributions to cover the increase in the number of recipients, and that is what the £7 million basically is there for. But if there was sufficient money coming in and the fund did not really need it, then if there was somewhere else where we would be falling short, which had not been provided for, then we would in fact do what we did last year, which is make use of that money somewhere else where the need was greater, as part of the policy of restoring financial stability and not borrowing for recurrent expenditure.

600

Mr Chairman: Head 22, Social Security, subheads 1 and 2 stand part of the Bill.

Clerk: Head 23, Statistics Office, subheads 1 and 2.

605

Hon. K Azopardi: Mr Chairman, at subhead 2(8), Gibraltar Census, the costs of the census for this year, given that the census was done last year, would be due to what? Is it the publication of the census?

610

Hon. Sir J J Bossano: The end of the exercise. I do not know whether they are outsourcing any of the work of dealing with it electronically to do the calculations, but we spent £176,000 the previous year and this £80,000 should be the closure of that. Most of the work on the census is done by the permanent staff, but they have external expenses as well, which would come from the £80,000.

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Mr Chairman: Head 23, Statistics Office, subheads 1 and 2 stand part of the Bill.

Clerk: Head 24, Economic Development, subheads 1 and 2.

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Hon. R M Clinton: Mr Chairman, subhead 2(13) Economic Research, £200,000 outturn and £227,000 estimated. What is the nature of this economic research?

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Hon. Sir J J Bossano: The economic research is not one thing that is permanent. It is not the same thing every year. We spent it on a number of projects that were related to things that we wanted to assess the potential, or areas where we have been looking to giving some support to some area where we thought there would be beneficial levels by priming a particular activity. We are just providing some more because we expect to be doing more this year. I gave an indication of that in the Budget speech, where I said we were planning to invite people to put in expressions of interest. So if we find that people are coming in with an activity, initially the department will

630 use its money getting involved in investigating it, in assessing it or in getting people to do an
assessment for us, and then, if it is something that we think is reasonable to support, any funding
they need from that would be on the basis of providing support as loans which the private entity
would have to pay interest on – there would have to be assets there and they would have to pay
it back – but this is money that we put in support of new activities which does not have to be
635 refunded. The expenditure is of the department itself. It includes, for example ... I am doing,
currently, research on the eventual employment of university students, so we have an exercise
going on at the moment which has been paid in part from over 2,000 of the current of the last
year and going on into this year, where I have some people who are working on tracking the
returning graduates and there will be a report showing how many have actually finished up
640 working in Gibraltar – the initial figures that I am seeing have shown that, in fact, it is probably
less than half that finish up working in Gibraltar – and of those, identifying whether they actually
finish up working in something that can be said to be the result of what they studied. As you would
expect, there are three areas where this is so – lawyers, accountants and nursing. Nursing
graduates finish up being nurses and people studying law finish up being lawyers, but for the rest,
quite frankly, the degree seems to have had little impact on their eventual employment. I think it
645 is important to do that exercise so that we make sure that when we are giving people advice on
what they should be studying, we can try to encourage them to go into the areas where we may
have labour shortages rather than into areas where, having gone through their university
education, they find that they have no opportunity to make use of what they have learnt. That is
an example of the kind of research we do.

650

Hon. K Azopardi: On subhead 2(15), Additional Contribution, can the Minister perhaps explain what the nature of the work booked as additional contribution is, in excess of £12 million consistently over the last couple of years?

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Hon. Sir J J Bossano: It is at the back, on green pages 181 and 182.

Mr Chairman: Would the hon. Member switch on his mic? Otherwise, he is not going to be recorded.

660

Hon. K Azopardi: Well, I am not sure it does, and that is why, perhaps, the Minister can help me. If I go to page 181, I can see that the figure of £12.6 million for forecast outturn, this year's additional contribution, is there, and the estimate for next year, £12.8 million, is there. I am not sure there is a breakdown of that sum because the other contributions are in other departments or agencies, booked elsewhere, I assume, so I am not sure I understand that explanation, because
665 then the bottom line would be £24 million.

Hon. Sir J J Bossano: This shows you where the recipient department is that has received people from the GDC.

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Hon. K Azopardi: If the Minister gives way for a second, I think we understand it now because the breakdown is on page 182, not 181. I think that is it, because those sums at the bottom of page 182 would then account for the breakdown of sub-items (19) to (28). I think that is the explanation, isn't it?

675

Mr Chairman: Head 24, Economic Development, subheads 1 and 2 stand part of the Bill.

Clerk: Head 25, Procurement Office, subheads 1 and 2.

Mr Chairman: Head 25, Procurement Office, subheads 1 and 2 stand part of the Bill.

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Clerk: Head 26, Justice, subheads 1 and 2.

Mr Chairman: Head 26, Justice, subheads 1 and 2 stand part of the Bill.

685 **Clerk:** Head 27, Gibraltar Law Courts, subheads 1 and 2.

Mr Chairman: Head 27, Gibraltar Law Courts, subheads 1 and 2 stand part of the Bill.

690 **Clerk:** Head 28, Policing, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, on the establishment of the Police, I see a lower number there, largely because of the school crossing patrol officer. I assume the school crossing patrol officer was a police officer – or was it not a police officer? Was it an administrative grade? And is it somewhere else – in Education, for example?

695 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Chairman, the difference in the number is exactly nine, the number of the school crossing patrol officers. These were not police officers, and they do appear in another head. They now appear as supernumerary officers at Human Resources. The hon. Member may note it is at page 33 and there are six positions.

700 **Hon. R M Clinton:** Mr Chairman, in respect of any external contracted policing services, where would those appear under this head? Or, if not here, where?

705 **Hon. Miss S J Sacramento:** Mr Chairman, if the hon. Member were to look closely at page 95, subhead 2(10) says Investigation Expenses. That is where he will find the costs will be met from.

Mr Chairman: Head 28, Policing, subheads 1 and 2 stand part of the Bill.

710 **Clerk:** Head 29, Prison, subheads 1 and 2.

Mr Chairman: Head 29, Prison, subheads 1 and 2 stand part of the Bill.

715 **Clerk:** Head 30, Equality, subheads 1 and 2.

Hon. E J Reyes: Mr Chairman, in subhead 2(14), under Shop Mobility, I see it is a constant figure every year of £48,000, but can we have a bit of clarification on what exactly is incurred as a charge to Shop Mobility? What services are provided?

720 **Hon. Miss S J Sacramento:** Mr Chairman, this is a contracted service for repairs of mobility scooters.

725 **Hon. E J Reyes:** Mr Chairman, mobility scooters that pertain to the Ministry per se, or are these privately owned and it is a contribution to help them repair those mobility scooters? I am not quite certain what maintenance is required to what scooter.

730 **Hon. Chief Minister:** As I understand it, Mr Chairman, it is the service that is provided. People who have their mobility scooters would otherwise not be able to obtain the service, so the Government, for many years now – I think Shop Mobility started under them, not under us – has maintained this service.

Hon. E J Reyes: Am I right in detecting from there it is a social assistance to those who may have mobility problems and a mobility scooter is loaned to them or maintained for them and so on?

735

Hon. Chief Minister: I do not know exactly the terms on which it is done, but yes, Mr Chairman; otherwise, those people would not have this service available in Gibraltar.

Mr Chairman: Head 30, Equality, subheads 1 and 2 stand part of the Bill.

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Clerk: Head 31, Civil Contingency, subheads 1 and 2.

Mr Chairman: Head 31, Civil Contingency, subheads 1 and 2 stand part of the Bill.

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Clerk: Head 32, Gibraltar Regulatory Authority, subheads 1 and 2.

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 and 2.

750

Hon. D J Bossino: Mr Chairman, if I may, subhead 2(11) Consultancy Services – what does that relate to?

755

Hon. Miss S J Sacramento: Mr Chairman, this is for contracting services that may need to be outsourced – say, for example, specialist advice that may not be available within the office.

Hon. D J Bossino: Like? The question is a one-word question: like, or such as?

760

Hon. Miss S J Sacramento: Mr Chairman, the hon. Member will see that there is a reduction in this subhead year on year, and this is a balance to show that. The hon. Gentleman will know from questions he has posed in Parliament that there have been vacancies in the professional technical side of the complement, so sometimes technical and professional information may need to be outsourced to others, and he will see that now there is a significant reduction from ... There is a slight reduction from last year and a significant reduction from the year before, but it may be, from time to time, that additional resources ... It is either that additional resources are required – say, for example, to deal with big projects – or it may be that there is a very net point that needs to be looked at and the people who are currently working in the department are unable to do so because of time constraints and the workload that they have.

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Mr Chairman: Head 33, Town Planning and Building Control, subheads 1 and 2 stand part of the Bill.

Clerk: Head 34, Office of Fair Trading, subheads 1 and 2.

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Mr Chairman: Head 34, Office of Fair Trading, subheads 1 and 2 stand part of the Bill.

Clerk: Head 35, Fire and Rescue Service, subheads 1 and 2.

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Mr Chairman: Head 35, Fire and Rescue Service, subheads 1 and 2 stand part of the Bill.

Clerk: Head 36, Airport Fire and Rescue Service, subheads 1 and 2.

Hon. K Azopardi: Mr Chairman, on the contribution to the Airport Fire and Rescue Service, which is subhead 2, that equally is a contribution to the MoD – is that right?

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Hon. Chief Minister: No, Mr Chairman, that is no longer a contribution to the MoD. The Airport Fire and Rescue Service came to the Government *con bombo y bladillo* press releases and photographs, some years ago. The hon. Gentleman, I seem to recall, was already in public life; I am surprised he missed it.

790

Hon. K Azopardi: There is a volume of *bombo y bladillo*, so sometimes I miss them – (**Hon. D J Bossino:** A deluge.) the daily deluge – but grateful for the explanation.

Hon. Chief Minister: It is just that we do so.

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Mr Chairman: Head 36, Airport Fire and Rescue Service, subheads 1 and 2 stand part of the Bill.

Clerk: Head 37, Housing, subheads 1 and 2.

800

Hon. R M Clinton: Mr Chairman, in subhead 2(19), Incidental Estate Security, £131,000 outturn for this year, £1,000 estimate for next year – if we could just have some information as to how that has arisen, especially as there was no provision for it last year.

805

Hon. Chief Minister: Mr Chairman, it has arisen as a result of a lot of antisocial behaviour in some estates and the need to move quickly to try to stop that antisocial behaviour.

The Hon. the Minister and I visited some of these estates, not just with photographers and cameras, as hon. Members sometimes do themselves, but actually to try to get under the skin of what is happening in terms of the anti-social behaviour. There are a number of things that we are doing and that we hope to roll out. One of them is CCTV, which is able to address some aspects of anti-social behaviour, and another is actually having the ability to deploy, in the short term, some additional security, which helps to hold the ring in some areas. This is what happened in the context of the last financial year and what we are making provision for going forward this financial year.

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Hon. K Azopardi: I seem to recall having an exchange with the Hon. Minister, the last time we were here, on this subject of estate security, and I had the impression that the intention was to continue, in a couple of estates, the arrangements that had been put in place. So presumably the cost is not going to be £1,000, it is going to be much more than that, because the arrangements, I thought, also from that exchange, had been introduced at some point during the financial year but not at the beginning of the financial year, so that would only account to a partial annual cost if the cost is carried over for 12 months.

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Hon. Chief Minister: Yes, although we do not expect it will be carried over for 12 months. In other words, we think that these are ad hoc situations that when particular groups of individuals – sometimes a family – are moved, then the issue is not one that continues throughout the rest of the financial year. Indeed, what we are trying to see is whether some aspects of this can be dealt with simply by the provision of CCTV and providing that feed to a central hub where it is monitored, and therefore you do not need to have a security guard there for as long, and that provides a more value-for-money service. So all of that is being assessed. Once we have a clearer assessment of that, we might be able to make a better full-year estimation next year.

830

835 **Hon. E J Reyes:** Mr Chairman, in subhead 2(17) Cleaning Services, is that cleaning in respect of residence estates or cleaning of ministerial offices? I am not quite certain what is covered by that £25,000.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Ministerial offices.

Hon. E J Reyes: So the Government's provision of cleaning of the estates, where would that be charged to?

840 **Hon. S E Linares:** That goes under the contract with the environment, which Britannia holds, so it is not under the housing.

Mr Chairman: May I proceed to the next ...? Head 37, Housing, subheads 1 and 2 stand part of the Bill.

845 **Clerk:** Head 38, Employment, subheads 1 and 2.

Mr Chairman: Head 38, Employment, subheads 1 and 2 stand part of the Bill.

Clerk: Head 39, Youth, subheads 1 and 2.

850 **Mr Chairman:** Head 39, Youth, subheads 1 and 2 stand part of the Bill.

Clerk: Head 40, Sport and Leisure, subheads 1 and 2.

855 **Hon. K Azopardi:** Mr Chairman, on subhead 2(12) Additional Contribution, a question in two parts: an explanation for the forecast outturn increase, the additional, loosely, £400,000 and the £350,000; and the reason why there is a forecast which would be lower. What is booked generally under additional contributions is difficult to understand.

860 **Hon. S E Linares:** Mr Chairman, I would like to direct the hon. Member to the GSLA green pages, where it is all laid out and why there is an adjustment to do with the services that they give, which is the yellow pages of the Sports and Leisure Authority – sorry, the green.

865 **Hon. K Azopardi:** I am grateful for the Minister sending me there, but it was not footnoted in the Estimates, so I had not originally thought I had to go there, but I can see from the top of page 211 that the figures that I have talked about – £5,214,000 and the £6,091,000 for last year – are at the top of the page. I can see that. What I am asking is what is the general sense of those costs. Is he saying in his reply – have I understood it rightly? – that that breakdown would be in the items that follow in terms of recurrent payments? If so, they are not exactly the same figures because the bottom lines are slightly different, but is that pretty much correct that it is the breakdown of the (1) to (27) items there?
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Hon. Chief Minister: Mr Chairman, I am surprised he says he did not see the footnote. It is there in subhead 2(10). In Other Charges, subhead 2(10), he will see Contributions from the Consolidated Fund to the Gibraltar Sports and Leisure Agency. There is a (ii), which refers him to Appendix E, which is the page we are looking at, which is page 211.
875

Hon. K Azopardi: That is not the subhead I was asking about. I was asking about subhead (12). That footnote said (10) and I was asking about (12). (**Hon. E J Reyes:** Additional Contribution.) That is the reason why I did not think it was footnoted there, that the footnote arises earlier. I can see why it can be taken to be a heading rather than a just a footnote to (10).

880

Hon. D J Bossino: I am not too sure.

Hon. Chief Minister: Exactly, Mr Chairman. If he looks at after (10), there is a heading and it has the (ii), which is relevant to (11) and (12).

885

Hon. K Azopardi: Yes, that is what I said.

Hon. Chief Minister: Oh, I see, he thought the footnote at (10) was actually by (10), not at the foot of the page. I see. Okay, well, it is there.

890

Mr Chairman: Head 40, Sport and Leisure, subheads 1 and 2 stand part of the Bill.

Clerk: Head 41, Digital Services, subheads 1 and 2.

895

Hon. R M Clinton: Mr Chairman, in subhead 2(7), Consultancy Services, if we could have some information as to the nature of those consultancy services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Yes, Mr Chairman, these are five individuals who replaced a significantly larger sum, probably four times that amount, in the firm that worked previously. We took on consultants directly and they are doing the job at a far better-value rate.

900

Hon. R M Clinton: And if the Minister has the information available, Mr Chairman, in terms of the nature of the work they are undertaking, is it design for the new ... or part of the Government's digital strategy? Is there any particular specialism that they have?

Hon. A J Isola: Yes, each of them in different areas relating to the design of different e-services that are being built at this moment.

905

Mr Chairman: Head 41, Digital Services, subheads 1 and 2 stand part of the Bill.

Clerk: Head 42, Information Technology and Logistics Department, subheads 1 and 2.

910

Mr Chairman: That is in relation to head 41, or are we talking about head 42?

Hon. R M Clinton: Thank you, Mr Chairman. The same area, subhead 2(8), Consultancy Services. In this case, I would be interested to know what sort of difference in consultancy services would be offered under this head compared to the previous one.

915

Hon. A J Isola: Mr Chairman, those services are in respect of one individual who has worked with Government for a considerable period of time in software and has supported us in areas like income tax and other significant parts.

920

Hon. K Azopardi: Mr Chairman, on subhead 2(11), Maintenance Agreements and Licences, that figure of £5.2 million would be in respect of what kind of agreement?

925 **Hon. A J Isola:** This covers all of the agreements that ITLD manage, so for example data centres,
licence agreements with Microsoft, with Apple, with cybersecurity firms that also provide us with
their expertise – primarily licence agreements for different software that we use. There is a whole
list of them that the Government uses across the board, including for example with the Police,
with Customs, ASYCUDA. There are licence fees across the whole of the Government that come
930 from this subhead but include stuff like cybersecurity work that we contract directly with different
firms. So it is a very significant chunk and the largest part of the work that ITLD manage in terms
of providers.

Mr Chairman: Head 42, Information Technology and Logistics Department, subheads 1 and 2
stand part of the Bill.

935 **Clerk:** Head 43, Broadcasting, subheads 1 and 2.

Mr Chairman: Head 43, Broadcasting, subheads 1 and 2 stand part of the Bill.

Clerk: Head 44, Financial Services, subheads 1 and 2.

940

Hon. R M Clinton: Mr Chairman, subhead 2(8) Consultancy Services – if we could have some
information as to the nature of those consultancy services.

945 **Hon. A J Isola:** Yes, Mr Chairman, these are contract officers within the department and also it
includes a separate individual who works with us on Moneyval and the National Risk Assessment
specifically – the NRA that we started some four years ago in preparation for Moneyval.

Hon. R M Clinton: Mr Chairman, just to be clear, I think I got two answers in one. I asked
specifically on 2(8) and I think he has mentioned 2(12) as well. Are they different functions?

950

Hon. A J Isola: Well, there is a contract officer in Contract Officers and there are also other
individuals who are working as senior executives in Gibraltar Finance who come under consultancy
services, as well as the National Risk Assessment individual I referred to as well.

955 **Mr Chairman:** Head 44, Financial Services, subheads 1 and 2 stand part of the Bill.

Clerk: Head 45, Gambling Division, subheads 1 and 2.

960 **Hon. R M Clinton:** Mr Chairman, if we start with subhead 1, Salaries seems to have decreased –
£140,000 total payroll, to £104,000. I was trying to see if it is explained by the GDC, but it does
not seem to be.

Hon. A J Isola: Mr Chairman, that is in relation to one vacant HEO post that has not been
funded.

965

Hon. R M Clinton: Mr Chairman, on subhead 2(12), Application of Funds from Regulatory
Settlements, £77,000 as a charge – I wonder if we could have some clarity as to why it is showing
as a charge. If it is funds from regulatory settlements, I would imagine money coming in – and this
is money going out somewhere, I guess.

970

Hon. A J Isola: Mr Chairman, this is regulatory fines. This is part of a series that were entered
into by the regulator with the benefit of some of those sanctions going to the Centre of Excellence
at Gibraltar University for responsible gambling courses and to fund the Centre of Excellence. So
the moneys have come in either directly to the University and then been booked back to be

975 corrected, or through the Consolidated Fund as a charge to the firm and then paid to the
University, which is what we did with these – a part of the regulatory sanctions. Not all regulatory
sanctions go to the University. The bulk of them actually come into the Consolidated Fund like it
normally would, but there are some ... The initial ones we did, I think, some time ago, related to
980 these, where some firms committed, as part of that regulatory agreement settlement, to send x
number of people to do AML and other courses at the University.

Hon. R M Clinton: Mr Chairman, I am grateful to the Minister. Would the Minister be able to
point me quickly, on the revenue pages, to where the fine would be?

985 **Hon. A J Isola:** No, I would not, Mr Chairman. The regulatory settlements which were made
originally were improperly booked and that was subsequently corrected, and I think this is the end
of that correcting process.

Hon. R M Clinton: Mr Chairman, can he perhaps provide a little bit of flavour to what he means
990 by ‘improperly booked’? Was it booked to the wrong income subhead, or was it offset against
something?

Hon. A J Isola: Mr Chairman, if he looks at page 11, subhead 5, under Other Reimbursements,
I am advised that is where these receipts are paid into.

995 In respect of the comment that I made, which he just raised, what happened was that, in good
faith, payments were made directly from firms to the University and did not come through the
Consolidated Fund, and therefore we corrected that to ensure that it was booked properly.

Mr Chairman: Head 45, Gambling Division, subheads 1 and 2 stand part of the Bill.

1000

Clerk: Head 46, Health and Social Care, subheads 1 and 2.

Hon. K Azopardi: On subhead 2(4), Secondment, can the Minister perhaps explain what that
1005 secondment of £86,000 would be?

Hon. A J Isola: Mr Chairman, yes, that is one individual who is seconded to the GHA and
working in operations at the Hospital operations – not surgical operations, (*Laughter*) nothing to
do with clinical, but the management operations, if I can call it that, at the GHA.

1010 **Hon. K Azopardi:** But seconded with a view to temporary assistance to the administrative
management, or because there is going to be a job created in the operational management of the
GHA?

1015 **Hon. A J Isola:** There was an individual in post who was going through an administrative
process, and so this individual was seconded in to provide that level of support during that time
and that will hopefully then be corrected at the earliest opportunity.

Hon. R M Clinton: Mr Chairman, just to follow up on that, seconded ... Is this from a
1020 professional firm? Is it legal services, accountancy services, or is it something else?

Hon. A J Isola: No, seconded internally from within Government. To be accurate, from an
agency – (**A Member:** A government agency.) a government agency. Not a lawyer, not an
accountant.

1025 **Mr Chairman:** Head 46, Health and Social Care, subheads 1 and 2 stand part of the Bill.

Clerk: Head 47, Gibraltar Health Authority Elderly Residential Services Section, subheads 1 and 2.

1030 **Mr Chairman:** Head 47, Gibraltar Health Authority Elderly Residential Services Section, subheads 1 and 2 stand part of the Bill.

Clerk: Head 48, Care Agency, subheads 1 and 2.

1035 **Mr Chairman:** Head 48, Care Agency, subheads 1 and 2 stand part of the Bill.

Clerk: Head 49, Drug and Alcohol Awareness and Rehabilitation Services, subheads 1 and 2.

1040 **Mr Chairman:** Head 49, Drug and Alcohol Awareness and Rehabilitation Services, subheads 1 and 2 stand part of the Bill.

Clerk: Head 50, Utilities, subheads 1 and 2.

1045 **Hon. K Azopardi:** Mr Chairman, just to confirm, on head 50, subhead 2(3), Additional Contribution, the lower figure – is that reflected by the fuel costs issue?

Hon. A J Isola: Mr Chairman, all the variations are detailed on page 240, which give rise to that number that the hon. Member has asked me about – within the green pages of the GEA at page 240.

1050 **Hon. K Azopardi:** Yes, I see that under (18) they are expecting lower fuel costs of about £3.7 million on current estimates. Do you want me to repeat it because you did not hear it? I can see, at page 240 on item (18), that they are reflecting possible lower fuel costs of about £3.7 million on current estimates.

1055 **Hon. A J Isola:** Mr Chairman, under Other Recurrent Expenditure there are a series of costs which are significantly reduced from the forecast to the estimate, which is what the hon. Member is asking me about on page 144. That is not the singular difference. There are others which have a difference which are reductions, not just in fuel, which is one of them, but then in Additional Generating Capacity Fuel Costs, and Additional Generating Capacity Other Costs in subheads (24) 1060 and (25) there are further reductions. If you add those up, that will give you the difference that he is referring to on page 144.

Mr Chairman: Head 50, Utilities, subheads 1 and 2 stand part of the Bill.

1065 **Clerk:** Head 51, Business, subheads 1 and 2.

Mr Chairman: Head 51, Business, subheads 1 and 2 stand part of the Bill.

Clerk: Head 52, Tourism, subheads 1 and 2.

1070

Hon. D J Bossino: Mr Chairman, can I take the Minister to subhead 2(11), Hotel Grading? Is that a service which is outsourced, firstly? And secondly, can he explain why the forecast outturn is £2,000, but then he is estimating it to go back to the 2022-23 estimate of £8,000?

1075 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Yes, Mr Chairman, this service is outsourced. We get experts from the UK who do this.

1080 The reason why the forecast outturn was lower and the estimate is higher this time around is because, due to COVID, we have not had a proper regrading and we are going back. So if he goes back to the actual of 2021-22, he will see that approximately £14,000 was spent over two years. That is £7,000 a year, so we are going back to more or less those levels.

Mr Chairman: Head 52, Tourism, subheads 1 and 2 stand part of the Bill.

1085 **Clerk:** Head 53, Postal Services, subheads 1 and 2.

Mr Chairman: Head 53, Postal Services, subheads 1 and 2 stand part of the Bill.

Clerk: Head 54, Port, subheads 1 and 2.

1090 **Hon. K Azopardi:** Only to ask, Mr Chairman, on subhead 2, Contribution from Revenues Received – the reduction there would be attributable to what?

1095 **Hon. V Daryanani:** Mr Chairman, I think there have been some changes, and as I described in my Budget speech, one of the most important issues was the OS35. That affected a lot of the Port's operations for a crucial five to six months and I think it is primarily due to that.

Mr Chairman: Head 54, Port, subheads 1 and 2 stand part of the Bill.

1100 **Clerk:** Head 55, Maritime Services, subheads 1 and 2.

Mr Chairman: Head 55, Maritime Services, subheads 1 and 2 stand part of the Bill.

Clerk: Subhead 56, Gibraltar Audit Office, subheads 1 and 2.

1105 **Mr Chairman:** Head 56, Gibraltar Audit Office, subheads 1 and 2 stand part of the Bill.

Clerk: Clause 3 –

1110 **Mr Chairman:** Can I just interject to say clause 2 stands part of the Bill?

Clerk: Clause 3. Head 58, Contribution to Government-Owned Companies, subhead 1.

1115 **Mr Chairman:** Clause 3, head 58, Contribution to Government-Owned Companies, subhead 1 stands part of the Bill.

Clerk: Head 59, Transfer from Government Surplus, subhead 1.

Mr Chairman: Head 59, Transfer from Government Surplus, subhead 1 stands part of the Bill.

1120 **Clerk:** Head 60, Contribution to the Improvement and Development Fund, subhead 1.

Mr Chairman: Head 60, Contribution to the Improvement and Development Fund, subhead 1 stands part of the Bill.

Clause 3 stands part of the Bill.

1125 **Clerk:** Clause 4. Head 61, Exceptional Expenditure, subhead 1.

Mr Chairman: Clause 4, head 61, Exceptional Expenditure, subhead 1 stands part of the Bill.

Clause 4 stands part of the Bill.

1130

Clerk: Clause 5. Head 57, Supplementary Provision, subhead 1.

Mr Chairman: Clause 5, head 57, Supplementary Provision, subhead 1 stands part of the Bill.
Clause 5 stands part of the Bill.

1135

Clerk: Clause 6, the Improvement and Development Fund. Head 101, Works and Equipment, subhead 1.

1140

Hon. K Azopardi: Mr Chairman, can I ask on Royal Gibraltar Police, the forecast outturn £122,000 this year, £750,000 – that would be related to ...? What type of works and equipment would be required by the Police?

1145

Hon. Chief Minister: Mr Chairman, it is the whole gamut of police equipment, so he is going to find everything from the vehicles, the marine expenses, the Kevlar for the body armour, the bullets and all the rest of it. All of that will be around there.

Do you want more detail? Transport is £60,000, more or less; IT equipment, £25,000; building works, £5,000; furniture and equipment, £2,500; special equipment, £120,000; firearms, £44,000; and marine, about £450,000 – marines are the expensive ones.

1150

Hon. K Azopardi: And the marine one is what, a new launch or something?

Hon. Chief Minister: It is either works, Mr Chairman, or replacement of the *Sir Joshua Hassan*, which is the smaller ... not the fast one.

1155

Hon. D J Bossino: Mr Chairman, why the increase under the head for beaches, which is (r)(i)?

Hon. Prof. J E Cortes: That is the operational budget that the department responsible for it utilises, and you will have seen that there has been an increase because there is an intention to do additional works on some of the beaches for further improvements.

1160

Hon. K Azopardi: On (za), just at the bottom of the page, the new servers for ITLD – is that new servers for the Government itself, or is it something else?

1165

Hon. A J Isola: Yes, Mr Chairman, these are the new servers. We have had to replace the existing ones that have been in situ, I think, for five years. These are the new ones coming to replace them.

1170

Hon. K Azopardi: And at (z), the Government Computerisation Programme, that is part of a rolling programme? I see that in previous years – last year £450,000, the year before that, £2.7 million. Is that part of some overall programme? And what is the overall cost of that programme, if it is a programme?

1175

Hon. A J Isola: Mr Chairman, I would have to get precisely what these amounts relate to because they are part of the overall programme, but it is divided up, so I would not be able to say what capital costs these are in respect of, but I can certainly get that to the hon. Member.

Mr Chairman: Head 101, Works and Equipment, subhead 1 stands part of the Bill.

Clerk: Head 102, Projects, subhead 1, Roads and Parking Projects.

1180

1185 **Hon. K Azopardi:** Mr Chairman, perhaps an explanation of the forecast outturn in tunnels and roads to North Front, the £6.1 million spent this year – a better understanding of that and the increase over the estimate for last year. It is £1.6 million more than last year. And then why it is envisaged that it will cost £2 million. Is that a balance to complete? What kind of project are we talking about?

1190 **Hon. Chief Minister:** Mr Chairman, this is leftover works in the context of the tunnel. It is all of the remaining areas leading up to the tunnel and the works that will need to be done, some of it in the area of the Airport and the Frontier, on that side of the tunnel.

Hon. K Azopardi: Oh, I see, this is the Kingsway Tunnel, is it, the balance of that? I see. Okay. Did I understand correctly that that also goes for the £2 million for this year? That is a balance for Kingsway?

1195 **Hon. Chief Minister:** Yes, Mr Chairman, there are works to be done still on the Frontier side. The hon. Gentleman will see there is a temporary layout there. That will need to be finalised. I think we have taken the view that we were not going to totally finalise that until we decided whether or not there was going to be work that was treaty related which would change the way that the layout is proposed at the moment, so that is related to that.

1200 **Hon. K Azopardi:** The Minister, by the way, is blinding me with his torch.

Mr Chairman: Carry on to subhead 2, Mr Clerk.

1205 **Clerk:** Subhead 2, Relocation Costs.

Hon. K Azopardi: On Other Relocations, which this year has £1 million booked, is that an amount which they will use for relocations without a specific relocation in mind, or is it planned for specific relocations?

1210 **Hon. Chief Minister:** Mr Chairman, this is a list of potential relocations which, depending on when they might happen, would require much more considerable expenditure than that set out there already. But they are never likely to occur in this financial year and so the amount given is about a fifth of the amount that would be required for all of the relocations that are on the head-up display of the CTO.

1215 **Clerk:** Subhead 3, Reclamation Projects.

1220 **Hon. K Azopardi:** Again, Mr Chairman, can we have an understanding of that? Is that ongoing reclamations; and, if so, is it only part of the cost?

1225 **Hon. Chief Minister:** Mr Chairman, this is the cost associated with the manner that we are dealing with Victoria Keys at the moment, which includes rubble processing, the movement of the Eastside rubble processing facility to the Coaling Island area, erosion protection for the Coaling Island reclamation etc.

Hon. K Azopardi: I see, so how much of the forecast outturn for last year was due to the same things – Victoria Keys, movement of the rubble, the Eastside, etc?

1230 **Hon. Chief Minister:** Mr Chairman, I do not actually have a breakdown of the forecast outturn for last year, I have just got a global figure, but I think it is because it is exactly that. I think it is the bulk of the work. He will see that a lot of the area in front of Coaling Island has already been reclaimed. The bulk of the work there has been done for that amount of money, and this is the balance that we expect to spend this year as a Government. There are other options of how that is going to continue at no cost to the Government.

1235 **Hon. K Azopardi:** But this provision does not contain provision for any other reclamation, other than that one? There is no provision for reclamations that they had in their political manifesto, for example?

1240 **Hon. Chief Minister:** Other reclamations that we had in our political manifesto because Victoria Keys was in our manifesto. Yes, there is a token in there in respect of that other potential reclamation, which provides enough cover for the technical work that is being done in respect of that.

1245 **Clerk:** Subhead 4, Other Projects.

Hon. D J Bossino: Mr Chairman, I will group these together for the Minister for Heritage. Could I ask for further details on (a), (d) and (g)?

1250 **Hon. Prof. J E Cortes:** (a), (c) and (g), I believe – is that what the hon. Member said, (a), (c) ...? (**Hon. Miss S J Sacramento:** (d)) Okay, thank you.

The Heritage Building Refurbishments is an amount which is available for use at the request, obviously with government agreement, of the Government Archaeologist for any works that may be required that he may identify.

1255 Item (d) is for a number of projects in the Upper Rock, which includes, this year, the provision of additional picnic sites.

The Garrison Library is structural work, including completion of electrical rewiring that was deemed to be necessary, obviously for good reason – we want the electricians to be good and safe. That is going to take the bulk of that, as well as some other improvements to the building.

1260 **Hon. D J Bossino:** That was very interesting, but I asked for (g), which is Heritage Projects, not Garrison Library.

1265 **Hon. Prof. J E Cortes:** Similar to the refurbishment one, this is the budget that the Archaeologist, with whom I meet every week, has available. We cannot predict exactly what may come up, but some of that will go to completing the works at Southport Gates and any other similar restoration works that the Archaeologist may deem are important to be carried out.

1270 **Hon. D J Bossino:** I thought it would be useful to have two further items, which I would like to ask. In this case it will be the Minister for Housing, I assume, which is (p) Infrastructure Provision for Housing Projects. What is envisaged there?

1275 **Hon. S E Linares:** These are works that need to be done in infrastructure for the housing estates – for example, Hassan Centenary Terrace, Bob Peliza and Chatham – and there is a value to each one of them which amounts to the £1.5 million that is there.

1280 **Hon. D J Bossino:** And my final point under this head is (s) because that deals with what would probably fit best the description he has just given in relation to (p), which is infrastructure provision for new developments. Can he explain what that relates to and how it distinguishes from (p)?

Hon. S E Linares: That they are not for the affordable homes. They might be for other projects like the Eastside, or any other places the infrastructure is needed.

1285 **Hon. E J Reyes:** Mr Chairman, if I can ask, in respect of subsection (zzg), the Island Games Facilities, is this in connection with the facilities for the Island Games of four years ago? I thought those projects were now complete. Perhaps we can have some clarification about the £265,000.

1290 **Hon. S E Linares:** These are probably works that need to be completed in Lathbury because if it is CSL, it will be the GSLA. The CEO of the GSLA would be handling this amount, so I would suggest that it is to do with works that might be needed to be done in Lathbury – finished or to complete.

1295 **Hon. E J Reyes:** Mr Chairman, how can I refer to this ...? At the very end, after the subparagraphs, there is a list of projects without actually being sub-numerated, but five from the end there is a section on boat moorings for which the last expenditure was in 2021-22. I am sorry, there has not been expenditure. Does that mean that there is no provision being made for the boat moorings that I alluded to during the Second Reading when I asked where we could find the expenditure earmarked for the Watergardens small boats marina? My understanding is the Minister has met the users there and has promised them continuously, but he said we had to wait for this next financial year for the project to get going, which was imminent – but I still have not found the expenditure allocated for it.

1305 **Hon. Chief Minister:** No, Mr Chairman, that is not the head for that. That is a discontinuing head. The ones that appear later in italics are the discontinuing heads. I think that Boat Moorings comes from something else that was done many years ago and is now just being shown as ending. The Watergardens marina, I think, is not dealt with here in these projects. I think it was dealt with through the Port Authority.

1310 **Hon. E J Reyes:** I think I have understood that the Chief Minister is saying that under the Consolidated Fund estimate there is a section in the Port Authority for upkeep of premises and so on. Is that the area he is referring to?

Hon. Chief Minister: Port Authority expenditure. It is not I&D expenditure.

1315 **Hon. R M Clinton:** Mr Chairman, subhead 4(zh), which is described as UK/European Treaty Joint Facility with a footnote that says ‘Up to 2021/22 titled “Airport Shared Office Facility”’, cost of £387,000 outturn in 2022-23 – I was just interested to know why this project has been renamed. Is the facility no longer at the Airport?

1320 **Hon. Chief Minister:** No, it has been renamed because it is now very likely to be referred to in the treaty, not just in the New Year’s Eve Agreement.

1325 **Hon. R M Clinton:** Mr Chairman, I do not see what that has to do with the Improvement and Development Fund projects. Why would the way something is referred to in a treaty affect how these projects are labelled? Perhaps there is something I am missing.

1330 **Hon. Chief Minister:** You are not missing anything. Mr Chairman, how these projects are labelled is a matter for the Government, and the Government has decided that because it is likely to be referred to in the treaty, although it is still going to be at the Airport in exactly the same way as it was set out in the New Year’s Eve Agreement, a more appropriate description going forward is to refer to the treaty which will engender the existence of it.

Hon. R M Clinton: Mr Chairman, the cost of £387,000 – how far is it to completion, this facility?

1335 **Hon. Chief Minister:** It has not been started yet, Mr Chairman. That is just the works that were needed to be done in respect of the infrastructure below the Airport in the event that we are to build this facility.

1340 **Hon. D J Bossino:** May I also ask what the cost in relation to (zi) relates to? It says Relocations Associated with Affordable Housing Projects. Which relocations are we talking about? There is £1 million which has been associated with it.

Hon. Chief Minister: The relocations in part, Mr Chairman, of areas like AquaGib, which needs to go to another site, which will include intakes etc. to make more space for the second phase of Bob Peliza Mews.

1345 **Hon. D J Bossino:** And, Mr Chairman, (zq), which is described as the refurbishment of the ex-St Martin's School. Given that the Possibility Centre is now opened, why is there a need for £450,000 to be spent this year?

1350 **Hon. Chief Minister:** Because it was opened this year, Mr Chairman. The year started on 1st April.

Hon. K Azopardi: Mr Chairman, on (zs), the Sustainable Traffic and Transport Parking Plan, the £1.2 million projection – is that largely the cycle lanes, or is it other things?

1355 **Hon. P J Balban:** Mr Chairman, that includes the bicycle lanes, but it also includes any other project which falls under the STTPP.

Hon. K Azopardi: So is there some kind of breakdown of how the £1.2 million would be used?

1360 **Hon. P J Balban:** Mr Chairman, it very much depends on the projects that are embarked upon, but the STTPP includes things like the residential parking scheme, of which we have done zones 1 to 4, but the intention was always that all of Gibraltar would be zoned and we would eventually have a zone 5 or a zone 6. A considerable amount of that funding will go towards the bicycle lanes because that is really the most important part of the project, something which has not been completed and is still ongoing and will be ongoing for many years. I expect that that would be, if not the lion's share, quite a substantial amount of that head in the future.

1365 **Hon. K Azopardi:** And on (zza), which is over the page, Eurocodes, can someone explain what that is?

1370 **Hon. Miss S J Sacramento:** Mr Chairman, the hon. Member may recall that in my Budget speech I made reference to the development of some codes that we need in terms of building regulations and codes, and I said that we would be prioritising looking at codes for earthquakes and high structures to ensure that they are safe against high winds. The hon. Member may recall that I said that in my intervention a couple of days ago.

Hon. K Azopardi: And the cost at (zzv) on the Mount, that is just a general refurbishment of the Mount, or is there any other specific intention there?

1380 **Hon. Deputy Chief Minister:** Mr Chairman, that refers to the ongoing refurbishment and restoration works which are going on at the Mount.

Clerk: Subhead 5, Equity Funding/Funding.

1385 **Hon. R M Clinton:** Mr Chairman, under subhead (5)(a) Equity Funding/Funding, Government-owned Companies, I would be grateful for information in respect of the £10 million outturn for 2022-23 in respect of which companies and what amount; and also, in respect of the estimate for 2023-24, what is it that the Government envisages that £10 million would be earmarked for?

1390 **Hon. Chief Minister:** Mr Chairman, this is general funding for the company structure where there is capital cost in the companies. This is how it is provided for. We provide the recurrent cost, as I gave him this morning. We provided a breakdown of the total recurrent cost that we have contributed to in the companies and also a breakdown of the capital costs that the companies have that we have contributed to, and this is a further £10 million that is going to be funded in that way for capital costs of the company structure.

1395

Hon. R M Clinton: Mr Chairman, he talks about capital costs but this is equity funding, so he has presumably subscribed for shares in government companies. All I want is identification of the companies and how much equity has been injected into each.

1400 **Hon. Chief Minister:** It has not yet been done, Mr Chairman.

Hon. R M Clinton: Mr Chairman, with respect, I was initially talking about the outturn for 2022-23, which does show £10 million.

1405 **Hon. Chief Minister:** Oh, he meant 2023-24, Mr Chairman? I thought he was asking me about 2023-24. The 2023-24 has not yet been done. It is money that is going to be spent.

1410 **Hon. R M Clinton:** I am sorry, Mr Chairman, we may be talking at cross purposes. Let's start at the beginning. The forecast outturn for 2022-23 shows £10 million as equity funding government-owned companies. Can the Government provide an analysis of what that £10 million has been spent on, in terms of equity? Otherwise, it is not equity.

1415 **Hon. Chief Minister:** Mr Chairman, the heading is not Equity Funding, the heading is Equity Funding/Funding. It is not just equity funding, it is being used as funding for capital projects, as I suggested to him. He has made the assumption that because the heading says Equity Funding/Funding, it has all gone to equity funding – another assumption of the sort that I illustrated could get them into so much trouble.

1420 **Hon. R M Clinton:** Mr Chairman, I am just trying to understand where this £10 million has gone. So this £10 million, presumably the Chief Minister can confirm that it is not equity funding but it is for capital costs, in which case, can he advise, at least, to which entity this £10 million went, or entities?

1425 **Hon. Chief Minister:** Mr Chairman, as he knows, we do not give a breakdown of the moneys in the government cash pool of the companies, and when we do capital projects we do not give a breakdown of which of the companies the capital projects have been carried out by. We have never given it; neither did they.

1430 **Hon. R M Clinton:** Mr Chairman, I am obviously not going to get any joy on that. Can we move to the estimate for 2023-24? Is any of that equity? Or is it, as the Chief Minister describes, again, for funding of capital projects in government-owned companies?

1435 **Hon. Chief Minister:** At the moment, Mr Chairman, it may be one, both or either, so I think it is likely that it will be capital projects rather than equity funding, but it could be some equity funding as well.

Hon. R M Clinton: And finally, Mr Chairman, in terms of AquaGib, is any of the cost of the acquisition of AquaGib envisaged in that item for 2023-24? Or is there some other mechanism that is envisaged by the Government to acquire AquaGib by way of financing?

1440 **Hon. Chief Minister:** There is another mechanism envisaged, Mr Chairman, which may not involve financing.

1445 **Hon. D A Feetham:** Just one question from me, Mr Chairman. Returning to the £10 million, at least can he confirm that that initially goes to Gibraltar Investment Holdings Ltd and then, from there, it is dispersed through the rest of the Government, the corporate structure? Or is that £10 million, without identifying the companies, going to separate companies?

Hon. Chief Minister: It usually does, Mr Chairman, but it does not have to.

1450 **Clerk:** Subhead 6, Brexit Measures.

Mr Chairman: Head 102, subheads 1 to 6 stand part of the Bill.
Clause 6 stands part of the Bill.

1455 **Clerk:** Clauses 7 and 8.
Appendix B, the Gibraltar Development Corporation.
Appendix C, Borders and Coastguard Agency.
Appendix D, Housing Works Agency.
Appendix E, Gibraltar Sports and Leisure Authority.

1460 **Hon. E J Reyes:** Mr Chairman, in subhead (23), under Swimming Pool Expenses, given that we now have two swimming pools, is that a combined total for both, or are they accounted for separately?

1465 **Hon. S E Linares:** No, Mr Chairman, it accounts for both at the moment. The hon. Member must understand that the Lathbury pool is very much automated and everything is done by computer, so it does not have a lot of expense, as in running expense, when it is to do with the expenses of the pool.

1470 **Hon. E J Reyes:** Yes, I understand that part of the automated ... but given the substantial figure – the forecast outturn for last year was £350,000 and now we are making a prediction of £360,000 – the expenses will relate to what? Surely, no matter how much automation we may have up at Lathbury, if the day-to-day running and maintenance comes out of the swimming pool expenses – in the plural – I think there is very little provision being made to cater for an extra pool that is twice the size and twice the width.

1475

Hon. S E Linares: Mr Chairman, if the hon. Member looks at the actual 2021-22, it was up at £374,000, then it went to £360,000, which is the estimate, and it is expected to spend £350,00, and therefore ... Some works were done during that year because we had problems in the GASA. I remember the hon. Member asking me questions about why it was closed. That was why we had an extra expense that year, but we are hoping that we can keep to budget at £360,000.

1480

Clerk: Appendix F, the Gibraltar Health Authority.

1485 **Hon. R M Clinton:** Mr Chairman, if I may, under Recurrent Payments, item 46, Maintenance Agreements and Licences, we have an amount of about £1.7 million, which seems to appear for

the first time as an estimate for 2023-24, and I would be grateful for some indication as to what that is in relation to.

1490 **Hon. Chief Minister:** Mr Chairman, this is a new subhead which shows what was previously included under head 21 on computer and office equipment expenses, which, if the hon. Gentleman looks at it, had an outturn last year of £1.8 million and now has £220,000. The balance has come here – the £1.689 million is the balance of that – because we took the view that because it is a different sort of expense, it is actually a licence agreement, it should be booked differently. 1495 It was not a computer and office expense of the sort that we book elsewhere. The licences are usually provided for elsewhere.

I do not know whether the shadow Member for Health would have spotted that because he is not here today – he was not here for the reply and he is not here for the Committee Stage – but I think it is something that we have discussed before in questions.

1500 **Hon. R M Clinton:** Mr Chairman, I note, on line 35, that Compensation and Legal Costs was about £1.1 million for 2022-23, but obviously we pay quite hefty insurance, in line 38, of about £4 million. I vaguely remember – and I could be wrong – that there is an Insurance Sub-Fund that was created. I cannot remember whether the GHA is contributing to that or has its own external insurance. If not, why would that not cover any claims? 1505

Hon. Chief Minister: No, the Insurance Sub-Fund is for the Government to be self-insuring in most of what it does, but not the GHA. The GHA is a separate insurance, Mr Chairman.

1510 **Hon. R M Clinton:** In which case, the compensation paid out under line 35 obviously ... I guess the answer must be that it just is not covered by the insurance.

Hon. Chief Minister: Obviously.

1515 **Hon. R M Clinton:** Mr Chairman, in line 41, Rents and Service Charges, that seems to have gone up from £280,000 to £405,000 in the year forecast – if we can have some idea as to what that relates to?

1520 **Hon. Chief Minister:** Mr Chairman, yes, this is 15 premises that are booked, on which we pay rent – a catering container and portacabins etc., file storage, Brexit storage and some Rock vaults.

Hon. R M Clinton: Sorry, Mr Chairman, I did not hear him very well. The last word he said was Rock something?

1525 **Hon. Chief Minister:** Rock vaults.

Hon. R M Clinton: And the GHA is renting the space to store records or some other equipment?

1530 **Hon. Chief Minister:** I think there was a lot of the material there for COVID which was stored, Mr Chairman, and maybe some of the beds, some other material. I think we took this area during the pandemic because of the additional huge amounts of equipment we had to buy, and it had to be stuff that would not be perishable and stuff that would be able to be maintained in those areas.

1535 **Clerk:** Appendix G, Gibraltar Health Authority, Elderly Residential Services Section. Appendix H, the Care Agency.

Hon. K Azopardi: Mr Chairman, can I ask about item 29, Home Support – Supported Living in the Community, and the reason why the Government is projecting that estimate given the forecast outturn of £4.3 million last year and an estimate of £3 million?

1540

Hon. A J Isola: Mr Chairman, clearly, supported living in the community is a transitional stage, in most cases, and the estimate is based on what the experts in the Care Agency are telling us they are going to be requiring for the forthcoming 12 months.

1545

Clerk: Appendix I, Gibraltar Electricity Authority.

Hon. R M Clinton: Mr Chairman, if I may, on item 27, Contribution to ES Ltd – Operating and Maintenance Contract, I note that 2021-22 is £1½ million, 2022-23 is £2 million, and then 2023-24 seems to be £2½ million. There seems to be a pattern of an increase of £½ million a year. Can the Government shed some light as to for how long ...? Is it a schedule or contract in which there will be annual increases of half a million? And, if so, for how long?

1550

Hon. A J Isola: Mr Chairman, we do not have that information available with us, but I will be happy to get that information and pass it on to the hon. Member. It is clearly a contract. I do not know enough about the schedule to detail the answer, so I would rather err on the side of caution and get the right information.

1555

Hon. R M Clinton: Mr Chairman, I appreciate that.

And the line item above it, item 26, Contribution to ES Ltd – last year it was £11½ million and this year it is projected at £12½ million. I imagine it may be the same, in terms of some sort of contractual arrangement, but a million increase just seems to be a lot.

1560

Hon. A J Isola: Mr Chairman, I would say the same as in respect of the previous one. I am not sure how the funding arrangements are caught within that. ES Ltd is the company that owns the unit and obviously funds it, so I do not know if it is relating to increased interest costs, but again, I will come back and revert.

1565

Hon. R M Clinton: Mr Chairman, on item 17, GHA Related Expenditure, I note that there was an amount of £25,000 estimated last year and again for this coming year, but nothing was expended. Does the Government have an indication of what sort of GHA-related expenditure the Electricity Authority would have incurred?

1570

Hon. A J Isola: Yes, Mr Chairman, this relates to protective clothing and training in respect of the members of the GEA who work within the GHA, within what we call the Techno-Medical Division, which is members of staff of the GEA who are seconded to the GHA and work in the Hospital, maintaining, operating and repairing all the electro-technical equipment they have within the Hospital. It was not used last year and obviously it is being continued for this year.

1575

Clerk: Appendix J, Gibraltar Port Authority.

1580

Hon. E J Reyes: Mr Chairman, if I reference back to what I asked earlier on about the small boats marina at the Watergardens and I was asked to look under this section, would the expenditure earmarked for that one come under subsection (14), Maintenance of Port Installations and Equipment, or is it accounted for somewhere else?

1585

Hon. V Daryanani: Mr Chairman, it comes under Capital Account Payments, Works and Equipment.

1590 **Hon. E J Reyes:** So there is a £399,000 provision made for that. Is that the whole sum exclusively for the marina?

Hon. V Daryanani: We still do not have the exact cost of the marina, so it might be, or it might not be.

1595 **Hon. R M Clinton:** Appendix B to Appendix J stand part of the Bill. Clauses 7 and 8 stand part of the Bill.

Clerk: The Schedule.

1600 **Mr Chairman:** The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Appropriation Bill 2023 –
Third Reading approved: Bill passed**

1605 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Appropriation Bill 2023 has been considered in Committee and agreed to without amendment. I now move that it be read a third time and passed.

1610 **Mr Speaker:** I now put the question, which is that the Appropriation Bill 2023 be read a third time and passed. Those in favour of the Appropriation Bill –

Hon. Chief Minister: Mr Speaker, I call a division.

1615 **Mr Speaker:** A division is being called.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. Sir J J Bossano
Hon. Prof. J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. A J Isola
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. D A Feetham
Hon. E J Reyes

ABSENT

Hon. Ms M D Hassan Nahon
Hon. G H Licudi
Hon. E J Phillips

1620 **Mr Speaker:** The result of the division is as follows. There were 9 votes in favour, there were 5 against, and there were 3 non-attendances. The Bill is carried. *(Interjection, laughter and applause)*

Hon. Chief Minister: By almost two to one, Mr Speaker.

1625 I move that the House should now adjourn to tomorrow at three in the afternoon, when the Government intends to continue to deal with Bills. I will give the hon. Member an indication of which are the Bills that we intend to take tomorrow, as soon as I am able to, hopefully in a few hours.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 19th July at 3 p.m.

1630 I now put the question, which is that this House do now adjourn to Wednesday, 19th July at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 19th July at 3 p.m.

The House adjourned at 7.06 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.13 p.m. – 7.11 p.m.

Gibraltar, Wednesday, 19th July 2023

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The Gibraltar Parliament

The Parliament met at 3.13 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*]

Order of the Day

BILLS

FIRST AND SECOND READING

Land Registry Portal and Electronic Stamping Bill 2023 – First Reading approved

Clerk: Meeting of Parliament, Wednesday, 19th July 2023.

Order of Proceedings: (ix) Bills – First and Second Reading.

5 A Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes.

The Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20

Clerk: The Land Registry Portal and Electronic Stamping Act 2023.

Land Registry Portal and Electronic Stamping Bill 2023 – Second Reading approved

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for the Land Registry Portal and Electronic Stamping Act be read a second time.

25 This Bill is designed to allow Land Property Services to move to a digital registry with electronic registration of deeds and electronic stamping. Clause 3 of the Bill amends the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and will and thereby permit the creation of this digital registry. The Bill, therefore, introduces a new section 8(4) of the Gibraltar Land Titles Act giving the Registrar power to provide a portal through which any person seeking to register a deed must submit an application. That would facilitate the registration process and permit a move to this new digital registry. The requirements of the portal are set out in the Schedule. The Registrar will have a duty to provide assistance to a person who is not legally represented to register a deed or a will.

30 In clause 4 we see that the Bill would also amend the Stamp Duties Act 2005 to introduce electronic stamping as Land Property Services moves to a digital registry. The definition of 'stamped' will be amended, therefore. The current definition is retained for documents stamped prior to the commencement of this Act whilst new documents will be stamped by way of electronic stamping through an electronic stamping system, which is defined in that new clause 4A that hon. Members will have seen. Definitions of 'stamping' and 'stamp' are similarly amended to cover both the traditional stamping method and the issue of a stamp certificate issued electronically.

40 Section 16 of the Stamp Duties Act 2005 is also amended by this Bill to reflect the six-month period in which a deed must be stamped and registered, ensuring a streamlining of the process.

Section 30 is deleted, as there will no longer be a need for duplicates and counterparts of documents – good for trees, Mr Speaker. (**Hon. Prof. J E Cortes:** Indeed.)

45 Section 19C addresses a Budget measure which creates an exemption on certain affordable housing estates, as I described during the course of my relevant address, and will include references to Hassan Centenary Terraces.

Finally, the Bill amends the regulation-making powers at section 46 to introduce a regulation-making power which will cater for any other requirements of the electronic stamping system.

50 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. Roy Clinton.

55 **Hon. R M Clinton:** Thank you, Mr Speaker.

Insofar as the Bill serves to modernise and bring into the 21st century systems for registration of documents and land registry etc., obviously those are matters which we can only welcome on this side of the House and are fully in support of.

60 The additional measure in respect of his Budget measure from 2019 ... I think I have made this point before, Mr Speaker, and I will continue to make it, that we seem to be in the habit of passing amendments that are mentioned and required by Budget speeches a substantial time afterwards. This was a measure from the Chief Minister's Budget speech from 2019, and if I may quote from his paragraph 497, which you will recognise:

Therefore, in order to assist with the purchase of future affordable homes, we will be introducing an amendment to the Stamp Duties Act whereby all initial purchases of properties by homebuyers in affordable housing estates developed by Government will be exempt from stamp duty. This measure will help ensure that future generations of Gibraltarians are able to continue to get on the property ladder and be the owners of their own home.

65 That was in 2019, and here we are, today, in 2023. It is evident that the completions of Hassan Centenary Terraces are due this summer, and therefore there is a need for this amendment to go through. Indeed, Mr Speaker, you will recall that the Chief Minister had originally certified this Bill as urgent on 20th June 2023. Seeing as the Bill was originally published on 25th May 2023, there was no requirement for a Certificate of Urgency, although I wonder why we did not do it in June.

70 Coming back to the Budget measure, what I would say is given the obvious increases in costs to young people and the difficulty in getting on to the first rung on the property ladder, we on this side of the House, in respect of this Budget measure, if indeed it had been put into a Finance Bill, would vote in favour of that particular clause, as we think it is a clause that is worthy of support, especially as mortgage interest rates, unfortunately, are on the increase.

75 This Bill covers two areas, really. One is in respect of modernisation, the other one is in respect of a retrospective Budget measure. They both have our support. In fact, this is an ideal example of what a Finance Bill would do, where it actually amends different bits of legislation in different places in one piece of legislation.

80 One thing that the Chief Minister did not mention, I think, in his address was the amendment he has proposed to this Bill dated 23rd June, where he has two particular amendments, one of which is in respect of the University of Gibraltar – a general exemption from all stamp duty – and then the second of which is whereby ... I think it is in relation to this specific clause of the University of Gibraltar, where it is effectively backdated to 1st January 2016. In respect of that I would request that the Chief Minister provide some clarification as to the necessity or the desirability of this amendment in respect of the University of Gibraltar and why it is backdated to 1st January 85 2016.

Other than that, Mr Speaker, we will support this Bill in full. Thank you.

Mr Speaker: The Hon. the Chief Minister.

90 **Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for indicating that they are going to be supporting the Bill. I do think that we should all be welcoming the modernisation of the registration process and it becoming digital. I do not, however, agree with any of what the hon. Gentleman has said about the need for a Finance Bill. He knows I do not agree. He says he is going to keep saying that we should have a Finance Bill. I am going to keep telling him that we are 95 not going to agree to have a Finance Bill unless in any particular year we think we should and that we should do it in that way.

We are going to continue to make the amendments in the way that we make the amendments today, which was the way that ... He told us he marched down Main Street in 1996 to liberate Gibraltar from a former GSLP administration, and in that march he ushered in a Government that 100 did it in the way that we are doing it. Therefore, in respect of the liberation that he says he brought, we will continue the practice of that liberation.

Mr Speaker, frankly, I had a whole section to go on about yesterday, which I omitted because of the time, but very often with the hon. Gentleman it is all about form over substance, so you put a measure in that says that you will exempt or change stamp duties in an Act that deals with land 105 titles – which is what a stamp duty is, in effect, dealing with land titles – and he says it should not be there, it should be in a Finance Act, and if it was in a Finance Act it would be in the proper place and if it is in this Act it is not in the proper place, ‘but I still support it here and I support it in the Finance Act’. That is the best example I have seen of why the hon. Gentleman is all about form over substance, but I am pleased that at least on the substance he is going to support the Bill and 110 he is going to support the measure, even though it was a measure announced in a Budget that he voted against. What the hon. Gentleman is, in effect, telling us is that he wants us to put things in a form that enables him to support Budget measures and say that he supports Budget measures whilst at the same time voting against the Budget. Therefore, it is very clear that the form over substance debate is even confusing him. I am disappointed at the insistence on the part of the 115 hon. Gentleman that we must have a Finance Bill. We do not need to.

Finally, on the point of the University, the Government took the decision some time ago to exempt the University from the payment of stamp duties. The University is a charity. It is the sort of entity that we would want to see exempted from stamp duties. I believe the first relevant land title transfer was in 2016, which might have attracted stamp duty, which we were exempting them 120 from, and that is why we are advised to make the exemption now.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a second time. Those in favour? (**Members:** 125 Aye.) Those against? Carried.

Clerk: The Land Registry Portal and Electronic Stamp Act 2023.

**Land Registry Portal and Electronic Stamping Bill 2023 –
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 will be taken later today, if all hon. Members agree. 130

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye)

**Parliament (Amendment) Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to amend the Parliament 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 Parliament Act be read a first time. 135

Mr Speaker: The Hon. the Chief Minister issued a memorandum on 23rd June explaining that the Bill was urgent enough to dispense with the giving of the usual six weeks. 140

I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Parliament (Amendment) Act 2023.

**Parliament (Amendment) Bill 2023 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time. 145

The Bill is moved by the Government – if I may say so, at the request of the Parliament – to ensure that when the parliamentary election is called we have the flexibility for this election that we have seen work very effectively in the context of, I think, the referendum on the Crimes Act, where we made a similar amendment. That amendment only affected voting in referenda, not voting in parliamentary elections, and so this issue deals with postal voting and the need in our current legislation for the person who is going to vote by post to be out of Gibraltar. I know that in the past that has caused some difficulty for people who have to be out of Gibraltar after the relevant deadline has passed, or find that they return to Gibraltar for other circumstances, especially those who are going to be away in a place where they are not going to be able to get 150

155 their ballot in the right time, but sufficiently in Gibraltar, although they will not be here on polling
day, that they will receive the ballot in Gibraltar, will be able to vote in Gibraltar and deliver their
envelope to the post office so that their vote will be counted. The same amendment worked very
160 successfully in the context of the Crimes Act and the report to us – and, I am sure, to Members
opposite – from the Clerk and from the Parliament generally was that it made dealing with the
postal voting easier. Easier means that more of those people who want to vote and who are
entitled to vote get to vote, and more of those votes get counted because they return in time to
be counted. Therefore, the Government is agreeable to the movement of this Bill. I certified it as
urgent simply to ensure that the Parliament had the legislation in place before the summer, so
that for an autumn election they will be able to have all of the relevant procedures in place.

165 Therefore, 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.

170 **Hon. K Azopardi:** Mr Speaker, insofar as the issue of the postal voting, which is the only issue
that the Chief Minister has addressed in his principal contribution on the Second Reading, we have
no difficulty supporting it. Our difficulty in this proposed Bill lies somewhere else, and if I may
address that specifically so that he understands our concern, the proposal would be to amend
section 25 of the Parliament Act in the proposed section 3(3) of this Bill, to allow a provision that
175 says:

In the event of an emergency as defined by section 10 of the Civil Contingencies Act 2007 being declared the Minister may by Notice in the Gazette suspend all or any of the provisions in any rules made pursuant to this section

Under section 25 of the Act, rules are introduced which are used to support an election. If, in effect, you suspend the rules, you suspend the election, and that gives us some concern at different levels. If I may explain, part of our concern is that this provision is potentially unconstitutional unless amended. So let me explain our concerns.

180 The Chief Minister will know that under the interplay between sections 37 and 38 of the
Constitution, under section 38 – I think it is section 38 – the House must be dissolved within four
years of its first meeting. So there is a constitutional requirement to dissolve the House at a
particular moment in time. Under section 37 there is then a constitutional requirement to issue a
writ for a general election within 30 days, so again, a deadline. This potentially, read like this,
185 unadulterated without being made subject to the Constitution, could be used as a power that is
used in a period where it is not possible to suspend an election because the Constitution requires
a writ for a general election to have been issued for a particular date. I think that point would be
met if at the Committee Stage of the Bill we were to introduce the words, at the beginning of that
section, ‘subject to the provisions of the Constitution’. If we were to say so, I think it would meet
190 that particular point.

The other point I would have is that this is unprecedented because there was not a power that would allow a Minister to suspend the rules and therefore suspend an election, and that brings into play all sorts of issues of democracy and power and so on. Those powers would need to be exercised cautiously. But of course, there may be circumstances, very extreme circumstances, that would require the exercise of a power, if it is done in consultation, when there are circumstances that make it absolutely necessary.

195 The Chief Minister knows that, for example, when there was no power specified in statute, when the Abortion Referendum was going to be first held it happened to coincide with the outbreak of the worst part of COVID. I remember he called me the leader of TG to discuss the issue of his proposal to suspend the Abortion Referendum until such time as the COVID pandemic settled, so that it could reasonably and safely be held, and of course we agreed, because it was the right thing to do, without any issue.

205 So I understand that there may be circumstances, but I think the backdrop of the civil
contingency is ... The panorama is very different. The global pandemic has been declared as over
by the WHO. We always have to have an eye on the possibility that something might emerge, so I
recognise that we might want to cater for a power, as long as it is constitutional. But I think it is
also important, given the sensitivity of the exercise of the power – because you would be doing
so in a way that, in effect, suspends a general election – that it be done with general approval of
210 both sides of the House and the parties contesting. I think what would meet that point would be
if, after the words ‘at Committee Stage’ we were to introduce after the word ‘Minister’ ... if we
were to say ‘after consultation with the Leader of the Opposition or such person who was the
Leader of the Opposition before the dissolution of Parliament should a dissolution have occurred,
and with his approval’, and then it would carry on ‘may by Notice ...’ You would expect a Leader
of the Opposition, or someone who was the Leader of the Opposition in circumstances where
215 there is a global or a particular Gibraltar-unique public health reason, civil contingency, to be
reasonable, but I think it is important in the interest of democracy that it should say so.

Subject to the inclusion of those amendments, we would be able to support the Bill. Otherwise,
I regret that on the current framing of that provision, we would not be able to support it.

220 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the indication from the hon. Gentleman that
they will be supporting the amendment to the postal voting aspect of this Bill. Similarly, I note the
things that the hon. Gentleman has said.

225 The inclusion of these words is not a political imperative for the Government. We have just
been asked to provide for this on the basis that when looking at the referendum, it was noted that
in the context of convening the referendum the Chief Minister could simply issue a notice to stop
that campaign, and here it was impossible to do. So this is a genuine concern about those who
organise elections. If we are ever to find ourselves once again in a situation where it is necessary
230 to stop a process, it can be stopped.

If I may say so, with respect to the hon. Gentleman, when I rang him it was not that I was
ringing him with my proposal to adjourn the referendum, it was my proposal based on the advice
we had been receiving from the medical professionals. It was not a decision that we had made;
we were advised that we should make it. Again, in the context of this power, it would be a power
235 that could only be exercised, as it says already, in the context of an emergency.

If I can go to the proposals that the hon. Gentleman makes, I have no issue whatsoever with
including the words ‘subject to the Constitution’. I think they are entirely superfluous because
every law we make is subject to the Constitution; it cannot be anything other than subject to the
Constitution. Every law we make would have to take the words ‘subject to the Constitution’ if that
240 were necessary, literally every law we make. If it gives him comfort because of the nature of what
we are dealing with, which is a general election, to include those words, I would be happy to
exceptionally – and I want to say this for the purposes of the *Hansard* – include those words in
this context when they are genuinely, in my view – and he will agree with me on reflection,
perhaps – not necessary.

245 The second point that he makes I find it very difficult to agree. The idea that a power exercised
by a Minister in an emergency should only be subject to a consultation and agreement by the
person who was or may have been or may be a Leader of the Opposition seems to me to be
genuinely the wrong thing to be doing in that context. You have to understand when I make these
points that I am not for one moment failing to understand the sensitivity of what we are dealing
250 with. This is a general election that we are dealing with and suspending it would be a very sensitive
thing and we must therefore ensure that our laws in that respect are very clearly set out, but the
first part of the phrase says ‘In the event of an emergency’, and then ‘as defined by section 10 of
the Civil Contingencies Act 2007’, which is an Act that they did when they were in government
and is an Act which sets out, I think very accurately and in keeping with the UK civil contingencies

255 legislation, what the types of emergencies are. These are not at large. An emergency has to be
declared and it has to be certified as such, and then certain powers are available. I believe that all
the Governments of Gibraltar we have had to date and, no doubt, all Governments of Gibraltar
we will have in the future will not seek to gerrymander an election by conjuring up an emergency.
Indeed, I believe, from memory – and others may be better able to remember this, perhaps even
260 the Leader of the Opposition – that in 1988, when Operation Flavius was executed in Gibraltar,
there was already a general election on, and I understand – again from memory because I did not
look at it for this, I read about it incidentally – that the general election campaign was either
delayed by a week or somehow was put on hold. It may have been just the campaign that was
suspended for a week and the date not changed, I cannot remember, but there have been
265 instances in the past where things have happened where general elections have been affected.
Here, that sort of incident would not, you would imagine, curtail a general election happening on
a Thursday – this was an incident happening on a Sunday, resolved in great measure by the
Monday, when the car was removed – but you could have a situation like that.

The question is do we genuinely not trust each other when we have ministerial office to
270 discharge the functions that relate to the exercise of people’s democratic rights in a way that is
going to be in keeping with the rules. I think he can trust me and I can trust him and we can trust
every Member of this Parliament and every person who has been a Member of this Parliament in
the past not to have used or abused any of the powers that they may have been given, in particular
in the election period, in a way that would be designed to gerrymander. Having said that, I do
275 think that it is not a bad idea that we perhaps look at this clause in committee and look at whether
we perhaps put in a time limit, for example, where we might say you might suspend for no more
than seven days and then put in something else – and for no more than seven days on no more
than three occasions, and then if not, we might have to refer to some other agreement.

My view is that this is likely a power that would have to be used very likely after a dissolution
280 had happened, because you would not dissolve if you were in the middle of an emergency, even
if you had intended to. You might have a dissolution that happens to you, because you could be
in the period where the dissolution happens. I seem, from memory, to recall that the ceremonial
opening was on 14th November, so if you have an emergency on 10th November, a dissolution
can happen to you. You might have been wanting to dissolve yourself on the 12th. You might find
285 yourself in that sort of situation. So this happens when you are dissolved and you are still a
Minister, there is no House, there is no Leader of the Opposition – of course, that is why the hon.
Gentleman said ‘or had been Leader of the Opposition’. I think the power would be very sparingly
exercised there. You would really have to show, if it was lockdown – to talk about the situation
we have been through – that you had the medical advice telling you that you had to do it, that
290 sort of thing, before you were ready to do it. You would be a fool, if you were standing for election,
to simply suspend the election – to suspend the Constitution, in effect, by suspending the election.

So if I can, Mr Speaker, I will give the hon. Gentleman the comfort that I am prepared to think
of some wording that we might look at in Committee Stage to put in some time limit for the
Minister to act. Then, without being colonial, if he wanted to insist on some further comfort, I
295 would suggest, apart from the time limits, potentially, if those time limits had to be renewed, that
after their third renewal it would have to be with the consultation and agreement of His Excellency
the Governor. That brings in a player who has been seen as being colonial in nature, but in my
view, in the context of a general election, for example, is Crown qua Crown in respect of Gibraltar,
to whom we take the oath, not a third-party administering power’s representative, and I think
300 would potentially give us all an element of comfort in the context that the hon. Gentleman is
suggesting. But to say that it has to be agreed between both sides of what had been the House
post the dissolution I think is potentially problematic in my view of how it might be dealt with.

But anyway, I have given him my views and I think we can discuss it perhaps when other Bills
are ongoing that we are not involved in. We might have a chat behind the Speaker’s Chair and we
305 might be able to agree something for Committee Stage.

Mr Speaker: But you could start thinking of what it is that you can both agree to behind the Speaker's Chair, whenever that is possible. We have lots of Bills to deal with, so there will be time.

I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a second time. Those in favour? (**Members:** Aye.) Those against? (*Interjection*) The Opposition are abstaining, but the Bill is carried.

**Parliament (Amendment) Bill 2023 –
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 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.)

**Education and Training (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Education and Training Act. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Sorry, Mr Speaker, I thought the hon. Lady was going before me.

I have the honour to move that a Bill for an Act to amend the Education and Training Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Education and Training Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Education and Training (Amendment) Act 2022.

**Education and Training (Amendment) Bill 2022 –
Second Reading approved**

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): I have the honour to move that the Bill be now read a second time.

Mr Speaker, I draw your attention and that of the House to my letter of 19th May, which supersedes some previous letters. I apologise for having written to you several times, but the last letter was following extensive discussions with the Hon. Edwin Reyes, which were very productive, and I will mention that again in a minute.

Also to note that in Part VIII A the Roman numerals should read VIII A and not IIX A

This Bill amends the Education and Training Act to reflect current practice, as well as modernise the language used throughout the Act. These updates are of particular relevance in the context of special educational need or disability provision, the school leaving age and the role and duties of the Director of Education.

340 The challenges that have presented themselves over the last few years in terms of the pandemic and the realisation of the dangers of climate change have also been given consideration in these amendments, with the duty to provide remote learning and the duty to provide and promote environmental education.

345 In addition to these changes, new provisions are included centring on the information that is to be provided to the Department when registering a child, as well as the consequences of not doing so, a commitment to have at least two government secondary schools in Gibraltar and a concerted effort to maintain disciplinary standards in our schools and how students are to be reintroduced into schooling.

350 Clause 3(2) amends section 2 of the Act. Paragraph (a) updates the language of the Act. There are also amendments to reflect changes in how education establishments are now categorised and the new school leaving age of 16.

355 Paragraph (e) amends subsection (4) of the Act in order to reflect the updated school leaving age and, for the avoidance of doubt, when a pupil is deemed to have reached that age for the purposes of the Act. In short, the Act treats a child's birthday as occurring at the end of the school year, meaning that whilst they may turn 18 in March, for example, under the Act they will have done so once the school year is completed. This facilitates enrolment and so on.

Paragraph (f) amends subsection (5) of the Act in order to require a notice in the Gazette to be published should the date for the end of school year change.

360 Clause 3(4) amends section 6. It removes the Minister's ability to exempt an education institution from the provisions of the Act.

365 Clause 3(5) amends section 8. The amendments, in large part, update the language used. However, paragraph (e) introduces two new paragraphs and, as a result, two additional duties for the Director. These relate to remote learning and developing teaching techniques as a response to the issues we faced with the provision of education during the pandemic with online teaching clearly not currently being provided for.

370 Clause 3(6) introduces a new section 8A. It is an additional duty on the Director to promote education in regard to the environment, with particular emphasis on the climate emergency and ecological crisis and the provision of opportunities for pupils to experience the outdoors and build relationships with nature. Education regarding the very real issues facing the youth of not just Gibraltar but the world will play a lead role in the societal shift that is required. The addition of this section restates the Government's commitment to a green Gibraltar, as set out both in the election manifesto and the Climate Change Strategy, and it also meets the commitment I made during the COP26 climate summit held in Glasgow in 2021.

375 Clause 3(8) amends section 14 and in the process gives the Minister discretion on whether an Education Council should be established and its composition.

Clause 3(9) redrafts section 16 of the Act in two subsections with the intention that the principles of education policy should extend to independent schools.

Clause 3(11) introduces a new section 17A, which states what information is to be provided when registering a child at a government school.

380 Subclauses 3(12) and (13) focus on the provision of schools offering primary and secondary education. More specific to the physical changes that schooling has undergone during the Government's tenure, a commitment to maintaining a minimum of two secondary schools in Gibraltar will now be enshrined.

385 Clause 3(16) focuses on discipline and is another substantive move to align our procedures with our counterparts in the UK. The Director will now have a duty to ensure that behavioural policies are pursued in our schools, with a focus on setting out general principles which head teachers are to take into account when formulating these policies. These changes also take into consideration the pupils' needs with specific reference to their age, religious requirements and any special educational needs they may be living with.

390 In addition to this, clause 3(18) introduces reintegration interviews for people who have been suspended.

395 The changes that are contained in this clause also hold parents to a greater standard when it comes to a child's education, and they will also be required to take on new duties under these amendments. Specifically in regard to suspension, there will be a parental responsibility to ensure, where they have been notified of said suspension, that their child is not seen in a public place during school hours to which their suspension relates.

400 A view has been taken to refocus some of the existing duties that are present in our law, and I refer specifically to section 52 of the current Act, which is being amended by 3(41). This section deals with attendance, and the amendment now requires pupils to maintain an attendance record of 85% in a school term.

Clauses 3(26) to (29) reflect the modern relationship that our institutions enjoy with religious education, worship and instruction. In addition to this, the membership of the Advisory Council on Religious Education will now be more diverse.

405 Significant consideration has been given to the Department of Education's approach towards special needs provision and how we can best provide for these children's education, as well as to how we set out the procedures from the point of assessment onwards, and subclauses (31) and (34) to (37) address these issues.

410 To ensure that the newly introduced and amended duties mentioned are treated with the respect and importance they deserve, penalties which are attached to the Act have been increased throughout, with a general penalty provision increasing to £500 in the first instance and £1,000 for every subsequent offence.

415 These changes are required in the short-to-medium term and they are to be supplemented by amendments to subsidiary legislation over the course of the coming weeks prior to the Act being commenced for the start of the new term. This is reflected by the additional regulation-making powers that have been added under clause 3(50). These regulation-making powers address domestic matters such as registers setting out inset days etc.

All of these changes will continue to operate with the requirements set out in section 82(4), which states that all regulations under section 82 will need to be laid before Parliament.

420 As I said at the start of this address and have already mentioned in my Budget speech, I thank the Hon. Edwin Reyes for his contribution in this Bill, and I do so again now. We worked together on this for many hours and I dare say that we ended up with a better Bill in the end as a result of those very helpful and constructive discussions. I also wish to thank David Smith for his commitment in drafting and the team in the Department of Education – present and past, as we have been working on this for some years. I want to also thank NASUWT, both their past executives and the current team, including that in the UK, for their helpful contribution and feedback.

Mr Speaker, I commend this Bill to the House.

430 **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.

Hon. E J Reyes: Thank you, Mr Speaker.

435 I am very grateful to the Minister for his patience when we have met, and we have been up and down and even left to right on the Bill. It is a Bill that we welcome because certainly it needed updating. It needed to be brought in line with the 21st century. It is actually replacing a 1974 Act, which in its own right was controversial. We are talking of close to 50 years and many things have happened in the world of education. With some of them, we are just the victims of what happens in the overall world, and more so because we follow the British system. In those 50 years we have had the introduction of national curriculums and so on in the UK.

440 I accept, and I just mention it to have it on the record ... the Minister and I agreed that subsequent to this Bill, he will at some stage look into the Education and National Curriculum Regulations as published in 1991. There were minor technical things and nomenclatures. We now

have a senior education adviser who has *[inaudible]* and so on. On that understanding, we are happy to reconfirm what I had already told the Minister, that we will be supportive of this Bill.

445 If I may highlight, Mr Speaker, among our many discussions I think we were unanimous in accepting that we are far better off, once again, in having lower and upper primary that are aligned with key stages. I think those were political ambitions from both sides of the House. I am glad to note the Government has decided to enshrine it in law, through public legislation, that there will be at least two secondary schools. That, of course, is welcome because it does give ... Although
450 the Department of Education plans in such a manner that pupils coming from such a catchment area will go one year to one school and alternate, it does give pupils and teachers alike a choice, and we are all for choice.

Education is a partnership of not only the professionals in the schools but also parents, and I think a couple of things come out in this Bill where the Director is asked to make sure, through
455 the head teachers, that the parents are made aware of the school and so on, so the school ethos, which cannot be defined in law ... Certainly those of us who have spent a lifetime in schools welcome that.

We did spend a lot of time, and I think we have now come to a consensus ... There was a section, from subsection (41) onwards, on the Advisory Council on Religious Education. The composition,
460 as such, I am quite happy with. It is representative of the religious bodies now in Gibraltar. The Minister and I had discussed, because of the interpretation of the words ... At one stage, if I just look at section 41, it says:

The Minister may establish an Advisory Council on Religious Education under this section to advise the Minister upon matters connected with ...

and there is 'religious worship', 'religious instruction' and 'religious education'. So it is up to the practical day to day terms of the Director taking the policy decisions for the Minister of how,
465 where and when worship may take place in school and so on. But we were both wondering is it something that holds properly, should it come to the ultimate of having to go to a court of law or whatever. What is the difference between religious instruction and a religious education? A note I got from the Minister, which I am not disputing but I wanted recorded, is that religious instruction is generally worship related – in other words, denomination related – whereas religious education
470 is more objective teaching on different religions. That, I recommend to the Minister, is something he could perhaps mention to the National Curriculum Council to look at, because within the provisions of the National Curriculum and from core and foundation subjects and so on in UK they were trying to make some provisions for it. So we are not going to waste our time today – it does not really affect the primary legislation, but it is something that is pending.

475 In the same way, I will mention that on this side of the House, although the title is Education and Training Act, we accept from the Minister that he is really tackling the education aspect of it. It does not mean he has put away forever the training section, and that is something that we will hopefully be able to work together on in the future.

I know some things could be dictated by a new relocation of the College of Further Education and so on. My interpretation of all this is that the College of Further Education will continue to be
480 an educational establishment to provide education but starting from an age of those past the compulsory school age, which is now raised to 16. I think in the old legislation there was a provision more clearly set out that pupils under the age of 15 could not enrol at the College. It is more of an administrative nature, but I mention it because it does make provision in the Bill that
485 the compulsory school age is 16 but grants the Minister power to be able to raise that to 18, which I welcome because it aligns us more with the United Kingdom, where the compulsory school age is 18 but the pupil may leave at 16 with the consent of the authorities, and consent is granted where a pupil is leaving school at 16 not to stay at home but is engaging in some sort of apprenticeship or type of employment and so on. We are not restricting ourselves so much to
490 that. We are saying up to the age of 16 you will attend; it is up to you what you do after that. I

think there will be provisions in the training part made available for certain priority to those who have left school at 16, who have completed at least two ... the equivalent of a GCSE standard, irrespective of what grade they end up getting. There is provision already in the Bill for the Director of Education to ensure that certain vocational training is delivered in schools. So again, that is covered in this legislation. And then there are practical, day-to-day terms, which I am not too worried about at this stage.

I said at the meeting with the Minister, and I record it here, I wish him the best of luck, having been involved in the profession for so many years. We have left within the Act the provision of school committees. The problem has always been getting the right people interested in taking part. The mechanism of it, especially the intention, is quite good. We tend to find that parents of children in lower and upper primary school are far more willing to participate on school committees. There is always a danger that these school committees take on a role that, at other times and in other places, may be interpreted as a school fundraising committee. I think the intention here is more to advise the school, to help the school, to even depoliticise the issue but get concerned parents to raise it with the Minister should the occasion ever arise that funding for certain upkeep of school premises and equipment may be required. So we are supportive of that.

I think the Minister accepted, and it is probably one of his amendments, that by inheriting the previous legislation, those appointed to the school committees had representatives of teachers, and it said here 'but not being a member of staff of the school'. Although I understood the Minister's argument is to bring in an outside influence, I said – I think the Hon. Steven Linares will probably nod his head with me – we had to sometimes semi-blackmail some teachers and say do, for heaven's sake, serve on a school committee. But if I am a teacher in a particular school, to go to a rival – a healthy rivalry exists – upper primary school and be part of that school committee ... Does your heart really go with you in your role there? If it is possible to have the members of that school staff, it just helps to reinforce the work being done through the committee – on which, I repeat, I wish the Minister the best of luck.

There are no objections to anything else. We had even discussed the section where the young person who wanted to get employment needed to consult the Director of Education if they were under 18, but it was clarified between us, so there is no problem there.

The Minister nods his commitment that he is going to revise the nomenclature, such as it made reference to Principal Youth and Careers Officers and we need those updated, as well as having on the record that although not a major objection – it was perhaps a bit of a safeguard on my side – the Government has to appoint a Director of Education and I said the Director of Education should be someone who, in his own right, is already a qualified teacher. We clarified this. The Minister first provided me with something saying that it is more appropriately dealt with by the Chief Secretary and even the Public Service Commission, but he undertook to follow it up and I trust him. I know that he did have some sort of experience in the schools, but I know his heart is certainly behind the right thing in this one here.

There are provisions for independent schools, as well, made here in the legislation. It does give the Director the right, or the power in fact – an obligation is perhaps the right word – to inspect the schools and see them and so on. I am interested – but it is a debate for another day – to follow up. Government can even make grants and contributions to independent schools, but, with the proviso that it is equally applicable to all independent schools, in principle there should be no major of objections to it.

I am glad to see we continue with the health provision, something that a few years back no one thought would ever be necessary. When we had the pandemic, certainly the schools needed to ensure the health and safety of pupils and staff and so on, so that in itself is very welcome.

Mr Speaker, I do not have anything else to add here in the notes, just to thank the Minister for his co-operation and, whether we both continue with our respective portfolios or not, I certainly look forward to working with whoever, on whatever side of the House, on the next phase, which will be the training one and so on. Therefore, once the Minister, at the Committee Stage, tables

his amendments, which I think are now in order, I reconfirm that we will end up supporting this Bill.

Thank you, Mr Speaker.

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Mr Speaker: The Hon. John Cortes.

Hon. Prof. J E Cortes: Mr Speaker, thank you very much.

I would like to thank the hon. Member and, obviously, the Opposition for supporting the Bill and for his contribution in developing it.

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I do not have to answer all the points point by point, because it is a summary of the discussions we have already had and we have agreed on the outcomes, which I confirm are in that letter. Just one minor point is that setting out that there should be two separate government secondary schools does come as a result of some speculation, with the co-location of Bayside and Westside, that it would become one school and representations from the union that this should not be so and it is not in the interests of Gibraltar that we should put, literally, all our eggs in one basket, and that is now confirmed.

555

So with renewed thanks to the hon. Member for the constructive way in which he has approached it, I am very happy to continue this collaboration. Just to point out that, yes, there are a number of regulations that need amending before, in effect, we commence at the beginning of term, although the commencement date is before that, but the de facto commencement of this Act will be when school starts, and between now and then we have a number of regulations that we will be publishing once this Bill is approved.

560

So, with nothing further ado, I once again commend the Bill to the House.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Education and Training Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Education and Training (Amendment) Act 2022.

**Education and Training (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

570

Minister for the 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 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.)

575

**Heritage and Antiquities (Amendment) Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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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 amend the Heritage and Antiquities Act 2018 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Heritage and Antiquities (Amendment) Act 2023.

**Heritage and Antiquities (Amendment) Bill 2023 –
Second Reading approved**

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): I have the honour to move, Mr Speaker, that the Bill be now read a second time.

The Government has, for years, prioritised the preservation, enhancement and conservation of all aspects of Gibraltar's heritage. Being a place of great historical significance, there are items of great heritage value located in many different areas. This Bill serves two main purposes. It amends the 2018 Act to regulate the use of metal detectors, which can often be used to find items with heritage value. This will ensure that there is greater monitoring of articles with heritage value found using these instruments. Secondly, it implements measures consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which prohibits dealing in antiquities or objects of interest which have been unlawfully removed from the place they were found. This will ensure that any items of heritage value found in Gibraltar cannot be taken out of Gibraltar to be sold in antiquities markets online or added to private collections abroad.

The Bill inserts a new section 28A to the Act, which restricts the use of metal detectors by requiring the consent of the Minister prior to their use. There are exemptions for law enforcement officers and military personnel using such instruments in the course of their duties. The consent of the Minister will be required to use metal detectors in a public place, except for on the beaches, where there is a minimal risk of finding or damaging antiquities. Any archaeological findings must be reported. The granting of the consent to use a metal detector can be given subject to conditions, which will be implemented when necessary to safeguard any heritage item or historical area. Since section 28A governs the use of metal detectors, it replaces the former section 50 of the Act, which is repealed by the Bill.

The Bill also creates a new section 29A, B and C, together with consequential amendments, which together are intended to prohibit the dealing in antiquities or objects of interest which have been unlawfully removed or excavated from the place they were found, defined as tainted property. The Bill further amends, at section 49 of the Act, as well as the Imports and Exports Control Regulations 1987, to provide for forfeiture of any antiquity or object of interest which unlawfully is imported or exported.

Lastly, a minor amendment corrects an error in Part 3 of Schedule 2 and clarifies the definition of Alexandra Battery.

Mr Speaker, this Bill will go a step further in ensuring that Gibraltar history and heritage are protected and conserved for the benefit and enjoyment of everybody. The Bill also empowers our law enforcement officers to tackle conduct which seeks to treat the findings or trading in heritage objects as profit-making enterprises and sends a strong message that this will not be acceptable in Gibraltar.

I commend the Bill to the House.

630 **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, this is a Bill which the Opposition wants to support, and the Hon. the Minister rightly points out that it is an improvement on the current legislation and the statute book, but can I ask him to address some points?

635 There is a point which I have been alerted to by my hon. Friend Mr Clinton, and if he will consider this point, it relates to the amendments to current section 49, which is in terms of removal of antiquities and objects of interest from Gibraltar. In his initial address to the House, the Hon. the Minister talks about that in terms of tightening the provisions in relation to the removal from Gibraltar. As a result of the amendments which this Bill introduces in clause 3(7), it
640 widens it to include importation of antiquities. The definition of an antiquity or objects of interest is already in the legislation, and in effect, if I can paraphrase, is something of historical, archaeological or any value which relates to Gibraltar. It strikes us as somewhat draconian, but it may be inspired by the conventions that the hon. Member has referred to, that, for example, if somebody imports or purchases an item of historical value which relates to Gibraltar – through
645 eBay, let's say – unless that individual has the Minister's permit, that individual could find himself the subject of a custodial sentence of 12 months. If I could ask him to address that point for the sake of *Hansard*, I think it would be very useful.

The other points, I think, are slightly more minor. Is the analysis correct that the repealing of current section 50 in clause 3(8) is, in effect, because it is a replacement by the intended new
650 section 28A? The hon. Member will know that section 50 talks about antiquities etc. which are obtained as a result of use of equipment, whilst section 28A is more specifically targeted at use of metal detectors. I just, at a very high level, thought at this stage that the current provision was wider and therefore would be more effective than simply specific to metal detectors, because it talks about, as I said earlier, the use of equipment in more general and generic terms. So I would
655 ask him, please, to address us on that; it would be very useful.

If I can also take the hon. Member to what is, should this be passed, section 28A(3), which defines a protected place. I think this would be of benefit for anybody who is considering this in the future. For the benefit of *Hansard*, is it, in effect, the intention that a protected place is, in reality, the entirety of Gibraltar, except for the seashore? In other words, henceforth, the use of
660 metal detectors in Gibraltar, other than at the seashore, which is also specifically defined in the legislation, will be prohibited in order to obtain ... any antiquities identified as a result of the use of metal detector will be prohibited?

Can I also, finally, Mr Speaker, ask him to address this point as well, which is in section 28A(4), which talks about the removal of any antiquity or object of interest which has been discovered by the use of a metal detector? I have not considered the Act in detail when looking at this particular
665 Bill, but is the obtention of these items other than by the use of a metal detector also covered? Again, it is as a result of the specificity of that clause that it may leave out less than desirable behaviour which ought to be caught, in our view, by the provisions of the Act and the Bill.

670 Mr Speaker, that is the end of my points in relation to this.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, in general, I cannot understand what the Minister is trying to do with this Bill, but on behalf of ... I must declare an interest, Mr Speaker. I have, for most of my
675 lifetime, been an avid collector of anything in relation to Gibraltar, some of which may be more or less than 50 years old, but certainly all have a connection to Gibraltar and all are of interest to Gibraltar. In fact, it is through private collectors in Gibraltar who have assiduously, over the years, been collecting books, manuscripts, prints and various other items of interest, that they are repatriated to Gibraltar. Otherwise, they would still be out there, on eBay or other sites. And so I
680 would ask the Minister whether the way this measure has been worded is perhaps draconian, in

that effectively what he is saying is that no one will be able to import so much as a postage stamp that is more than 50 years old into Gibraltar without permission. I know this is probably not his intention and I may be exaggerating, but on a rather bland reading of the law – and I am not a lawyer, but my colleagues are – it would appear that that would be how the provision would work.

685 There is no exit from that provision on importation. How does a bona fide purchaser for value of a Gibraltar item of interest import it legally into Gibraltar? Does everybody now need a permit from the Minister to import anything of historical value that is of interest to Gibraltar?

I think it is important. Again, as I said at the beginning, I understand what the Minister is trying to do, but perhaps it needs a bit of refinement, and I would ask the Minister to take that into account.

690 Thank you, Mr Speaker.

Mr Speaker: The Hon. John Cortes.

695 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to both Members of the Opposition for what I think are interesting comments. I do not believe that we need to refine it. I will explain a little bit of the background and place it in context. There have been a number of instances very recently in which individuals, it would appear – and they have been subject to investigation – have been using metal detectors on sites of heritage interest and advertising their wares, so to speak, online
700 outside Gibraltar and elsewhere. There has also been an incident in which one particular item was imported purporting to be a historical item of considerable value which came from Gibraltar, and there was no provision in the law for us to be able to tackle and seize it in any way. This is why we have introduced this. I do not think it is draconian, in the sense that I think common sense will prevail. If anybody has a genuine interest in regularly importing items of historical value, I think
705 they can always apply for permission and the permission will be granted. It is not that we are trying to stop something bona fide like the Hon. Mr Clinton clearly does, so I do not think that is ever going to be an issue and the archaeologists will be on the front line to discuss this and assist anybody with interest. In fact, if I can move down specifically to metal detectors, we have already had one application even in advance of the law being passed. They have seen the Bill and they
710 have applied. I think it is important that, yes, it should just apply to metal detectors and not to other equipment. Otherwise, we might require somebody to have a licence in order to use a shovel digging their garden, so I think we do specify metal detectors specifically.

I want to then also consider the other point that the Hon. Mr Bossino made regarding other items. The Act in itself does require any item, however it is identified, to be reported to the Museum curator, and therefore I think we are covering that one as well. *(Interjection by Hon. D J Bossino)* Yes, certainly.

Hon. D J Bossino: I am grateful for the response and I am sure that is going to be very useful, but if I can take him to the current definition in section 3(a), it is actually – following on from the point that my friend makes – wider than items even of historical interest. If one looks at it – and I think all the various subsections are to be read disjunctively – it means any object which is a work of art, for example – and I am paraphrasing the relevant bit – so long as it has a connection to Gibraltar – and it does not even necessarily need to relate to Gibraltar – will be caught by the prohibition unless you have the Minister's permission to bring that article in. So it is draconian not
725 just in the sense of the penalties you can face as a result of this particular misdemeanour, being in breach of the Act, but also draconian in the sense of the wide net that is cast as a result of the amendments which the hon. Member now wants to introduce.

Hon. Prof. J E Cortes: Mr Speaker, I am quite flattered that the hon. Member is now accusing me of being too strict in protecting Gibraltar's heritage, when usually it is the other way round.

I do not believe that we need to amend, but in the spirit of the Hon. Chief Minister's discussion on an earlier Bill, I am happy, between now and the Committee Stage, to step outside and discuss

possible amendments in order to cover those facts. I am happy to do that, and if we come to an agreement I will propose it at Committee Stage. If not, I will keep the Bill as proposed.

735 **Clerk:** With nothing further to add, 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 Heritage and Antiquities Act 2018 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Heritage and Antiquities (Amendment) Act 2023.

**Heritage and Antiquities (Amendment) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the 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 be taken later today, if all hon. Members agree.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Environmental Governance Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to make provision about targets, plans and policies for improving the natural environment; to establish requirements for statements and reports about environmental protection; to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes.

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The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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 about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes 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 about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Environmental Governance Act 2023.

**Environmental Governance Bill 2023 –
Second Reading approved**

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.

770 Prior to Brexit, most of Gibraltar's environmental law and policy derived from the European Union, and EU structures and processes have provided for the oversight and enforcement of such laws. This Bill sets out the measures needed to ensure that there is no environmental governance gap, now that Gibraltar has left the EU. The Bill requires a setting of long-term, legally binding and joined-up targets tailored to Gibraltar, and it embeds consideration of environmental principles
775 in future policy making.

The Bill places a statutory requirement for the Government to prepare and maintain an environmental improvement plan, the first being the 25-Year Environment Plan, which is about to be published, and creates a new statutory cycle of monitoring, planning and reporting to ensure continuing improvement to the environment. It also establishes a new framework for setting long-
780 term and legally binding and joined-up targets covering, at least, air quality and resource efficiency and waste reduction, water and biodiversity.

The Bill legislates for environmental principles to protect the environment from damage by making environmental considerations central to the policy development process. The principles work together to ensure policymakers consider choosing policy options which cause the least
785 environmental harm.

Ministers of Government will be required to make a statement to Parliament setting out the effect of new primary environmental legislation on existing levels of environmental protection provided for by environmental law. These statements will be published and open to scrutiny by Parliament, environmental stakeholders and the broader public as proposed new primary
790 environmental legislation passes through Parliament.

The Bill also includes a commitment to review the biggest changes in environmental legislation from around the world every other year.

Lastly, the Bill also makes provision for new policy to conserve and enhance nature and biodiversity.

795 The Bill is partly derived from the UK Environment Act 2021, with appropriate modifications for Gibraltar's purposes.

The Bill allows Gibraltar to enshrine better environmental protection into law. It provides the Government and public bodies with powers and duties which, together, provide accountability, consistency and progress towards environmental improvement. These issues are too important
800 to the well-being of current and future generations to be left to party political variance and the Bill will ensure that future governments are bound by environmental principles and are not able to simply undo progress in this area without accountability and transparency.

I commend the Bill to the House.

805 **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, in the absence of my hon. and learned colleague Mr Phillips, it is my honour to respond to this Bill and to say briefly that we will support this Bill. We welcome
810 it. It is important in terms of strategising on the environment. We agree it provides a framework, as the Hon. Minister has said, so that plans can be established and then introduced, debated and discussed and then adhered to by future governments. I think it is important for that to happen over a long-term basis. We have been saying that for quite some time, so we share those views and objectives and we welcome the passage of legislation that will enable those plans to be
815 formulated and then tabled.

Mr Speaker: The Hon. John Cortes.

820 **Hon. Prof. J E Cortes:** Mr Speaker, I am very grateful to the Leader of the Opposition. It reminds me of the time he was Minister for the Environment and we used to work together. I am very grateful for the Opposition's support and I have nothing further to add in commending the Bill to the House once again.

825 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

830 **Clerk:** The Environmental Governance Act 2023.

**Environmental Governance Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the 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 be taken today, if all hon. Members agree.

835 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Fireworks (Control) Bill 2023 –
First Reading approved**

840 **Clerk:** A Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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 regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes be read a first time.

845 **Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fireworks (Control) Act 2023.

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**Fireworks (Control) Bill 2023 –
Second Reading approved**

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.

I think this House will be aware – and we have discussed this in the past in this Chamber – of the considerable concern there is every year around New Year in relation to the use of fireworks. I have been working together with many different agencies in order to develop a Bill: clearly, the drafting by Paul Peralta of the Gibraltar Law Offices; the Royal Gibraltar Police, the Fire and Rescue Service, the Environmental Agency, the Department of the Environment, Public Health Gibraltar and many different entities involved in coming up with a Bill that will offer protection, or at least potentially offer protection. It is a challenge in relation to fireworks, and therefore I have the honour to move the Second Reading.

The Bill makes provision for the manufacture, sale and use of fireworks.

Part 1 of the Bill contains the usual introductory provisions and also includes a clause on scope.

Clause 3 exempts persons and fireworks.

Clause 3(1) exempts the Forces, law enforcement, military cadets and airport bird management controllers from the scope of the Bill, as they need to use them as part of their duties.

Clause 3(2) exempts sparklers – *las bengalas* – Christmas crackers and throwdowns, which we know as *bombitas*, so that the age restrictions applied generally do not bite to these.

Part 2 of the Bill contains provision relating to the manufacture, storage and sale.

Clause 5 prohibits the manufacturing of fireworks. Even though manufacturing of fireworks is not undertaken in Gibraltar, this provision will ensure that this remains the case.

Clause 6 confers a power on the Chief Fire Officer to control the unsafe storage of fireworks in commercial premises. I should point out that although we are inserting this provision in the Bill, this is about futureproofing and not because the Chief Fire Officer has expressed any concern about the current licensed entity.

Clauses 7 and 8 provide for possible future events and not current concerns.

Clause 7 allows the Minister to place a restriction on the quantities of fireworks that may be kept in dwellings, and would be made only after consultation with the experts. Should behaviour change and persons stockpile fireworks at home in dangerous quantities, there will be a power available to tackle the matter.

Clause 8 sets out the penalties.

Regarding the sale of fireworks, clause 9 restricts the sale of categories F1, F2 and F3 fireworks to persons who are at least 18 years old, with the exception of category F4 fireworks. All fireworks manufactured in the UK and the EU are categorised. F1 fireworks are the least potent and captures indoor fireworks. F4 fireworks are at the top end of the scale and are intended for use by licensed professionals. The Bill reflects the policy decision taken following the advice of the multi-agency working group that I have referred to just now. Category F4 fireworks may only be sold to persons with specialist knowledge. These are persons who are certified either in Gibraltar or abroad for the use of those types of fireworks.

Clause 11 places an obligation on sellers to display notices that state the age limitations on sale.

Clause 13 requires that fireworks be labelled and marked in accordance with the information and details set out in Schedule 2. These parameters are the ones required in the UK and the EU.

Part 3 of the Bill contains provisions that apply to minors. Under clause 14, minors are prohibited from possessing fireworks. As is the case with alcohol, any prohibited items may be taken by law enforcement officers.

Clause 15 provides a restriction on the procuring of fireworks for a minor.

Part 4 of the Bill contains further restrictions on prohibitions. Clause 16 relates to category F4 fireworks and contains a list of persons who are exempt from the restrictions on possession of

900 these fireworks. Other than persons with specialist knowledge, the exemptions are based around government fireworks displays and those in the trade.

Clause 17 includes a ban on a number of firework types. The list of prohibited fireworks is taken from the UK's own list and includes the sort of annoying fireworks that have attracted the most attention – firecrackers, for example, *los petardos*.

905 Part 5 contains provision relating to the use of fireworks. Under clause 18, the use of fireworks on private property is permitted around New Year's Eve festivities and is not permitted at any other time unless authorised. Category F1 fireworks are exempted.

Clause 19 provides that the use of fireworks in or from public areas is never permitted unless authorised.

910 Part 6 contains provisions about enforcement and contains a regulation-making power for the purposes of fixed penalty notices, as well as powers for the courts to order the destruction of fireworks following a conviction.

Part 7 contains general provisions, including consequential amendments to other enactments. Schedule 1 sets out the different firework categories and their characteristics.

915 Schedule 2 contains provisions as to labelling.

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. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, this is a welcome development and I congratulate the Minister and the Government for introducing this piece of legislation. I think it is of huge and significant importance. I think it is very much – I think he alluded to it in his introduction – a first step in a direction that we all want to reach. But, of course, it is an issue, really, of enforcement, so 'the proof of the pudding' comes to mind, and let's see what happens this coming New Year. It was particularly bad, I think, last year. We need to be very conscious of certain groups and individuals of a certain demographic in Gibraltar – the elderly, the ill, the infirm and those – and I think I have referred to that particular group in this House before in this context – who have special educational needs and those within the autistic spectrum who simply cannot stand the loud noises and it sets them off on tantrums, which are not welcome. So a very welcome legislative initiative, but can I ask him to comment, therefore, on the issue of enforcement and how he sees that playing out?

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Can I also ask him to comment on what will be section 18? In my view, sections 18 and 19 are really the important sections that deal with the prohibition of the use of fireworks and the casting of fireworks etc. Can I ask him to comment on 18(2), which is the enabling provision that allows, in this case, him, or any future Minister with this particular responsibility to 'make regulations for the purposes' – and I am quoting, Mr Speaker – 'of prescribing other dates and times when fireworks may be used and those regulations may amend subsection (1).' Subsection (1), for the benefit of those listening, is that there will be a blanket prohibition for the use of fireworks in private properties, except in the period beginning at 11 p.m. on 31st December and ending at 1 a.m. the following day, which I think is going to be very welcome news for many people, whilst at the same time not being total party poopers and allowing people to enjoy the welcoming of the new year. But if I could ask him to comment on subsection (2) and what that flexibility will lead to in his mind at the moment.

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Because in many respects this is so radical a change and a move, I think he and I may have debated the point in the past that this is something which will require education and almost a cultural shift. We are now in July and it is so hot that Christmas seems like it is never going to happen, but it is really just five months down the line, and you know how time flies, so can he comment in relation to trying to educate – without saying it is in any patronising way – people that this is now going to be the law and it is going to be rather strict and there is going to be a complete and utter prohibition on the use of fireworks, unless it is within that very small window?

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I also ask him to make comments on the labelling and markings provisions. I am taking him back, slightly, to section 13, which sets out very specific provisions in relation to labelling and what it needs to say – and indeed, I think, the size of the notices that have to be set out in the establishments selling these things – and how, particularly, the labelling of these fireworks ... I just do not have it clear in my mind how you address that, because it only applies to items which are made available on the market, which is very specifically defined in the soon-to-be new Act. The point I am making is how does it capture and deal with those items which are imported from nearby Spain? I say this totally and utterly anecdotally, but I think I would say the vast majority of these items come in through the land Frontier, so can he comment on that?

And simply to join the hon. Member in congratulating the legal team that has produced this piece of work. He mentions Mr Paul Peralta specifically, and it must have been not an easy task, looking at the definition of these things. We all know what they look like and what they do, but actually to put that type of definition in a piece of law would have been quite a task, so I congratulate Mr Peralta and the rest of his team.

Mr Speaker: The Hon. John Cortes.

Hon. Prof. J E Cortes: Mr Speaker, I would like to thank the hon. Member. I enjoy getting on with him again. Perhaps we should not talk about heritage too often.

I am grateful to the hon. Member for his support and for the words of praise to the legal team and, indeed, to the whole team. I confirm it was very difficult to get our heads around this. There were several drafts and a lot of discussions, but I think we have come up with a fairly robust – it needs to be tested – piece of work, but it was necessary and I am glad to see general agreement in the House about this.

The questions of enforcement and education I am going to take together because we are very acutely aware of the challenges to both, and the same team that got together to draft the regulations will be meeting after the summer to prepare an educational campaign and discuss enforcement strategies. We do not want to arrest half of Gibraltar at five minutes to 11 on New Year's Eve. Clearly we have to do it in a way ... and have a practical approach, and we will be meeting the different agencies involved in order to ensure that we educate, firstly, and then look at enforcement. I agree that it is complex, I agree that it is needed, I agree that fireworks can have extremely distressing effects on the elderly, on some children, particularly on pets as well. My own granddaughter, mentioned here before, could have had her face blown off, and did not by this much, this last New Year's Eve, so we are acutely aware of these needs, and I am glad ... I repeat that we share the concern and are at one in getting this tackled.

In relation to section 18(2), there was a view, as part of the discussion, that perhaps we should allow open house for fireworks other than on New Year's Eve, and there was mention of National Day and Guy Fawkes, but we took one step back and decided that there could be specific occasions in some great celebration where we would take a view that people could just let fireworks off from their houses. So we would not want to preclude it completely, but we did not want to encourage it, and this was the way we decided to tackle it, by making it possible to allow but not allowing it outright. That explains why that clause is there.

In relation to labelling and importation, there is one registered fireworks supplier in the industry in Gibraltar, and both the legal team and I have met with them and have discussed this with them. They are very supportive of this and they obviously will keep to the labelling. Any legally acquired firework from Spain would have to follow EU regulations and therefore would be covered, but illegal fireworks would not. If illegal fireworks are imported, they are not adequately labelled and could be confiscated and there would be an offence. I do know that apparently there is a garage in Ronda that produces fireworks which are readily available throughout Andalucía, and that some of them come to Gibraltar. These are the sorts of things that would not be properly labelled, and these are the sorts of things that we would capture.

I think I have addressed all the points. I am happy to give away.

1005 **Hon. D J Bossino:** I think the hon. Member has addressed all the points, and this is simply by way of addition. Is he able to advise this House how advanced he is in terms of the making of the regulations? I think he makes an important point about having the complete and utter prohibition in the main Act, but that subsidiary legislation will allow, through the use of ministerial discretion, the ability for fireworks to be used on certain special occasions. How advanced is he in relation to that, and when does he think it is going to be published?

1010 **Hon. Prof. J E Cortes:** Mr Speaker, at the moment we are not recommending that we should make those exemptions at this point. The committee wants to meet again to discuss it once this is in law. We are not advanced in any way at this point in time, but we do have a list of possible circumstances where that could happen. *(Interjection by Hon. D J Bossino)* One more, Mr Speaker.

1015 **Hon. D J Bossino:** I am really grateful to the hon. Member for his patience. Is it the intention to commence this Act before this coming New Year?

1020 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. I have nothing further to add in commending the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks and for connected purposes be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

1025 **Clerk:** The Fireworks (Control) Act 2023.

**Fireworks (Control) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the 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 be taken today, if all hon. Members agree.

1030 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? **(Members: Aye.)**

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –
First Reading approved**

1035 **Clerk:** A Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes. The Hon. 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 retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a first time.

1040 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Act 2023.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –
Second Reading approved**

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

1045 Mr Speaker, I have the honour to move that the Bill now be read a second time.

Interpreting Directive 2009/103/EC in the case *Vnuk*, the Court of Justice of the European Union controversially expanded the requirement for compulsory third party motor insurance to be applied to private land and to a range of vehicles that were not constructed for road use. In 2018, the case of Lewis and Tindall – upheld in *Motor Insurers' Bureau v Lewis*, which is persuasive authority here in Gibraltar – found that the interpretation of the 2009 Directive in the *Vnuk* judgment was sufficiently clear and precise to have direct effect and could, therefore, be enforced directly against the Motor Insurers' Bureau (MIB). The MIB is Gibraltar's and the UK's body responsible for compensating victims of uninsured and untraced drivers, such a body being a requirement of Article 10 of the 2009 Directive.

1055 As the scope for compulsory third party motor insurance obligation in Gibraltar and the UK extends only to motor vehicles and to roads and other public places, the *Lewis* decision has meant that the MIB's liability for insurance claims was extended beyond what had been required by applying the 2009 Directive to accidents on private land and potentially to a range of vehicles not constructed for road use.

1060 In line with the equivalent amending legislation already enacted in the United Kingdom, and in consultation with and on the advice of the Motor Insurers' Bureau, which, as noted, acts as the UK's and Gibraltar's compensation body in connection with untraced and uninsured drivers, this Bill removes the *Vnuk* decision from the laws of Gibraltar. Specifically, this Bill ends the effect of the *Vnuk* decision in retained EU law and that of related retained case law. It thereby ends any associated liability for insurance claims against the MIB in respect of accidents on private land and for vehicles not constructed for road use.

1065 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 Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I understand this Bill was discussed by the Minister with my hon. colleague Mr Feetham, and the implications of it were also discussed. We will support the Bill.

1075 **Mr Speaker:** The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, I am grateful, and yes, indeed, I have discussed this previously with the hon. Member Mr Feetham, who has been involved professionally with the Motor Insurers' Bureau in this matter, too, so he is fully aware. I am grateful for the hon. Members' support.

1080 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1085 **Clerk:** The Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Act 2023.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

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.

1090 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Insurance Schemes of Arrangement (Recognition) Bill 2023 –
First Reading approved**

1095 **Clerk:** A Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers, and for connected purposes. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

1100 **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 provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a first time.

1105 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Insurance Schemes of Arrangement (Recognition) Act 2023.

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**Insurance Schemes of Arrangement (Recognition) Bill 2023 –
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 for the Insurance Schemes of Arrangement (Recognition) Act 2023 be read a second time.

1115 The Bill creates a regime which largely mirrors parts of the Chapter III provisions in Regulation (EU)1215/2012 in relation to the automatic recognition of judgments of Member States in Gibraltar for the purposes of the recognition of orders given in EEA States sanctioning a Scheme of Arrangement. This Bill is intended to close a gap which would otherwise arise as a result of the intended revocation of Regulation (EU)1215/2012 following our withdrawal from the EU. This is particularly important given that it is no longer possible to undertake insurance EEA
1120 portfolio transfers under the Solvency II Regulations to Gibraltar insurers and that an alternative legal mechanism for such proposed transfers is a Scheme of Arrangement sanctioned by a foreign court and recognised in Gibraltar. This is precisely what this legislation will do.

1125 Clause 4 ensures that the GFSC retains ultimate control over what reinsurance business can be transferred to Gibraltar under a scheme of arrangement, by ensuring that no approval order is to have effect in Gibraltar unless the GFSC has given its prior written consent.

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 Hon. the Leader of the Opposition.

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Hon. K Azopardi: I am grateful, Mr Speaker. Likewise, we will support this Bill. As the Minister says, it is important for there to be this ability to recognise the orders of courts of the EEA in relation to schemes of arrangement and it makes sense for this legislation to be introduced, especially in the context of what the Hon. Minister says.

1135

I just have one question, and perhaps he can clarify when he replies on the Second Reading. He mentions the intended revocation of Regulation (EU)1215/2012 on the enforcement of judgments post Brexit. Is the Government considering, in the context of the discussions on Brexit, the possibility of retaining that if an agreement is done? I do not mean that in isolation. There may be other things as well that, as a package, may be retained in terms that if it is possible to enter a new relationship with the EU, it may be part of the relationship for there to be recognition.

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Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, what we do or do not do as a result of the outcome of the treaty negotiations is something which will be totally separate, obviously.

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If we revoke Regulation 1215, which is what the intention is, and do not do this, then we lose a tranche of business which we would rather keep. That is the sole purpose of this. At this moment in time it only applies in respect of one jurisdiction which permits them and there is some business coming our way which we are keen to ensure we are able to receive by putting in place this legislation, so I am grateful to the hon. Members for their support.

1150

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1155

Clerk: The Insurance Schemes of Arrangement (Recognition) Act 2023.

1160

**Insurance Schemes of Arrangement (Recognition) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

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.

1165

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998. The Hon. the Minister for Transport.

1170 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1175

Clerk: The Road Traffic (Windscreen Transparency) (Amendment) Act 2023.

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –
Second Reading approved**

Minister for Transport (Hon. P J Balban): Mr Speaker, I beg to move that the Bill for the Road Traffic (Windscreen Transparency) (Amendment) Act 2023 be read a second time.

1180 This Bill amends the Road Traffic (Windscreen Transparency) Act 1998 to harmonise the legislation relating to advertising on taxis and buses. Going forward, this will allow for uniformity in this matter, which is currently dealt with in subsidiary legislation.

Mr Speaker, I commend this Bill to the House.

1185 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles of the Bill? The Hon. the Leader of the Opposition.

1190 **Hon. K Azopardi:** Mr Speaker, what we wanted was a bit of clarification on this Bill, and I was hoping to get it on the Minister's original contribution, but as I have not, then can I just ask him the question, because we do not really understand the explanatory memorandum, which is to 'remove the requirements for windows that face the rear of vehicles listed ...' We are not really sure we understand the purpose of that in the context of what he just said, which is about advertising, as the object of the Bill is transparency of the windscreens. So perhaps he can illuminate us on that.

1195 **Hon. P J Balban:** Mr Speaker, this was something that came to me from the Chief Examiner at the MoT, and it was because at the moment what happens is that there is a different provision for advertising on the rear of taxis than there is on buses. You may have noticed some taxis have some advertising on the back, and it was just to bring both bits of legislation together neatly so that the same thing that applies to taxis applies to buses, whereby, for example, a taxi needs to show what they want to advertise to the Minister and the Minister has to approve it, to make sure that there is nothing that someone could take offence to, for example. That is not the case on buses, so it is really just to harmonise with the same process for taxis.

1205 **Hon. K Azopardi:** I am grateful to the Minister for giving way. When it talks about the removal of the requirement for windows that face the rear, is it that you can place advertising on the windows, or that the windows will be removed? That did not make sense to me. Presumably it is about advertising, as he is talking about now.

1210 **Hon. P J Balban:** Yes, Mr Speaker, anything that prohibits or prevents the light from coming through a windscreen, anything behind the B-pillar, is something which is not allowed. For example, there is an exemption for taxis and buses so that we can have advertising, and that is something which does happen. You can see back perfectly well, but you cannot see in. What this does is allow the same process. The process is done through one type of legislation and the other somewhere else, so it is just to bring them all together, so buses and taxis can advertise using the

1215 rear window. This is what this does. It is just a question, I think, of housekeeping to bring it all together as one.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a second time. Those in favour? (**Members:** Aye.)
1220 Those against? Carried.

Clerk: The Road Traffic (Windscreen Transparency) (Amendment) Act 2023.

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –
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.

1225

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Fair Trading Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015; to continue the establishment of the Office of Fair Trading and to make
1230 provision for its composition and functions; to make provisions for the protection of consumer interests and for the making and investigation of complaints; to encourage good business practices towards consumers; to make provision for the licensing of businesses; to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading; to make provision for the imposition of sanctions and for purposes connected therewith.

1235 The Hon. 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 repeal and re-enact with
1240 amendments and modifications the Fair Trading Act 2015, to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions, to make provisions for the protection of consumer interests and for the making and investigation of complaints, to encourage good business practices towards consumers, to make provision for the licensing of businesses, to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes
1245 connected therewith be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015, to continue the establishment of the
1250 Office of Fair Trading and to make provision for its composition and functions, to make provisions for the protection of consumer interests and for the making and investigation of complaints, to encourage good business practices towards consumers, to make provision for the licensing of businesses, to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes

connected therewith be read a first time. Those in favour? (**Members:** Aye.) Those against?
1255 Carried.

Clerk: The Fair Trading Act 2020.

**Fair Trading Bill 2020 –
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 now be read a second time.

1260 As hon. Members will note, this Bill was originally published in 2020, shortly after the outbreak of COVID. A lot of work had been done in previous years in preparation for this, and obviously, with COVID, its work was somewhat delayed. There is also relevance of IT in ensuring that at the time that this is implemented, the appropriate IT systems are in place to enable the new system of working, which is digitally based, to be able to support what is intended.

1265 The Bill is a radical change to the manner in which the OFT will operate, and, of course, one of its new additions, and it will be taking the format of the Financial Services Act with the decision-making committee, which I will go into in a moment. But it provides the regulator, the OFT, for the first time, with real enforcement and sanctioning powers, which it has not had previously.

I am extremely grateful to the Gibraltar Federation of Small Businesses and the Chamber of
1270 Commerce, who have heavily engaged with us in improving the legislation. The hon. Members opposite will be aware that a letter has been sent to the Speaker with significant amendments as a result of those discussions. I have to tell Members that those discussions are ongoing and it may be that we come back with a very small number of further changes in the future. Hopefully we will be able to deal with those by regulation, but we will, of course, work with Members opposite
1275 to ensure that we are clear on what it is that we are doing. So sincere thanks, and I very much hope to be able to meet with the OFT, GFSB and the Chamber very shortly to finalise their representations, which obviously have led to this Bill being prepared in the first instance, many years back, as a result of the manner in which the current legislation was found to be difficult and cumbersome to enable businesses to work.

1280 The Bill is aimed at supporting the business community of Gibraltar by streamlining the process of establishing new businesses and enhancing consumer protection. The proposed legislation absorbs certain licences issued under the Licensing and Fees Act, making the licensing process quicker and easier for businesses.

1285 Mr Speaker, given the length of the Bill, I propose to speak to the various parts, commencing with Part 2, as Part 1 simply contains procedural elements.

The Bill, in Part 2, also creates a new framework for the Office of Fair Trading, promoting good business practices and preventing anti-competitive behaviour.

In Part 3, the OFT will have the authority to handle complaints from both consumers and businesses, facilitating resolutions between parties.

1290 In Part 4, the Bill focuses on introducing a simplified business licensing application process, eliminating unnecessary bureaucracy. The Business Licensing Authority will be disbanded and all applications will be processed directly by the OFT. Certain businesses will be exempt from requiring a licence, and the OFT will have the power to amend conditions on existing licences. In the past, there was this cumbersome process of making an application, which is being done away
1295 with. They will be directly dealt with by the OFT, normally, in most cases, without the need to actually have a hearing. Hearings will take place if there is an issue with the application, or if there are complaints or objections to the application. The following businesses should be exempted from requiring a business licence: companies providing a service within the same group – in other words, intra-group companies; domestic services provided to a private household; journalists; a

1300 person receiving a rental income from real property in Gibraltar; and small cottage industries,
artisans and service providers with an annual turnover below a certain amount, initially to be set
at £20,000 per annum. This is the de minimis number that has been set, below which licensing is
not required, as the costs of licensing are disproportionate to the amount of turnover the business
proposes to have. There will also be restrictions on catering service providers that operate from
1305 club premises.

Part 5 provides the OFT with the regulatory powers it requires to investigate and verify
compliance with the provisions of the Bill. This includes the power to conduct enquiries,
information gathering and the appointment of inspectors – again, as we do in financial services
and we will do in the new gambling Bill. These are the powers that are commonplace in those
1310 sorts of regulatory pieces of legislation.

Part 6 of the Bill finally gives the OFT the teeth it requires to tackle non-compliance with a
range of sanctioning powers. The Decision Making Committee will be responsible for exercising
these powers. So again, as in the Financial Services Act, it is not the OFT itself that sanctions, it is
the Decision Making Committee of independent people, apart from it, that will deal with the
1315 sanctioning of people the OFT proposes to sanction. It will have the same system that hon.
Members may be familiar with, in terms of ‘minded to’ notices, which are served prior to it going
to the Decision Making Committee, and then their making representations to the Decision Making
Committee.

Part 7 outlines the OFT’s role in providing guidance to businesses and co-operating with other
1320 authorities.

Part 8 covers the right of appeal, regulations and offences under the Bill.

Part 9 ensures a smooth transition from the repealed Fair Trading Act to the new Bill.

Through these measures, the Bill aims to bolster the business environment of Gibraltar while
safeguarding consumer interests.

1325 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. Roy Clinton.

1330 **Hon. R M Clinton:** Thank you, Mr Speaker.

This is a major piece of legislation, running to 102 pages without the amendments. First of all,
I would like to thank the Hon. Minister for giving us the heads-up this morning that it was his
intention to bring the Bill to the House today, and also very kindly providing us with a clean version
of the Bill and some very helpful notes, effectively his speaking notes.

1335 The Minister will know, having spent a significant amount of time in the financial services
industry, that the mantra always was speed to market. This Bill has been a long time in gestation,
dated, originally, 2020. We accept, obviously, that COVID happened, but it has been subject to a
long period of discussion and consultation with both the Chamber and the Federation.

1340 Mr Speaker, at 12.21 p.m. we received from Parliament 16 A4 pages of amendments, which
you will appreciate is not easy to digest. We, in principle, obviously support anything that will
make life easier for the business community in Gibraltar and enhance their ability to do business,
but as the Minister has already pointed out, this is really a living project and will probably still
evolve and may still be subject to tweaks as it comes into place.

1345 There are two elements to this, I guess. There is the element of consumer protection and there
is the element in respect of business licensing. The question, really, for us is where are we adding
value on the business side? What is it that we are doing to help businesses? I think if you speak to
businesses, pretty much the same as in those in financial services, they want the ability to start up
and get going as soon as possible.

1350 In the UK, I do not believe a regime like this exists, so you could set up within 24 hours. Subject
to whatever activity you were doing and whether it was something that did not fall under
something that was medical or financial services, you could set up something fairly quickly. In

1355 Gibraltar I am told it can take up to two months to get up and running in an ordinary business that is not anything related to financial services. Again, that, I accept, is anecdotal and I have no scientific evidence to say that is the case, but anything we can do to make the life of our business community easier we will obviously support.

The other thing that we hear from the business point of view is yes, this is well and good, but what they are looking for is the policing and the parameters, and this is where the powers the Minister has mentioned I think will be welcomed, and it is the enforcement and the use of these powers which I think the business community would welcome.

1360 There were a couple of details in the legislation – and as I said, it is a major piece of legislation, but there is one particular point in, I think, section 104. It is about registers. I am pleased to see that the OFT register will be publicly available, as the Minister has said, now the IT system is up and running and ready to be implemented, but there is another register, of sanctions, in section 101:

The OFT shall compile and maintain a register of all sanctioning action taken under this Part.

1365 The register, ‘may in its discretion’ in section 102(1), ‘enable the contents of the register to be made available to the public’, and I just wonder whether there is any need for that discretion. I would welcome if the Minister could explain the thinking behind the discretion as to whether the register of sanctions should be public or not.

1370 The other thing that struck me – and because this piece of legislation has been evolving over time, I may have missed the nuance – is if we look in the Gazettes every month, the licence applications pretty much try to tick every single licence going, from making cakes to building aircraft, just in case you missed something, but in the legislation ... Again, I admit I may have missed it, but there does not seem to be a prescriptive list of licences. I am just wondering how you would know, if you are in business as a bakery, what licence you apply? Is it sale of confectionery, sale of drinks, sale of coffee? How would it work in practice? How would you know what licence you would need to apply for? I do see that there is a very wide general power in section 109, where the Minister may, by regulation, prescribe all matters which by this Act are required or permitted to be prescribed, which covers all things – prescribing forms of application, procedure, additional information, all sorts of things; it goes from (a) to (i). I just wonder, does the
1375
1380 Minister have draft regulations prepared, which will go hand in hand with this, by which then prospective applicants will effectively know what it is they have to do? It is not entirely clear to me.

Other than that, other than the size of the legislation ... Obviously the Minister is keen to accelerate things, as with all things he does, which I commend, but it is, I think, perhaps a work in
1385 progress, and whether it does everything that it says on the tin we will see when it is put into practice. I accept that the Minister says it will be tweaked and amended as the users recommend or as the Minister and the particular people who are given the responsibility for putting this into action will find in practice.

Thank you, Mr Speaker.

1390

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, I am grateful to the hon. Member for his comments and for his support.

1395 It is very much a living document. When you are trying to pass a fundamental change in the manner in which we work in this area there are going to be issues that arise from it, of course there are. As the hon. Member has quite rightly said, this is two strands: consumer protection and business licensing processes. I hope that we will get better in respect of both as we go along in implementing this piece of legislation and making changes, wherever necessary, to ensure that
1400 we achieve those very objectives that the hon. Member has referred to.

1405 The hon. Member said 'speed to market' and I think he was referencing the delay it has taken
us to get here, which is right – I acknowledged 2020. Speed to market is exactly what we are trying
to achieve through this legislation, so the old method of having to advertise your application for
two weeks in the Gazette and one newspaper, and then only after those two weeks have expired,
1410 when both adverts have been live for two weeks, can you make your formal application ... So the
process begins after at least two to two and a half weeks from when the adverts were positioned,
the application is then considered, it would then go to the Trade Licensing Authority, the BLA now,
and then eventually you would hear back – so a lengthy process. This bypasses all of that. It is
going to be on the website, you are going to be able to see it quickly, so the one strand that he
refers to is to ensure that we can do this far quicker still. We do get speed to market in terms of
licensing.

1415 He references the United Kingdom. Obviously, the positions of the United Kingdom and
Gibraltar are totally different. We have a border; we have, hopefully, fluidity across businesses
coming here that may not be licensed, competing with those that are. It creates unfair
competition. Consequently, the second strand of the legislation is to give them the teeth to be
able to enforce when it is not being complied with, and I think that is also extremely important.
Doing this, and in the manner in which it is now, to an extent, tried and tested through financial
services, the Decision Making Committee, where independent people from the regulator have the
ability to then sanction or find enforcement powers, I think will work extremely well.

1420 The policing of the parameters, which the hon. Member referred to, is also important and I
think this legislation, for the first time ever, gives that authority the ability to actually do that, and
they do now have resources. As a result of that work in Money Val in particular, they have a very
good grip on the commercial landscape and what is happening in and around town, with more
resources to enable them to do that work, so I think that will help as well.

1425 In respect of the discretion, I believe it is always preferable to have a discretion. Why? Because
there are instances where it may not be in the public interest to publish a particular sanction. I,
myself, have seen, both in financial services and in gaming, where that has become an issue, and
I will happily give the hon. Member examples of those behind the Speaker's Chair, obviously not
publicly. So they will, as a matter of norm, be published, but you reserve the right, in exceptional
1430 cases in the public interest, to be able to exercise that discretion.

In respect of the items, my understanding – and I will confirm this subsequently to the hon.
Member – is that the list of items is a list that they have been working to for some time, and that
refers and relates to the same list that Customs uses for importation of goods, I believe, but I will
come back to the hon. Member when I get confirmation and give him those particulars.

1435 I am grateful to him and the Opposition for their support in respect of this legislation.

Mr Speaker: I now put the question, which is that a Bill for an Act to repeal and re-enact with
amendments and modifications the Fair Trading Act 2015, to continue the establishment of the
Office of Fair Trading and to make provision for its composition and functions, to make provisions
1440 for the protection of consumer interests and for the making and investigation of complaints, to
encourage good business practices towards consumers, to make provision for the licensing of
businesses, to make provision for information gathering, investigatory and enforcement powers
of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes
connected therewith be read a second time. Those in favour? (**Members:** Aye.) Those against?
1445 Carried.

Clerk: The Fair Trading Act 2020.

**Fair Trading Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

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
1450 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.)

**Licensing and Fees (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Licensing and Fees Act. The Hon. the Minister for Digital,
1455 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 Licensing and Fees Act
1460 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Licensing and
Fees Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Licensing and Fees (Amendment) Act 2020.
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**Licensing and Fees (Amendment) Bill 2020 –
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.

1470 This is a Bill proposing to amend the Licensing and Fees Act, a 1961 piece of legislation. The
amendment proposes to repeal sections 27 and 28 in Part 3 in relation to auctioneers, brokers,
bakers, guides and porters, so that these businesses are no longer licensed or regulated under the
Act. By default, the repeal of these sections would mean that they would now be licensed and
1475 regulated under the new Fair Trading Act 2020, the Bill that we have just taken through its Second
Reading. It is intended that both pieces of legislation shall commence at the same time.

The effect of this change will be that these businesses will now be licensed using a modern and
more relevant licensing system, as set out in the Fair Trading Act 2020, rather than in the now
largely outdated and irrelevant requirements set out in the Licensing and Fees Act, which at times
1480 make little sense nowadays.

Transitional provisions are included in this Bill, including provisions to ensure any applicable
licences issued for these businesses under the Licensing and Fees Act shall be deemed to have
been issued under the Fair Trading Act and shall remain valid for the period in respect of which
they have been issued.

Mr Speaker, I commend this 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? The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. We have no comments and we will support the Bill.

1490 **Mr Speaker:** The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, I am very grateful to the hon. Members for their support.

1495 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Licensing and Fees (Amendment) Act 2020.

**Licensing and Fees (Amendment) Act 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1500 **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.

Mr Speaker: Do all hon. Members agree that the Committee Stage and the Third Reading of the Bill be taken today? (**Members:** Aye.)

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**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act. The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

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Mr Speaker: Page 42.

1515 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Thank you, Mr Speaker. I have the pleasure to move that an Act to amend the Proceeds of Crimes Act 2015, to amend the Friendly Societies Act and amend the Charities Act be read a first time.

1520 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act be read a first time? Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime (Miscellaneous Amendments) Act 2023.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –
Second Reading approved**

1525 **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 a Proceeds of Crime (Miscellaneous Amendments) Act 2023 be read a second time.

Following recent changes in the Proceeds of Crime Act, a consultation exercise was carried out with stakeholders. This included the Charities Commissioner and the Gibraltar Financial Intelligence Unit, who requested some minor changes.

1530 Clause 4(a) of the Bill amends section 1E(2)(b) of the Proceeds of Crime Act, Cooperation with other FIUs, to delete a redundant ‘and’, but more importantly, clause 4(b) of the Bill amends section 1E(3) of the Act to allow the Head of the Gibraltar Financial Intelligence Unit to designate one or more persons as contact persons for the purpose of receiving requests for information from other FIUs and, in the absence of such designation, for the Head to be the contact person.
1535 As currently worded, Section 1E(3) of the Proceeds of Crime Act appoints the Head as the designated contact person but does not confer on him or her the power to delegate the function. The amended version reflects the updated position under the Fifth Anti-Money Laundering Directive.

1540 Clause 5 amends section 1K, Access to Information held by GFIU, to extend the persons with access to information held by the GFIU by allowing it to disclose information to competent authorities, agencies or departments outside Gibraltar whose functions are connected with or relate to ‘(i) the prevention of abuse of financial systems or the prevention of money laundering, terrorist financing or proliferation financing; (ii) the prevention, investigation, detection or prosecution of criminal conduct; or (iii) the safeguarding against, and the prevention of, threats to national security’. This amendment has been made on the basis that the GFIU’s membership of the International Anti-Corruption Co-ordinating Centre (IACCC) requires the GFIU to share intelligence with the IACC. Without this provision, the GFIU can only share intelligence with it via Egmont Group channels rather than directly, which causes delay in the receipt of crucial intelligence.

1550 Clause 6 inserts a new section 41 into the Proceeds of Crime Act, which provides a mechanism for disclosure of information by the GFIU on a voluntary basis by any member of the public without the provider being deemed to be in breach of his or her duties or obligations of confidentiality or other restrictions on the disclosure of information, provided that the disclosure is made for the purposes of the exercise of a GFIU function. This will allow members of the private sector who
1555 have information which they consider to be relevant to disclose the information to the GFIU without that disclosure having to fall within the narrow parameters of unauthorised disclosure under section 4G or a protected disclosure under section 4H, and therefore enhances and widens the scope of Gibraltar’s information gateways for the sharing of intelligence. Crucially, this brings us into alignment with the UK, where section 7(1) of the Crime and Courts Act 2013 similarly
1560 provides that a person may disclose information to the National Crime Agency if the disclosure is made for the purposes of the exercise of any National Crime Agency function. In Gibraltar, the GFIU carries out many of the relevant equivalent functions of the National Crime Agency and these changes will enhance the GFIU’s ability to carry out those functions while protecting the reporting institutions who share information with the GFIU for that purpose.

1565 In Part 2, Amendment of the Friendly Societies Act ... In 2021, the Friendly Societies Act was amended to, among other things, provide a legislative basis for the Register of Friendly Societies to put in place outreach and educational programmes to raise awareness among friendly societies and the donor community about the potential vulnerabilities to financial crime, including terrorist financing abuse and terrorist financing risks and the measures that those societies can take to
1570 protect themselves against such abuse. It is now felt that these obligations may have been seen as too onerous and there is the limit to encouraging outreach and educational programmes and encouraging charities to refine their best practices, rather than to directly undertake the outreach

and education programmes or the training themselves. Now section 8 gives effect to the requested changes.

1575 In Part 3, Amendment to the Charities Act, the position regarding the amendments to the Charities Act in clause 10 of the Bill mirrors the position regarding the changes to the Friendly Societies Act, as I have just read out.

Mr Speaker, I commend this Bill to the House.

1580 **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.

1585 **Hon. K Azopardi:** Mr Speaker, this is the first of a number of Bills that are being taken today and will tighten our criminal laws in respect of a number of areas. We will support this Bill, as we will the others on the Agenda. We consider that this Bill – together with the others, but I am speaking to this Bill only – will be a useful addition in the Proceeds of Crime Act.

Mr Speaker: The Hon. Samantha Sacramento.

1590 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker, and I thank the Hon. the Leader of the Opposition for his indication.

I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1595 **Mr Speaker:** Not yet. I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime (Miscellaneous Amendments) Act 2023.

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**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

1605 **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. I apologise for jumping earlier.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Crimes and Communications (Online Safety) Bill 2023 –
First Reading approved**

1610 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006. The Hon. the Minister for Justice, Equality, Public Standards and Regulation.

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 be read a first time.

1615 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crimes and Communications (Online Safety) Act 2023.

**Crimes and Communications (Online Safety) Bill 2023 –
Second Reading approved**

1620 **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 Crimes and Communications (Online Safety) Act be read a second time.

The Bill focuses on the creation of new criminal offences in relation to harms which are committed online, with the objective of enhancing protection of those in social media spaces.

1625 Clause 3 creates an offence in relation to flashing images. This was a UK Law Commission recommendation that there should be a specific offence of the intention of sending flashing images to a person with epilepsy with the intention to cause that person to have a seizure.

Clause 4 creates a new offence in relation to cyber flashing, which expands on the current exposure offences. The new offence includes the unsolicited sending of sexual images using digital technology and differs from other forms of image-based sexual abuse, where the victim is the subject of the image. Here, the recipient of the image is the victim.

1630 Clause 5 creates an offence of extreme pornographic images. This law will shift criminal responsibility from distributors of extreme pornography to consumers, which was deemed necessary in the UK in order to deal with the volume of violent pornography available on websites based abroad. The Bill would make it an offence to possess pornographic images that depict acts that threaten a person's life, acts which result in or are likely to result in serious injury, bestiality or necrophilia. It also provides for the exclusion of classified films and sets out defences and penalties for the offence. The offence aims to break the demand-and-supply cycle of this material, which may be harmful to those who view it. Irrespective of how these images were made, banning their possession can be justified as sending a signal that such behaviour is not considered acceptable. Viewing such images voluntarily can desensitise the viewer to such degrading acts and can reinforce the message that such behaviour is acceptable. The restrictions on this material also achieve the aim of protecting others, particularly children and vulnerable adults, from inadvertently coming into possession of this material, which is widespread on the internet.

1645 The production of this Bill has been a long and complicated process and I commend the very thorough work and advice of Crown Counsel at the Ministry for Justice and the Government Law Officers for their many drafts of this Bill and for their continuous advice.

Mr Speaker, I commend this Bill to the House.

1650 **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, this is an important addition to our criminal laws and we will support this Bill.

1655 Criminal laws have to be updated in relation to the emerging offences. The abuse of digital methods of communication to facilitate crime then needs the commensurate crackdown by the authorities and legislators of those new ways of committing criminal offences, so we support this Bill. It is important for that to be the case because the way that telecommunications devices can now be used in an intrusive way, if it is of criminal behaviour, certainly needs to find a penalty in the law, so we support this Bill.

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Mr Speaker: The Hon. Samantha Sacramento.

Hon. Miss S J Sacramento: Mr Speaker, I am grateful for the support of the Members opposite and for the Leader of the Opposition's intervention.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Crimes and Communication (Online Safety) Act 2023.

**Crimes and Communications (Online Safety) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

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.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Transnational Organised Crime (Amendment) Bill 2023 –
First Reading approved**

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Clerk: A Bill for an Act to amend the Transnational Organised Crime Act 2006, to make further provision under the United Nations Convention against Transnational Organised Crime.
The Hon. the Minister for Justice, Equality and Public Standards and Regulations.

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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 the Transnational Organised Crime (Amendment) 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 Transnational Organised Crime Act 2006, to make further provision under the United Nations Convention against Transnational Organised Crime be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Transnational Organised Crime (Amendment) Act 2023.

**Transnational Organised Crime (Amendment) Bill 2023 –
Second Reading approved**

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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 be read a second time.

This Bill further implements specific provisions of the United Nations Convention against Transnational Organised Crime in Palermo, Italy, in December 2000, otherwise known as the

UNTOC, which are currently not provided for under Gibraltar law. This omits a reference to a statute that has been repealed and another reference which is redundant, on the technicalities, but more importantly it creates a further regulation-making power for further implementation in the future.

The Bill amends the Transnational Organised Crime Act 2006.

Clause 3 amends the 2006 Act in the following way. Clause 3 replaces section 5, which is on jurisdiction and makes provision for offences covered under the UNTOC occurring on board a vessel that is registered in Gibraltar.

Subclause 3(4) inserts a new section 8A, which provides for further grounds of refusal by the central authority in Gibraltar in respect of mutual assistance requests, and this is in order to give further implementation to Article 18(21)(a), (c) and (d) of UNTOC.

Subclause 3(5)(a) omits the reference in section 9(1)(a) to the Criminal Justice Act 1995 and inserts the current provision, which is Chapter 2 of the Proceeds of Crimes Act 2015 (External Requests and Orders) Order 2019.

Subclause 3(5)(b) omits the words 'a court in Gibraltar shall proceed' after the amendment to subclause (5).

Subclause 3(6) repeals section 10 of the 2006 Act, as the criminal offence is redundant since the passing of the Crimes Act 2011, save for the savings provision under section 601(2)(a), which provides that corruption under the Criminal Offences Act is only actionable if there is a comparable provision under the Crimes Act 2011.

Finally, subclause 3(7) creates a new section 16A, which follows on from the regulation-making power in section 16 and is a regulation-making power for the Government for the purposes of further implementing UNTOC or another international convention extended to Gibraltar, obligation standards and recommendations. The regulation may contain consequential, supplementary, incidental and transitional provisions as may be appropriate. In addition, the Government is disapplying section 23(b) of the Interpretation and General Clauses Act, which has to do with the restriction of penalties under subsidiary legislation. Similar powers to the above appear under sections 129(g) of the Imports and Exports Act 1986 and section 184 of the Proceeds of Crime Act. The Trademarks Act, the Patents Act, section 179T of the Merchant Shipping Act and section 18 of the Mutual Legal Assistance (Council of Europe) Act are examples of this practice.

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.

Hon. K Azopardi: Mr Speaker, there already exists, of course, legislation to tackle transnational organised crime – it goes back to 2006 – and to the extent that this legislation reinforces that in line with the United Nations Convention Against Organised Crime, we support this legislation.

Mr Speaker: The Hon. Samantha Sacramento.

Hon. Miss S J Sacramento: Indeed, Mr Speaker, this legislation further enhances the framework that is available, and I am grateful to the hon. Member opposite for supporting the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Transnational Organised Crime Act 2006 to make further provision under the United Nations Convention against Transnational Organised Crime be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Transnational Organised Crime (Amendment) Act 2023.

**Transnational Organised Crime (Amendment) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

1750 **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.)

**Mutual Legal Assistance (Merida Convention) Bill 2023 –
First Reading approved**

1755 **Clerk:** A Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance; to make further provision for mutual legal assistance between Gibraltar and contracting states; to enable further provision to be made by regulations; and for connected purposes.

1760 The Hon. 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 the Bill be read a first time.

1765 **Mr Speaker:** I now put the question, which is that a Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance, to make further provision for mutual legal assistance between Gibraltar and contracting states, to enable further provision to be made by regulations and for connected purposes be read a first time. Those in favour? (**Members:** Aye.)
1770 Those against? Carried.

Clerk: The Mutual Legal Assistance (Merida Convention) Act 2023.

**Mutual Legal Assistance (Merida Convention) Bill 2023 –
Second Reading approved**

1775 **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 Mutual Legal Assistance (Merida Convention) Act 2023 be read a second time.

1780 The Bill implements, in part, specific provisions of the UN Convention against Corruption, the Merida Convention, which are not currently provided for in Gibraltar law. The provisions are to do, mostly, with mutual assistance for relevant offences to which that Convention applies, and modifies current legislation to allow for such requests to be actioned in the particular and technical manner that is required to have the Convention extended to Gibraltar. In many cases, the assistance could already be provided and is, but it has been felt prudent to have a full and extensive Act covering all the areas, so as to expedite extension.

1785 Part 2 of the Bill sets out the local authorities in relation to the Convention and their functions and duties for the purposes of certain parts of the Bill. The central authority for requests shall be the Minister for Justice, and this follows the pattern in similar Acts where mutual legal assistance

is a major part of the implementation of a convention. The Bill also sets out the competent officers under it and their respective functions and duties. These are His Majesty's Attorney General, the Director of Public Prosecution and all Crown Counsel, as well as any other officers who may be designated.

1790 Part 3 sets out the definition of 'relevant offence' and the scope of the Bill.

Part 4 sets out the necessary modifications to other legislation being relied upon for the purposes of a request under the Convention. These are not textual amendments to the other legislation but rather technical modifications for the purpose of how that legislation is deemed to be changed in respect of matters under the Convention, such as letters of request for evidence, including the necessary provision under the Convention regarding language content and further information being required, or the transit and transfer of prisoners.

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Part 5 makes provision for formal hearings through video conference, as required by the Convention.

Part 6 contains provision for the protection of witnesses who are involved in requests.

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Part 7 makes provision for other forms of assistance. This includes controlled delivery, sharing publicly available information and exchange of information between intelligence and law enforcement agencies.

Data protections are dealt with at Part 8.

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Part 9 deals with amendments to the Proceeds of Crime Act 2015 and the Crimes Act 2011, dealing with offences on vessels.

Part 10 has the miscellaneous provisions.

Clause 28 provides for the payment of ordinary and extraordinary costs of a request under Parts 5 and 6.

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Clause 29 is a standard provision giving the Chief Justice the power to make court rules in relation to proceedings under the Bill.

Clause 30 provides for the Government to make regulations for three purposes: (1) to amend the Schedule; (2) to make provision which is incidental to the Bill for the purposes of implementing a Convention requirement; and (3) to amend the Act through regulations for the sole purpose of implementing all necessary requirements and obligations under a convention or any other convention or international agreement extended to Gibraltar. All these powers are found in domestic legislation in various statutes over the years.

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Mr Speaker, you have received a letter with proposed amendments to the Bill. The amendments are simply the correction of typographical errors.

This Bill is required for the purposes of extending the Convention to Gibraltar, 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? The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, we will support this Bill. In the same way as the other Bill that we just spoke to was to amend our legislation in the context of a UN convention, this is the implementation of a particular United Nations convention, as the hon. Lady has explained, and we think this will be a useful addition to our laws, in compliance with international obligations.

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Can I just mention, while I am on my feet, that the hon. Lady spoke about a letter on amendments? We have not seen that letter, but we take at face value the issues that she has explained, that it will address issues of typographical nature. Perhaps it can just be passed to us for our assistance.

Mr Speaker: The Hon. Samantha Sacramento.

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Hon. Miss S J Sacramento: Mr Speaker, I once again thank the Hon. the Leader of the Opposition for his support of the Bills this afternoon.

I am not sure why the letter has not been circulated to Members in this House, but I would ask Mr Clerk if he could make arrangements for this.

1840 Thank you, Mr Speaker.

Mr Speaker: I now put the question, which is that a Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance, to make further provision for mutual legal assistance between Gibraltar and contracting states, to enable further provision to be made by regulations and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Mutual Legal Assistance (Merida Convention) Act 2023.

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**Mutual Legal Assistance (Merida Convention) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

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.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Contaminated Land Bill 2023 –
First Reading approved**

Clerk: A Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil; and for connected purposes between all bodies.

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1865 The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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 establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies 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 establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers

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on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Contaminated Land Act 2023.

**Contaminated Land Bill 2023 –
Second Reading approved**

1885 **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.

This Bill essentially addresses the legacy of land contamination. Its main purpose is to provide an improved system for the identification of land that is posing unacceptable risks to health or the environment and to secure remediation where such risks cannot be controlled by other means.

1890 The Bill introduces a regime for the regulation of contaminated land. The Department of the Environment is the primary regulator of the Act. The Bill aims to identify such land and then tries to ensure that, where possible, work is carried out to make the level of risk acceptable. This will take into account the cost of risk reduction, practical considerations and the potential benefits. The Bill is intended to complement other regimes, for example those aimed at preventing new
1895 contamination.

The intention is that the Act will improve the transparency and focus of regulatory controls to ensure that the regulator takes a strategic approach to land contamination problems, increase consistency in regulatory approaches and provide a more tailored mechanism, including liability rules, that is able to reflect the complexity and range of circumstances found on individual sites.

1900 The responsibilities of the Department of the Environment under the Bill are as follows: preparation of an inspection strategy to determine whether particular areas of land are contaminated; to identify and notify owners, developers, occupiers and those who may be liable that the land is contaminated; to undertake urgent remediation action in cases where there is imminent danger of serious harm; to determine who may be liable to bear the responsibility for
1905 the remediation of the contaminated land following the ‘polluter pays’ principle, while ensuring that the cost burdens are proportionate and reasonable; to ensure that the appropriate remediation takes place either through voluntary action or by serving a notice on those responsible; to take further action if remediation is not carried out or is not effective; and to maintain a public register containing details of action taken.

1910 The Bill envisages a ‘suitable for use’ approach, which requires that the risks associated with land contamination are assessed on a site by site basis. It applies to land with contamination where the contaminants pose an unacceptable risk to human health or the wider environment.

The aim of remedial work should be to remove the pollutant linkage either by reducing or removing the contamination source, breaking the pathway or removing the receptor. The
1915 standard of remediation should be such that significant harm or pollution is no longer being caused.

The process of securing remediation will comprise a number of stages. Prior to issuing an identification notice and remediation notice, the Department will enter a period of discussion and negotiation with all appropriate persons and other relevant stakeholders in order to seek
1920 voluntary remediation. There are four possible outcomes to this consultation. In the first, the appropriate person agrees to undertake a remediation and issues a remediation statement. In the second, where no voluntary remediation strategy is agreed, the Department serves an identification notice and a remediation notice. In the third, the Department uses its powers to undertake remediation itself and issues a remediation statement on the appropriate person or
1925 persons and can seek to recover costs. In the fourth, where particular remediation actions have been precluded because they would not be reasonable, having regard either to the likely costs

and seriousness of the harm or pollution, the Department needs to prepare and publish a remediation declaration which records the reasons why it would have specified the remediation action in a remediation notice. The statutory guidance will contain more information about the process of remediation.

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The Department is required to inspect areas to identify land that is contaminated in line with their strategy for inspection. Where land is identified as contaminated, the Department will need to secure a remediation. In some circumstances, it may be unreasonable for the land to be remediated, in which case the land will remain contaminated and a declaration will be issued. Public registers will record the notification of identification of contaminated land and remedial activity at such land. The statutory guidance will require the Department to develop and publish a strategic approach to the identification of contaminated land which merits detailed individual inspection. The strategy will indicate how the Department will identify potentially contaminated areas and how these will be prioritised for assessment in more detail.

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The Department is required to give notice of land identified as contaminated to the owner or developer of the land, any person who appears to it to be in occupation of the whole or any part of the land, and anybody and everybody who appears to the Department to be an appropriate person. The notifications of contaminated lands are required to be placed on the public register.

Mr Speaker, 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? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, the principle of polluter pays has been a longstanding principle of maritime law, so we welcome the introduction of legislation that will replicate the polluter pays principle in respect of contaminated land. As a matter of general principle, that is welcome. Obviously this is a framework, it does not provide all the answers of how this is done, but I have some questions of clarification that I would seek the hon. Member to make in terms of the Bill itself, and then perhaps he can illuminate us a bit on how it would work in practice, because some of the questions, I think, would require answers that really descend into how it works, which is not really reflected in the legislation as it is intended. But if I could just raise a few issues with him.

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The definition of 'contaminated land' talks about conditions in respect of 'substances and/or conditions'. 'Substance' is then defined as 'natural or artificial substance, whether in solid or liquid form or in the form of gas or vapour'. There is, however, no definition of 'conditions'. There is a definition of 'substance' but not 'conditions', so I am not clear on what conditions that is referring to, which brings me to the wider question of this being a framework. Against what yardsticks is the contamination of the soil being judged? Presumably there would then be ... what? Regulations introduced under this piece of legislation that will specify the kind of thresholds of contamination? How will these analyses be done? Presumably there will be Environmental Health people who will do random inspections and they will be testing, but I would be grateful if the Hon. Minister could give us some idea of how this would work in terms of yardsticks which are not answered by the Bill itself. And are those yardsticks produced here in Gibraltar? Are they against some kind of internationally accepted thresholds of soil contamination?

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And then, in relation to a couple of the other sections, I had a couple of questions. One was in relation to clause 16, which is the exclusion from the Registers of Information affecting National Security. I was not really sure what the purpose of that would be. I understand that the object would be that certain information is not included to the extent that it is deemed that it affects national security. I get that, but I was struggling with the concept that there would be a finding, for example, by the Environmental Department that there is contaminated land, but that somehow would be excluded from the register. I am not sure why that would be.

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Equally, I was not sure I was understanding why there was a saving in clause 22 in the proposed Bill which says 'Except as may be provided by regulations, nothing in this Act applies in relation to harm, or pollution of controlled waters, so far as attributable to any radioactivity possessed by

1980 any substance'. So if, for example, there was a vessel in our waters that emits some kind of substance, as defined by the Contaminated Land Bill, that then pollutes and harms land or waters adjacent to the land which is captured by the Contaminated Land Bill, why is it that that would be an exclusion? What is the rationale for that? I would be grateful if the Hon. Minister could clarify.

Mr Speaker, subject to those clarifications, we will support the Bill.

1985 **Mr Speaker:** The Hon. John Cortes.

Hon. Prof. J E Cortes: Mr Speaker, I am grateful to the Leader of the Opposition for his support for the Bill and I welcome it. I think there are five points raised and I think I can address them.

1990 Yes, it is a framework, absolutely a framework, and there will be guidelines. I think I mentioned them in my speech and this is provided for, some formal guidelines and regulations that will be produced which will specify the manner in which the assessments will be carried out. These will be based on similar guidelines in the UK and the EU.

1995 The 'condition' as I see it, allows more scope and probably, if I may say, flexibility as to how accessible the contaminant might be to receptors. There might be contamination but it is completely covered by a thick layer of concrete, so even though there is a contaminant, the condition of the land is such that it is not a danger to the receptor. That is the way that it has been put to me.

In relation to radioactivity, as I see it, it applies to water and therefore it would not apply in relation to contaminated land. I cannot see any other reason for including that.

2000 Those are the points that I wish to make in reply.

Mr Speaker: I now put the question, which is that a Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2010 **Clerk:** The Contaminated Land Act 2023.

**Contaminated Land Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the 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 be taken today, if all hon. Members agree.

2015 **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: The Hon. the Chief Minister.

2020 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House
should resolve itself into Committee to consider the following Bills clause by clause, namely the
Land Registry Portal and Electronic Stamping Bill 2023, the Contaminated Land Bill 2023, the
Education and Training (Amendment) Bill 2023, the Fireworks (Control) Bill 2023, the
2025 Environmental Governance Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment)
Bill 2023, the Fair Trading Bill 2023, the Heritage and Antiquities (Amendment) Bill 2023, the
Mutual Legal Assistance (Merida Convention) Bill 2023, the Licensing and Fees (Amendment)
Bill 2023, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Insurance (Motor
Vehicles) (Third Party Risks) (Amendment) Bill 2023 and the Insurance Schemes of Arrangement
(Recognition) Bill 2023. I think that is all of them.

2030 **Mr Speaker:** Before we continue, just to advise that the Chief Minister needs to get away for
about 10 to 15 minutes, so when we get to his two Bills we will recess for 15 minutes – he will be
called and will come over straight away.

In Committee of the whole House

**Education and Training (Amendment) Bill 2023 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Education and Training Act.
Clause 1.

2035

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): If I may, with your permission, the letter dated 19th May asked for an amendment in
clause 2 to substitute ‘day of publication’ with ‘by 17th July’. This was, of course, in order to ensure
it was after the end of last term, when we thought we were going to take this at the last session,
2040 so I would ask that we remove that change and we allow ‘day of publication’ to remain, as
originally proposed. Other than that, all the amendments should stand.

Mr Chairman: Yes. You did mention there was another minor amendment, if you could just –

2045

Hon. Prof. J E Cortes: Yes, Mr Chairman.

Mr Chairman: That is probably not properly covered in the memorandum.

Hon. Prof. J E Cortes: Part VIIIA in the Bill, as I recall, appears with an unusual form of Roman
2050 numerals ‘IIXA’. That is on page –

Mr Chairman: Can you draw me to the page?

Hon. Prof. J E Cortes: Page 19. I beg your pardon ... ‘VIII’ is the more correct form of Roman
2055 numeral.

Mr Chairman: Yes, so VIII replaces IIXA.

May I ask Members of the Opposition are they content with the amendments? (**Two Members:**
Aye.)

2060 Can you continue, Mr Clerk, with the clauses?

Clerk: Clause 2 as amended.

Mr Chairman: Clause 2, as amended, stands part of the Bill.

2065 **Clerk:** Clause 3 as amended.

Mr Chairman: Clause 3, as amended, stands part of the Bill.

2070 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Heritage and Antiquities (Amendment) Bill 2023 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes.

Clauses 1 to 4.

2075

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Chairman, you will recall – if I may – that there was a discussion ... We have been in contact, the Hon. Mr Clinton and I, and he has discussed it with the Hon. Mr Bossino, and I will be introducing amendments to clause 29C(7).

2080

Mr Chairman: When are you going to be doing that?

Hon. Prof. J E Cortes: If you wish, I can mention them now.

2085

Mr Chairman: I think what is required is something in writing, for the purposes of the record and for the purposes of the Clerk, who will then need to transpose it when he provides the amendments to the Bills which will become law.

Hon. Prof. J E Cortes: Okay. I will provide those in writing now.

2090

Hon. R M Clinton: Mr Chairman, the amendments are quite simple in relation to (7)(b).

Mr Chairman: Could you draw my attention to which page we are talking about?

2095

Hon. R M Clinton: *[Inaudible]*

Hon. Prof. J E Cortes: Yes. Mr Chairman, since there is no microphone for Mr Clinton, these are the amendments that I am now going to quickly write down, if you wish me to do that.

2100

Mr Chairman: Yes.

Hon. Prof. J E Cortes: And they are, as Mr Clinton has said ... *[Inaudible]* I just put it in writing, Mr Chairman.

2105

Mr Chairman: Let's do it verbally then put it in writing, just to confirm that we have understood where the amendments are.

Hon. Prof. J E Cortes: They are these, which have been, in fact, suggested by Mr Clinton and which are, I think, clarified.

2110 On page 5 – this is clause 29C – (7)(b) would now read ‘in subsection (1) before “exports” insert “imports a tainted antiquity or a tainted object of interest ...”. So we would include the word ‘tainted’ after ‘a’, in replacement of ‘an’, and then ‘a tainted’ after the word ‘or’. I will write that down for you as soon as my intervention is finished.

2115 If I may then point to further down on that page, the Hon. Mr Clinton has pointed out that to further clarify the requirements of the UNESCO Convention to which I referred, we should make the following amendment, which again I will write down, and that is in (e)(6) we remove the words ‘to the Crown’ after the word ‘forfeiture’ – I will make this clear in my written contribution – and then, in the next paragraph, paragraph (7), at the end, after the words ‘forfeited to the Crown’, we add ‘or repatriated to the appropriate authorities in the country of cultural origin’. That better
2120 reflects a requirement of the Convention, but I will write this down as soon as my intervention is finished, Mr Chairman.

Clerk: Clauses 1 to 4 as amended.

2125 **Mr Chairman:** Clauses 1 to 4, as amended, stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

Environmental Governance Bill 2023 – Clauses considered and approved

2130 **Clerk:** A Bill for an Act to make provision about targets, plans and policies for improving the natural environment; to establish requirements for statements and reports about environmental protection; to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes.

Part 1, clauses 1 to 3.

2135

Mr Chairman: Part 1, clauses 1 to 3, stands part of the Bill.

Clerk: Part 2, clauses 4 to 23.

2140 **Mr Chairman:** Part 2, clauses 4 to 23, stands part of the Bill.

Clerk: Part 3, clauses 24 to 30.

Mr Chairman: Part 3, clauses 24 to 30, stands part of the Bill.

2145

Clerk: Part 4, clause 31.

Mr Chairman: Part 4, clause 31, stands part of the Bill.

2150 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Fireworks (Control) Bill 2023 –
Clauses considered and approved**

Clerk: A Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks and for connected purposes.

2155 Part 1, clauses 1 to 4.

Mr Chairman: Part 1, clauses 1 to 4, stands part of the Bill.

Clerk: Part 2, clauses 5 to 13.

2160

Mr Chairman: Part 2, clauses 5 to 13, stands part of the Bill.

Clerk: Part 4, clauses 16 and 17.

2165

Mr Chairman: Part 4, clauses 16 and 17, stands part of the Bill.

Clerk: Part 5, clauses 18 to 20.

Mr Chairman: Part 5, clauses 18 to 20, stands part of the Bill.

2170

Clerk: Part 6, clauses 21 to 23.

Mr Chairman: Part 6, clauses 21 to 23, stands part of the Bill.

2175

Clerk: Part 7, clauses 24 to 26.

Mr Chairman: Part 7, clauses 24 to 26, stands part of the Bill.

Clerk: Schedule 1.

2180

Mr Chairman: Schedule 1 stands part of the Bill.

Clerk: Schedule 2.

2185

Mr Chairman: Schedule 2 stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Contaminated Land Bill 2023 –
Clauses considered and approved**

2190 **Clerk:** A Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of
2195 contaminated soil; and for connected purposes between all bodies.

Part 1, clauses 1 to 3.

Mr Chairman: Part 1, clauses 1 to 3, stands part of the Bill.

2200 **Clerk:** Part 2, clause 4.

Mr Chairman: Part 2, clause 4, stands part of the Bill.

2205 **Clerk:** Part 3, clauses 5 to 10.

Mr Chairman: Part 3, clauses 5 to 10, stands part of the Bill.

Clerk: Part 4, clauses 11 to 13.

2210 **Mr Chairman:** Part 4, clauses 11 to 13, stands part of the Bill.

Clerk: Part 5, clause 14.

Mr Chairman: Part 5, clause 14, stands part of the Bill.

2215 **Clerk:** Part 6, clauses 15 to 19.

Mr Chairman: Part 6, clauses 15 to 19, stands part of the Bill.

2220 **Clerk:** Part 7, clauses 20 to 23.

Mr Chairman: Part 7, clauses 20 to 23, stands part of the Bill.

Clerk: The long title.

2225 **Mr Chairman:** The long title stands part of the Bill.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

Clauses 1 to 3.

2230 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2235 **Mr Chairman:** The long title stands part of the Bill.

**Insurance Schemes of Arrangement (Recognition) Bill 2023 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers, and for connected purposes.

Clauses 1 to 17.

2240

Mr Chairman: Clauses 1 to 17 stand part of the Bill.

Clerk: The Schedule.

2245

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –
Clauses considered and approved**

2250

Clerk: A Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998. Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

2255

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Fair Trading Bill 2020 –
Clauses considered and approved with amendments**

2260

Clerk: A Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015; to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions; to make provisions for the protection of consumer interests and for the making and investigation of complaints; to encourage good business practices towards consumers; to make provision for the licensing of businesses; to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading; to make provision for the imposition of sanctions and for purposes connected therewith.

2265

Mr Chairman: Before we go through all the clauses, can I take it that the amendments covered in the memorandum from the Minister dated 19th July are acceptable and Members of the Opposition are content? Yes?

2270

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): They spell out the amendments that I mentioned earlier.

Hon. R M Clinton: Mr Speaker, I am just reading it and I would just ask the Minister to be careful that he does not prevent his general export restrictions of cultural items.

2275

Mr Chairman: We are talking about the Fair Trading Bill.

Hon. R M Clinton: Ah, sorry. *(Interjection)*

2280

Mr Chairman: So we are content with the amendments to the Fair Trading Bill, yes?

Mr Chairman: Mr Clerk, please continue.

Clerk: Clauses 1 to 118 as amended.

2285

Mr Chairman: Clauses 1 to 118, as amended, stand part of the Bill.

Clerk: Schedules 1 and 2.

2290

Mr Chairman: Schedules 1 and 2 stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Licensing and Fees (Amendment) Bill 2020 –
Clauses considered and approved**

2295

Clerk: A Bill for an Act to amend the Licensing and Fees Act.
Clauses 1 to 5.

Mr Chairman: Clauses 1 to 5 stand part of the Bill.

2300

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act.

2305

Clauses 1 and 2.

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clauses 3 to 6.

2310

Mr Chairman: Part 1, clauses 3 to 6 stand part of the Bill.

Clerk: Part 2, clauses 7 and 8.

2315 **Mr Chairman:** Part 2, clauses 7 and 8 stand part of the Bill.

Clerk: Part 3, clauses 9 and 10.

2320 **Mr Chairman:** Part 3, clauses 9 and 10 stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Crimes and Communications (Online Safety) Bill 2023 –
Clauses considered and approved**

2325 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006.
Clauses 1 to 6.

Mr Chairman: Clauses 1 to 6 stand part of the Bill.

Clerk: The long title.

2330 **Mr Chairman:** The long title stands part of the Bill.

**Transnational Organised Crime (Amendment) Bill 2023 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Transnational Organised Crime Act 2006 to make further provision under the United Nations Convention against Transnational Organised Crime.
Clauses 1 to 3.

2335 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2340 **Mr Chairman:** The long title stands part of the Bill.

**Mutual Legal Assistance (Merida Convention) Bill 2023 –
Clauses considered and approved with amendments**

2345 **Clerk:** A Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance; to make further provision for mutual legal assistance between Gibraltar and contracting states; to enable further provision to be made by regulations; and for connected purposes.
Part 1, clauses 1 and 2.

Mr Chairman: There are two amendments. Has the Hon. Leader of the Opposition had a chance to see them? They are dated 19th July. Are you content?
Please continue.

2350

Clerk: Clauses 1 and 2.

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

2355

Clerk: Clause 3.

Mr Chairman: Can I speak to you, Mr Clerk? Mutual Legal Assistance.
Clause 3 stands part of the Bill.

2360

Clerk: Clause 4 as amended.

Mr Chairman: Clause 4, as amended, stands part of the Bill.

Clerk: Clauses 5 and 6.

2365

Mr Chairman: Clauses 5 and 6 stand part of the Bill.

Clerk: Part 3, clauses 7 and 8.

2370

Mr Chairman: Part 3, clauses 7 and 8, stands part of the Bill.

Clerk: Part four, clauses 9 to 13.

Mr Chairman: Part 4, clauses 9 to 13, stands of the Bill.

2375

Clerk: Part 5, clauses 14 to 16.

Mr Chairman: Part 5, clauses 14 to 16, stands part of the Bill.

2380

Clerk: Part 6, clauses 17 and 18.

Mr Chairman: Part 6, clauses 17 and 18, stands part of the Bill.

Clerk: Part 7, clauses 19 to 23.

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Mr Chairman: Part 7, clauses 19 to 23, stands part of the Bill.

Clerk: Part 8, clauses 24 to 25.

2390

Mr Chairman: Part 8, clauses 24 and 25, stands part of the Bill.

Clerk: Part 9, clauses 26 and 27.

Mr Chairman: Part 9, clauses 26 and 27, stands part of the Bill.

2395

Clerk: Part 10, clauses 28 and 29.

Mr Chairman: Part 10, clauses 28 and 29, stands part of the Bill.

Clerk: Clause 30 as amended.

2400

Mr Chairman: Clause 30, as amended, stands part of the Bill.

Clerk: The Schedule.

2405

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

2410

Mr Chairman: The long title stands part of the Bill.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, may I propose a 15-minute recess?

Mr Chairman: The House will recess until five minutes to seven.

The House recessed at 6.40 p.m. and resumed at 6.56 p.m.

**Land Registry Portal and Electronic Stamping Bill –
Clauses considered and approved with amendments**

2415 **Clerk:** A Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes.

Clause 1.

2420

Mr Chairman: Clause 1 stands part of the Bill.

Clerk: Clause 2, as amended.

2425 **Chief Minister (Hon. F R Picardo):** Yes, I was going to say, Mr Chairman, I have circulated a notice of amendment to this Bill and I would propose that clause 2 be amended as set out in writing in that proposed amendment.

Clerk: Clause 2 as amended.

2430

Mr Chairman: Are Members content with the amendment?
Clause 2, as amended, stands part of the Bill.

Clerk: Clause 3.

2435

Mr Chairman: Clause 3 stands part of the Bill.

Clerk: Clause 4.

2440 **Hon. Chief Minister:** There is an amendment proposed to clause 4, Mr Chairman, of which I have given notice also.

Clerk: Clause 4 as amended.

Mr Chairman: Clause 4, as amended, stands part of the Bill.

2445 **Clerk:** Clauses 5 and 6.

Mr Chairman: Clauses 5 and 6 stand part of the Bill.

2450 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Parliament (Amendment) Bill 2023 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Parliament Act.
Clause 1.

2455 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

2460

Clerk: Clause 3.

2465 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have circulated a notice of amendment in respect of clause 3 after the discussion that the Leader of the Opposition and I had. I am, therefore, proposing to amend clause 3(3) in the way that I have set out there in writing, and set out a new clause 3(4) that deals both with the issue of consultation with the Leader of the Opposition – but not agreement with him – by the Minister. The period of time that I propose that the notice should provide for, which I am proposing should be seven days with a maximum of 21 days, and thereafter a new clause 3(4), making provision for extension beyond those 21 days to be only with the written agreement of the Governor. I understand that the Hon. the Leader of the
2470 Opposition will accept those amendments.

2475 **Hon. K Azopardi:** Yes, Mr Chairman, we have spoken and I will, indeed, accept those amendments. The words that I had also spoken about in my original contribution on subject to terms of the Constitution are not there, but we accept the point made that of course this Parliament can only legislate subject to the Constitution anyway, so the amendments themselves are acceptable to us.

2480 **Clerk:** Clause 3 as amended.

Mr Chairman: Clause 3, as amended, stands as part of the Bill.

Clerk: The long title.

2485 **Mr Chairman:** The long title stands part of the Bill.

**Land Registry Portal and Electronic Stamping Bill 2023; Parliament (Amendment) Bill 2023;
Education and Training (Amendment) Bill 2022;
Heritage and Antiquities (Amendment) Bill 2023; Environmental Governance Bill 2023;
Contaminated Land Bill 2023; Fireworks (Control) Bill 2023;
Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023;
Insurance Schemes of Arrangement (Recognition) Bill 2023;
Road Traffic (Windscreen Transparency) (Amendment) Bill 2023;
Fair Trading Bill 2020; Licensing and Fees (Amendment) Bill 2020;
Proceeds of Crime (Miscellaneous Amendments) Bill 2023;
Crimes and Communications (Online Safety) Bill 2023;
Transnational Organised Crime (Amendment) Bill 2023;
Mutual Legal Assistance (Merida Convention) Bill 2023 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Land Registry Portal and Electronic Stamping Bill 2023, the Parliament (Amendment) Bill 2023, the Education and Training (Amendment) Bill 2022, the Heritage and Antiquities (Amendment) Bill 2023, the Environmental Governance Bill 2023, the Contaminated Land Bill 2023, the Fireworks (Control) Bill 2023, the Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023, the Insurance Schemes of Arrangement (Recognition) Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023, the Fair Trading Bill 2020, the Licensing and Fees (Amendment) Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Crimes and Communications (Online Safety) Bill 2023, the Transnational Organised Crime (Amendment) Bill 2023 and the Mutual Legal Assistance (Merida Convention) Bill 2023 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

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Mr Speaker: I now put the question, which is that the Land Registry Portal and Electronic Stamping Bill 2023, the Parliament (Amendment) Bill 2023, the Education and Training (Amendment) Bill 2022, the Heritage and Antiquities (Amendment) Bill 2023, the Environmental Governance Bill 2023, the Contaminated Land Bill 2023, the Fireworks (Control) Bill 2023, the Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023, the Insurance Schemes of Arrangement (Recognition) Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023, the Fair Trading Bill 2020, the Licensing and Fees (Amendment) Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Crimes and Communications (Online Safety) Bill 2023, the Transnational Organised Crime (Amendment) Bill 2023 and the Mutual Legal Assistance (Merida Convention) Bill 2023 be read a third time and passed.

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2510

Those in favour of the Land Registry Portal and Electronic Stamping Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Parliament (Amendment) Bill 2023? (**Members:** Aye.) Those against? Carried.

2515

Those in favour of the Education and Training (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Heritage and Antiquities (Amendment) Bill 2023? (**Members:** Aye.) Those against? Carried.

2520

Those in favour of the Environmental Governance Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Contaminated Land Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Fireworks (Control) Bill 2023? (**Members:** Aye.) Those against? Carried.

- Those in favour of the Insurance (Motor Vehicles) (Third Party Risk) (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.
- 2525 Those in favour of the Insurance Schemes of Arrangement (Recognition) Bill 2023? **(Members: Aye.)** Those against? Carried.
- Those in favour of the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.
- Those in favour of the Fair Trading Bill 2020? **(Members: Aye.)** Those against? Carried.
- 2530 Those in favour of the Licensing and Fees (Amendment) Bill 2020? **(Members: Aye.)** Those against? Carried.
- Those in favour of the Proceeds of Crime (Miscellaneous Amendments) Bill 2023? **(Members: Aye.)** Those against? Carried.
- 2535 Those in favour of the Crimes and Communications (Online Safety) Bill 2023? **(Members: Aye.)** Those against? Carried.
- Those in favour of the Transnational Organised Crime (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.
- Those in favour of the Mutual Legal Assistance (Merida Convention) Bill 2023? **(Members: Aye.)** Those against? Carried.

Standing Order 7(1) suspended to proceed with a Government motion

2540 **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) to proceed with a Government motion.

2545 **Mr Speaker:** Those in favour? **(Members: Aye.)** Those against? Carried.

GOVERNMENT MOTION

**Ivory Act (Amendment) Regulations 2023 –
Approved**

Clerk: Government motion. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I stand to propose a motion that this House approve, pursuant to section 40(3) of the Ivory Act 2019, the making of the Ivory Act (Amendment) Regulations 2023, as set out in the draft that has been circulated:

That this House approve, pursuant to section 40(3) of the Ivory Act 2019, the making of the Ivory Act (Amendment) Regulations 2023, as set out in the enclosed draft

2555 Section 40 of the Ivory Act provides a power to amend the scope of the Act by regulations to include ivory from another animal or species after approval from this House. It has not been necessary to pass an amending Bill to amend the definition of 'ivory' in the Act, as secondary legislation can implement the change with the approval of this House, hence the motion.

2560 In 2019 the Ivory Act was passed, aimed at reducing the demand for ivory overseas by restricting the market for ivory items in or passing through Gibraltar. The Act focused on reducing the poaching of elephants, but a recent consultation paper in the UK revealed the extent of ivory derived from other species that is in circulation in ivory markets in Europe and elsewhere. These regulations will extend the ban on dealing in ivory to the five ivory-bearing species listed in the Convention on International Trade in Endangered Species, being the hippopotamus, narwhal, walrus, sperm whale and killer whale. The extension of the definition of ivory can also reduce opportunities for the laundering of elephant ivory by passing it off as being from other ivory-bearing species and reduce the allure of ivory as a commodity, collectable or status symbol.

2565 I move that the House now pass this motion.

Mr Speaker: I now propose a question in the terms of the motion moved by the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2570 The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, in the absence of my colleague Daniel Feetham, who was going to speak on this Bill because I know he has a particular interest in this area, I rise simply to confirm our support for the motion.

2575 The hon. Member rattled off the five ivory-bearing species. I am not sure if I caught that the rhino was there, but perhaps that is not an ivory ...

Mr Speaker: If no other Hon. Member wishes to speak, I will call on the mover of the motion to reply.

2580

Hon. Prof. J E Cortes: Mr Speaker, the species of rhinoceros are not there because their horn is made out of keratin, which is the same substance that nails, hooves and hair are made of, and not out of ivory. Therefore, you could not carve a rhinoceros horn. Rhinoceros horns are generally ground up and used for medicinal purposes – false medicinal purposes – in the oriental world. But that is a reason for not including rhinoceros. Instead of rattling them off, I can say more gently the hippopotamus, the narwhal, the walrus, the sperm whale and the killer whale.

2585

I propose that the motion now be passed.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Minister for the Environment, Sustainability, Climate Change and Education. Those in favour? **(Members: Aye.)** Those against? Carried.

2590

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I now move that the House should adjourn to Thursday, 21st September at three in the afternoon.

2595 **Hon. K Azopardi:** Before he moves the adjournment, if we are going that long, he will remember the exchange I had with him yesterday. *(Interjection)* I appreciate that. We may, in any event, seek to convert our questions into writing in the interregnum, by notice to the Clerk of the House, if we may.

2600 **Hon. Chief Minister:** Mr Speaker, there will be absolutely no objection from the Government if hon. Members want to convert their questions to writing.

If I may say to all hon. Members on both sides of the House that I hope they have a good ... It used to be called 'long vacation', but I hope that they have a good summer. I know that we will all

2605 probably be at work most of the summer rather than away, but I do hope everybody gets away a little bit, at least, and I look forward to seeing all hon. Members in Parliament at three o'clock in the afternoon on the first day of the autumn.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Thursday, 21st September at 3 p.m.

2610 I now put the question, which is that this House do now adjourn to Thursday, 21st September at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 21st September at 3 p.m.

The House adjourned at 7.11 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.55 p.m.

Gibraltar, Wednesday, 22nd November 2023

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

PRAYER

Madam Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 22nd November 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of the 14th Parliament, which was held on 15th, 20th and 26th June, and 3rd, 11th, 12th, 13th, 14th, 17th, 18th and 19th July 2023; and the first meeting of the 15th Parliament, which was held on 10th November 2023.

Madam Speaker: May I sign the Minutes as correct?

Members: Aye.

Madam Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Clerk: (iii) Communications from the Chair.

Madam Speaker: I have two announcements to make. Before I do so, you will each notice that you have an invite in front of you. I urge you all earnestly to make every effort to attend.

Speaker's entry to and departure from the Chamber – New practice to be adopted by Madam Speaker

Madam Speaker: Firstly, going forward from today, I shall be adopting a new practice upon entering and leaving the Chamber. I shall bow only once in the direction of the mace, thus paying my respects with one bow to the whole of this Hon. House. If you wish to return the courtesy thereafter, you should bow to the Chair in unison, or as close to unison as may be achieved.

**Modernisation of proceedings –
Introduction of calendar of sittings**

20 **Madam Speaker:** In respect of the second statement, last week I invited the Hon. the Chief
Minister and the Hon. the Leader of the Opposition to meet with me jointly. I am grateful to them
both for giving of their time. We had an open and useful discussion. Our common aim is to
modernise proceedings in this hon. House as soon as practically possible, so as to make them more
user friendly for the public as well as for hon. Members. To this end, we are working on creating
25 a parliamentary calendar of sittings. This would be circulated in advance and, as well as dates,
would identify time slots on those dates for the tabling of questions and answers of each of the
ministerial portfolios, thus giving hon. Members and the public prior notice of when questions are
intended to be taken.

In anticipation of implementing those changes, I ask that hon. Members of the Opposition pay
30 careful attention to the rules governing supplementary questions, in particular with regard to the
length of preambles and the necessary link between the supplementary questions and the original
questions. Similarly, I ask that Hon. Ministers have regard to the length of answers given, which
should be no longer than is necessary to answer the question effectively.

I have shared this statement with the Leader of the House and the Leader of the Opposition,
35 and I know it has the support of both of them.

PAPERS TO BE LAID

Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be Laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the
40 Qualifying (Category 2) Individuals (Amendment) Rules 2023, the High Executive Possessing
Individual Skills (Amendment) Rules 2023 and the Ombudsman's Annual Report for the year ended
31st December 2022.

Madam Speaker: Ordered to lie.

45 **Clerk:** The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, I have the honour to lay on the
table a consultation paper on lowering the age of voting to 16.

50 **Madam Speaker:** Ordered to lie.

Questions for Oral Answer

EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE

Q541/2023

**School nurses –
Complement by school**

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Questions to the Minister for Education, the Environment and Climate Change.
Question 541/2023. The Hon. Mrs A Sanchez.

55

Hon. Mrs A Sanchez: Madam Speaker, could the Government provide the current complement of school nurses, broken down by school?

Clerk: Answer, the Hon. the Minister for Education, Environment and Climate Change.

60

Minister for Education, Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the information the hon. Lady seeks as to the complement is publicly available. It is set out in the Estimates Book for the financial year 2023-24. All the school nurses are at St Martin's School.

65

Hon. E J Reyes: If I may, Madam Speaker? Thank you. I thank the Minister for his answer. I know the Estimates provide a figure of what the complement should be, but can the Minister confirm that the complement is actually complete and that there are no vacancies at present?

70

Hon. Prof. J E Cortes: I believe, Mr – Madam Speaker, I do apologise. It is a little bit like drifting into 'Her Majesty' when we should refer to His Majesty.

Madam Speaker: We all need to be patient with each other, so do not worry.

75

Hon. Prof. J E Cortes: I believe that the complement in the Estimates Book is actually complete, but, as usual, I will check it and provide the answer if that is not correct.

Hon. E J Reyes: I am extremely grateful, Madam Speaker, for that. Yes, it is accepted that the Minister checks and lets us know in an open meeting, so it can be recorded in *Hansard* for any future reference we may have.

80

Chief Minister (Hon. F R Picardo): Madam Speaker, I can be of assistance. I checked, and it is complete.

85

Madam Speaker: Next question.

Q542/2023
St Martin's School –
Investigation into allegations made

Clerk: Question 542/2023. The Hon. Mrs A Sanchez.

Hon. Mrs A Sanchez: Madam Speaker, could the Government provide information on the anticipated conclusion date of the investigation into the series of allegations leading to the temporary stepping down of the head teacher of St Martin's School, as reported in the GBC news article dated 3rd August 2023?
90

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government cannot comment on live investigations.
95

Hon. Mrs A Sanchez: Madam Speaker, could the hon. Member disclose who has been appointed to investigate these allegations?
100

Hon. Prof. J E Cortes: Madam Speaker, I do not have that information, but, again, I am very happy to share it, if it is provided to me. It is not directly something that I would have known, answering this particular question.

Hon. Mrs A Sanchez: Madam Speaker, has the hon. Member engaged with the parents and the pupils of this school, to understand their concerns regarding the duration of the resolution process and the potential impact that this might be having?
105

Hon. Prof. J E Cortes: Madam Speaker, no, I have not. It is not for me to get involved in a matter of this type of investigation, but the Department is aware. If I were approached directly, obviously I would give them the time and comment to the level that I could, but it is very important that I should not, myself, be involved in a matter relating to an investigation of this nature. The Department is working very closely in ensuring that the school is well looked after.
110

Hon. Mrs A Sanchez: Madam Speaker, does the hon. Member acknowledge the vital need for continuity and stability in St Martin's School and that the continuity is now partly hinging on the resolution of this investigation and the appointment of a permanent head teacher? Could the hon. Member outline the measures that have been taken to minimise the disruption caused?
115

Hon. Chief Minister: Madam Speaker, I am afraid that I have a concern about the way that that supplementary has been phrased, because it presupposes that the outcome of the investigation will be that the person who has temporarily stepped down will not be the person who returns. We cannot go anywhere near what the outcome of that investigation would be. I wonder whether the hon. Lady might want to rephrase just that element of it, because we will not be able to answer anything that supposes what the outcome of the investigation should be.
120
125

Madam Speaker: Yes, well, in any event, I remind the hon. Lady that, pursuant to the rules, you should not be asking for an expression of opinion. If you would like to rephrase your question, I will allow you to rephrase it, so that it is better put. Otherwise, you may feel you have asked as much as you can on this.
130

Hon. Prof. J E Cortes: Madam Speaker, I am happy to answer the first part, which is: is continuity important? Clearly, yes, ma'am, I am satisfied that we are dealing with that matter. As for the other part, as the Hon. Chief Minister has said, I do not think that would be appropriate.

135

Madam Speaker: Next question.

Q543/2023
Urban Renewal Committee –
Date of last meeting

Clerk: Question 543/2023. The Hon. G Origo.

140

Hon. G Origo: Madam Speaker, can the Government confirm when the last time the Urban Renewal Committee met?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

145

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Urban Renewal Committee last met on 10th May 2022.

Hon. G Origo: Madam Speaker, can the hon. Member please confirm how many meetings the committee has had since it was commissioned?

150

Hon. Prof. J E Cortes: No, Madam Speaker, I do not have that information. This is an informal committee which the Government set up some years ago in order to develop policy and strategies, so it is not a committee that has to meet regularly in order to enforce anything. These policies and strategies have been set up and would be reviewed periodically. It met more frequently as these policies were set up. Again, it is information that can be made available, but I cannot recall how many times that committee has met.

155

Madam Speaker: Next question, please.

Q544/2023
Great Siege Tunnels light show –
Commissioning of project

Clerk: Question 544/2023. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, can the Government confirm whether the commission of the Great Siege Tunnels light show will be a project that will be tendered out to the private sector, or whether this will be a Government/Gibraltar Tourist Board initiative?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

165

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government is considering how best to progress this project.

Madam Speaker: Next question.

Q545/2023

**Devil's Tower Road cemetery –
Birdwatching activities**

170 **Clerk:** Question 545/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, several complaints have been raised with regard to the increasing activity of birdwatching occurring at the cemetery on Devil's Tower Road, resulting in disturbances to those already there and respecting their loved ones. Does the Government
175 propose to take any action to curtail such activities?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam
180 Speaker, no.

Hon. Dr K Azopardi: Madam Speaker, may I just ask about that? Does the Government accept that there is birdwatching activity in the cemetery; and, if it does, does it not consider that activity of that nature, depending on how it occurs, may be in conflict with what is the natural use of and
185 visits of people to the cemetery, and, indeed, burials?

Hon. Prof. J E Cortes: Madam Speaker, the basic tenet of this question is an acceptance of an increasing activity of birdwatching. I started birdwatching in the cemetery, probably at the age of 13 or 14, and used to go almost daily, and more frequent than daily is hard to achieve. Therefore,
190 I do not accept that there is an increase in activity. Cemeteries around the world are known to be refuges for wildlife, and in fact there are often official tours of cemeteries to show ornithologists and nature lovers the wildlife of the cemetery.

Madam Speaker, the Hon. Leader of the Opposition has actually got it quite correct: it depends on how it occurs. The vast majority of birdwatchers, yours truly included, are very respectful. In
195 fact, I will go further. I carried out my PhD research in the cemetery looking at the ecology of lizards, and I never once was disrespectful to anybody there. Therefore, it is not the action of birding or the action of researching lizards that is disrespectful; it would be the actual approach of the individual.

There have been no complaints to the cemetery authorities about this. If there were any
200 complaints about the behaviour of anybody, action would be taken and perhaps they would be requested not to return, but I do not think we can correctly say that any inappropriate behaviour can be linked to that particular activity, which can be a very passive activity and a legitimate activity to be carried out in any area with interesting natural resources.

Hon. D J Bossino: Madam Speaker, if I may, the second premise of the question related to disturbances in the area and respecting loved ones; it was not just a question of increased activity. He mentions that any reports about –

Madam Speaker: May I just interrupt? Hon. Member, the first time you address someone on
210 the opposite side, you should use 'the hon. Member', and then you can use the pronouns after that.

Hon. D J Bossino: Thank you for that reminder, and, of course, Madam Speaker, I will take that
215 on board.

Can the hon. Member, given the premise of the question that I have asked, explain – and he answered, I think, a bit of it in relation to what can be done should there be disrespectful behaviour by individuals who attend the cemetery for that particular activity, and there is nothing,

necessarily, intrinsically wrong with that – what powers of enforcement the cemetery authorities have? He mentioned that fleetingly, but I wonder if he has any information in relation to that.

220

Hon. Prof. J E Cortes: Madam Speaker, we have not had complaints of this nature for as long as I can remember, and I have been responsible for it for quite a period of time – certainly reports of this nature that have come to me. The cemetery authorities will, of course, if there is such an incident of any nature, consider what action to take. It may be just talking to the person concerned, counselling them. Hopefully the response would be a positive one. If it were anything of a really worrying nature, perhaps the Police should be involved. I do not recall any such incident, but certainly I think it is worth looking into. There should be rules and protocols in place, but I do not have detailed information. It has never been invoked.

225

230

Madam Speaker: Next question.

Q546/2023

**Devil's Tower Road cemetery –
Pay and display parking spaces**

Clerk: Question 546/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government confirm whether it has any plans to increase the number of designated pay and display parking spaces outside the immediate vicinity of the cemetery on Devil's Tower Road?

235

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, there are no pay and display parking spaces on Cemetery Road adjacent to the cemetery, and there are currently no plans to designate any parking spaces on this road as pay and display. The Devil's Tower Road multi-storey car park is pay as you go parking which caters for the area, including St Theresa's Church and the cemetery. However, I am reviewing all parking provision, so there may be changes in the future.

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Madam Speaker: Next question.

Q547 and 564/2023

**Electric vehicles –
Incentives to encourage transition; charging points**

Clerk: Question 547/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, what sort of incentives is the Government proposing in order to facilitate the transition from fuel to electric vehicles?

250

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 564.

255

Clerk: Question 564. The Hon. C Sacarello.

Hon. C Sacarello: Would the hon. Member please explain the Government's plan on rolling out EV charging points across Gibraltar, in particular in estates?

260

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, Government has had a policy of zero import duty on electric vehicles and a cashback incentive on electric vehicle purchases for a number of years now. There is also tax relief available on the cost of installing a home charging system. The levels of these are currently being reviewed.

265

Availability of and access to charging infrastructure is recognised as a critical barrier to the adoption of electric vehicles. In light of this, an Electric Vehicle Infrastructure Strategy prepared by the Net Zero Delivery Body is currently being considered by Cabinet. The strategy will set a vision and action plan for the rollout of electric vehicle charging infrastructure to keep pace with growing demand. The strategy will include rapid chargers, as well as neighbourhood mobility hubs. We shall be making further announcements in due course.

270

Hon. Dr K Azopardi: Madam Speaker, can I just ask the Minister, in the context of the strategy that they intend to roll out, has there been an assessment of the number of EV points that are required or that they are aspiring to?

275

Hon. Prof. J E Cortes: Madam Speaker, there will have been a similar problem – I may have mentioned this before – when horse-drawn carts were being replaced by petrol-driven cars and people asked, 'Are we ever going to have stations or places where petrol can be delivered around the geography?' This is part of the process. The EV strategy, which is being considered by Cabinet and which was prepared by the Net Zero Delivery Body subcommittee, looks into the challenges. We do not have exact figures now. There are issues with infrastructure, but this is something that is happening, the industry is now pushing this along and clearly we will have to do a little bit more work to refine the details.

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285

The strategy, once it is approved, will be a public document and obviously will be subject to either conversations with Members of the Opposition who may be interested, as I assume they are interested in moving this along, or even further questions in Parliament.

Hon. D J Bossino: I have a question in relation to the EV strategy in particular. Does he have an idea as to –?

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Madam Speaker: Mr Bossino, 'does the hon. Member have', and then you go into the pronoun. I shall keep on, until you get it.

295

Hon. D J Bossino: Is the hon. Member, in relation to the EV strategy, able to give an indication to the House as to when he thinks that that will be up and running and ready for publication?

Hon. Prof. J E Cortes: I suspect very soon, Madam Speaker. I circulated it to the new Cabinet recently and I have had one or two replies, so I suspect it will be, probably, within no more than a couple of months at most, and it could be sooner.

300

Hon. D J Bossino: If I may, Madam Speaker, is the hon. Member able, at this stage, given that I think he has referred to a draft which is already available, to give an indication as to what the issues in relation to infrastructure are?

305

Hon. Prof. J E Cortes: Madam Speaker, the issues are identifying those places where electric charging points, particularly fast charging points, can be placed and how far they may be from the correct availability of power. It may be that power has to be taken to different points in order for there to be enough capacity in that particular location for vehicle charging points. That is essentially what we are talking about.

Hon. D J Bossino: One final question, if I may – and, again, I accept that this is the beginning of a process. Is the Hon. Minister able to give an indication at this stage to this House as to what the likely cost of the rolling out of that strategy and the infrastructure is likely to be?

Chief Minister (Hon. F R Picardo): Madam Speaker, that really is not a question for the Department of the Environment. It is a question for the Gibraltar Electricity Authority, not one which I think we will be able to answer today. There is another question on the Order Paper which deals with grid capacity, preparing the grid etc., so I think it may be helpful for the hon. Member to wait till that question comes up, to pursue that line of questioning further. However, it does not relate to cost, it relates to capacity.

Madam Speaker: Next question.

Q548/2023
Taxi service issues –
Steps to resolution

Clerk: Question 548/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, aside from hosting regular meetings with the Taxi Association, what steps can the Government take to guarantee a swift resolution to the service issues which have historically been reported within the service?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, acting promptly on the outcomes of such meetings.

Hon. G Origo: Madam Speaker, could the hon. Member please confirm when the last time such a meeting took place with the Taxi Association?

Hon. Prof. J E Cortes: Madam Speaker, it would have been this morning, but unfortunately it was in my diary for 10 o'clock and in theirs for 11, so it did not happen. This would have been the first formal meeting since I took on responsibility for transport, but I have had regular meetings, every couple of months, with the Taxi Association because of my responsibility for areas such as the Upper Rock. As I said, this was scheduled for today and it has been rescheduled for within the next couple of days.

Hon. Dr K Azopardi: Madam Speaker, given that the Minister says that acting promptly is the best course of action and that he had been having regular meetings before the dissolution of the House, what steps precisely have been taken to guarantee a swift resolution to the service issues which have historically been reported with that service?

350 **Hon. Prof. J E Cortes:** Madam Speaker, in relation to the Upper Rock, which is what I used to meet with them on, again, a lot of steps have been taken and I think they are very satisfied with the outcomes. In relation to other matters of my recent transport portfolio, the discussions would have taken place this morning. Sadly, they did not.

355 **Hon. Dr K Azopardi:** Does the Minister accept that, despite what he thinks are prompt steps that have been taken in relation to the meetings that he has held, the public consider that there continue to be problems with the service?

360 **Hon. Prof. J E Cortes:** Madam Speaker, that might well be the case, but I am not going to speculate here on what the public might or might not think. I do not know on what basis the hon. Member is reaching that conclusion. I am very much looking forward to initiating my regular contacts with the Taxi Association, contacts which have been very fruitful over the past 12 years. I am looking forward to working together with them to make improvements for everybody, themselves and the community.

365 **Hon. D J Bossino:** Madam Speaker, the hon. Member comes here today as if he were a new Minister. The hon. Gentlemen have now been in office for 12 years, and it is well known that there are very significant issues in relation to service, particularly, I can tell him, in relation to the service which is, or is not, properly provided at the Airport.

370 I will ask him this specific question, if I may, Madam Speaker. One of the issues that was identified to us when we have historically met with the GTA is that one of the ways to address many of these issues is to employ more transport inspectors. Can I ask the hon. Member whether the Government intends to do that, in order to improve the service that the GTA can provide to its users?

375 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the hon. Member seems to have forgotten that in the last Parliament, the hon. Member he is asking questions of was not the Minister for Transport. He seems to have attributed to him 12 years of responsibility for transport, which is really quite remarkable, because the hon. Gentleman was not the Minister for Transport.

380 Given that the then Minister for Transport is not here, I will answer on behalf of the Government, Madam Speaker, which has been in power for 12 years and will be for another four, despite their best efforts some weeks ago. I will answer shortly by saying that, in fact, our meetings with the Taxi Association also related, inter alia, to one of the things that could be done relating to the appointment of transport inspectors. Indeed, just before the election, a senior transport inspector was appointed. I understand that there may be other vacancies. So I think that given that the taxi drivers are known to be honourable people, they are some, perhaps, of the few who were telling them the same things that they were telling us, and we acted upon the things that they were suggesting should be done.

390 **Hon. D J Bossino:** May I ask the hon. Member, Madam Speaker, when he says he understands that more vacancies are going to be made available, can he be more specific in relation to that: how many vacancies and whether he feels that that is going to be sufficient to address the issue at stake here, which is a lack of service in some pockets of Gibraltar?

395 **Hon. Chief Minister:** Madam Speaker, I cannot be more precise; if I could, I would have given the exact figure. The hon. Gentleman knows that if I give a figure, I am required to come back to the House and correct that figure if I have got it wrong. Because I do not have the exact figure, I have not given it, but I know that in our discussions with the Taxi Association we have reached an agreement with them as to what the right figure should be. Whether that is more than one more is not something I can exactly recall because I was not the Minister for Transport, but I was, of course, involved in approving the number of vacancies at the time, and if I recall correctly, one

400

went immediately and I cannot recall whether more were to come. That is what I am trying to communicate to the House, because I cannot be more precise at this stage.

405 **Hon. D J Bossino:** Madam Speaker, in relation to that, and as to timings, is the Hon. the Chief
Minister able to indicate when he will be in a position to make that announcement, or is it
information which is available but he does not have available with him today in the House? Is it
something which requires a future decision in relation to the specific numbers, or should we
410 simply ask the question again, with the Speaker's leave, in relation to the appointment of new
transport inspectors?

Hon. Chief Minister: Madam Speaker, I do not anticipate an announcement. I am telling the
hon. Gentleman something that has been done already which arises from his question, and
therefore I am providing information. Neither do I think, with the very greatest respect to the
415 Chair, permission is necessary for that question to be asked, given that that is not the question
that was asked. The question that was asked is a generic one. I know that the hon. Gentleman has
been here for eight years and he knows that already and does not need me to remind him.

Madam Speaker: Next question.

Q549/2023
Household waste –
Fines issued for illegal dumping

420 **Clerk:** Question 549/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government disclose how many fines it has issued in
respect of illegal dumping of household waste for the year 2022 and so far in 2023?

425 **Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam
Speaker, in total, 51 tickets were issued in 2022; 58 were issued to date in 2023, plus another four
that we will be issuing this week. I will qualify that: this answer was drafted last week, so it may
430 mean last week, but either last week or this week another four.

Madam Speaker: Next question.

Q550/2023
Considerate Contractor Scheme –
Proposed establishment

Clerk: Question 550/2023. The Hon. G Origo.

435 **Hon. G Origo:** Madam Speaker, by when does the Government intend to establish the
proposed Considerate Contractor Scheme, ensuring that all construction projects adhere to the
highest standards of professionalism, safety and environmental responsibility?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

440 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam
Speaker, such a scheme was discussed at the Aspire Conference on a Sustainable Built
Environment this summer. It is an idea that was initially proposed to Government by a developer.
In the UK, the Considerate Constructor Scheme is not a government-run scheme but is run by an
independently managed, not-for-profit organisation, working with the construction industry.
445 Government is highly supportive of the aims of this scheme, which seeks to raise standards within
the industry and build trust with the public, and is considering how such a scheme could be
managed and monitored. There is no fixed date in mind for its introduction, but we are seeking to
have constructive dialogue with developers to ensure that the principles of such a scheme are
adopted, even if the official framework is not yet in place. The Government will not, however, be
450 establishing the scheme itself.

Q551/2023

**Sewage treatment plant –
Commencement date and timescale for completion**

Clerk: Question 551/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, when does the Government believe that we will see the
commencement of the sewage treatment plant, and what timescale is expected for completion?
455

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam
Speaker, the tender for the wastewater treatment plant is currently at preferred bidder stage.
460 Discussions are ongoing with the preferred bidder to deal with technical and commercial matters
which require further details. It is, therefore, not possible at this moment to provide a definitive
start date until the process is completed. Completion and commissioning of the plant are expected
to take in the region of two and a half years from starting works on site.

465 **Hon. Dr K Azopardi:** Madam Speaker, given that they are at preferred bidder stage, can I also
assume that the Government is not ready to confirm the likely cost until there is a formal award?
Is that the position, or is the Hon. Minister able to share the projection of it? Can I just also ask,
while I am on my feet, if he can say the number of bidders there were for this project?

470 **Hon. Prof. J E Cortes:** Madam Speaker, as I said in my answer, the board – not me – is looking
at technical and commercial matters. Therefore, I am not in a position to give detail on that. I
cannot recall the exact number of bidders. It was half a dozen, more or less, but again, that is
something that can be confirmed. There is no problem with that, but I do not have the figure with
me now. I think that answers all the hon. Member's questions.

475 **Hon. D J Bossino:** Madam Speaker, just drilling down on the timings and the details of it, can
the Hon. Minister say whether he has any information as to when it is expected that the preferred
bidder stage is likely to be completed? That will have a corollary effect in terms of when the project
is likely to start. If he has any information in relation to the expected ETA in relation to the start
480 of the project, that will be useful as well.

Hon. Chief Minister: Madam Speaker, if I can be of assistance, I know that there were, in the
end, only two bidders, and it is impossible, at this stage, to give the information the hon.
Gentleman has sought.

485 **Madam Speaker:** Next question.

Q552/2023

**Air pollution in vicinity of Port area –
Source**

Clerk: Question 552/2023. The Hon. G Origo.

490 **Hon. G Origo:** Madam Speaker, multiple reports have been seen online regarding the strong stench of fuel oil in the vicinity of the Port area and neighbouring estates. Does the Government have any idea as to what is causing such air pollution?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

495 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I am grateful for the Chief Minister confirming there were two. I had, in my mind, several more because there had been several enquiries, but, in the end, only two were presented. I am grateful for that clarification and that is now clear across the House.

500 In relation to Question 552, the Environmental Agency has received four complaints of smells. One complaint was from the Westside area, another complaint was from the South District and two complaints were received from the Town area. Environmental health officers investigated and could not establish the source of the smells for three of those complaints. One complaint was received from the South District regarding smells emanating from Gibdock. However, upon investigation it was established that a local business within New Harbours was conducting painting operations, and this was promptly dealt with by the Environmental health officer. The Agency also made enquiries with the Gibraltar Port Authority, which did not receive any reports of smells from maritime activity. At present, based on the limited evidence, the most likely source is transboundary.

510 **Hon. G Origo:** Madam Speaker, could the hon. Gentleman please confirm whether the Government has any plans or steps it can take to mitigate and limit such pollution when it does arise?

515 **Hon. Prof. J E Cortes:** Madam Speaker, in relation to the painting operation by a business, that was dealt with immediately by the officer. When it is transboundary, we cannot take action to mitigate. We try to identify possible sources, but this takes time because there is online information from air monitoring stations around the region and we do try to see whether there are similar peaks, if there are peaks at all, in the different pollutants, and try to get an indication. However, it is very difficult to deal with it when it is transboundary, because there is a lot of industry in the surrounding area. Fortunately, most winds do not blow in this direction, but when they do, it is very difficult to pinpoint.

Madam Speaker: Next question.

Q553/2023

**BREEAM certification and Net Zero Building Standard –
Proposed introduction**

Clerk: Question 553/2023. The Hon. G Origo.

525 **Hon. G Origo:** Madam Speaker, when does the Government propose to introduce Building Research Establishment Environmental Assessment Method (BREEAM) certification and the development of a Net Zero Building Standard?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

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Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, apologies, it is a longer answer than usual but there is a lot of information that I need to share.

535

The Government has already begun the process of consulting with industry on the question of BREEAM standards for new projects and is pleased to note that there are now a number of individuals in Gibraltar, albeit still a small number, who are qualified to undertake BREEAM assessments. BREEAM is a voluntary standard and new developments are already able to use this method to evaluate and certify the environmental performance of a building's design, construction and operation. The framework setting out when and what level of BREEAM certification is required for different types of development will be included in the new Development Plan.

540

In terms of a Net Zero Building Standard, we are monitoring the UK's development of their standard closely and note that the industry group developing it hopes to have a version of the Standard available for beta testing within the next six months. Government will liaise with industry groups such as the Gibraltar Sustainable Buildings Group to review the beta version, once available, to ascertain what elements of it are suitable for Gibraltar and what would need to be revised or redefined to make sense for our climatic context. As such, it is unlikely that a final version of this standard will be available for at least two years. However, the commitment to BREEAM certification is already included in the Climate Change Strategy as policy, and, indeed, there is already at least one major development that will be assessing its project against these standards as part of its planning conditions; so, in a sense, we have already introduced BREEAM certification.

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The Net Zero Building Standard in the UK is being developed by leading UK organisations such as the Building Research Establishment, the Carbon Trust, the Institute of Structural Engineers, the Royal Institute of British Architects and the Royal Institute of Chartered Surveyors, among others. It is the first cross-industry standard of this nature that brings together net zero requirements for all building types. Gibraltar's building rules are based on UK standards and legislation, and, as such, it makes sense to rely on the extensive work already being done by professionals there whilst relying on our own built environment professionals to make sure that, in areas where it is relevant, the standard reflects the Mediterranean climate in which we live and work.

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This is not a job that can be rushed and, at present, we are not in a position to give a definitive timeframe. Nevertheless, the Government will continue to work with the industry, through the planning and building control process, to ensure that the operational and embodied energy of buildings are minimised as far as possible in all new projects.

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Hon. D J Bossino: There is a lot of information there. Madam Speaker, the Minister talks about one major development which is adopting the standard that he refers to. Is he able to identify which – he is shaking his head – major development he is talking about?

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Hon. Prof. J E Cortes: No, Madam Speaker, I do not think it would be appropriate for me to do that here, because there could be commercial implications.

Madam Speaker: Next question.

Q554/2023
25-Year Environmental Plan –
Proposed introduction

575 **Clerk:** Question 554/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, could the Government please confirm when it will be in a position to publish the 25-Year Environmental Plan?

580 **Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the 25-Year Plan will be published before the end of the year.

585 **Hon. Dr K Azopardi:** Madam Speaker, is that plan being prepared in house, or is it with the assistance of consultants; and, if so, who are they? Does the Minister have an idea of cost?

Hon. Prof. J E Cortes: Madam Speaker, in house by the Scientific Technical Team of the Department of the Environment and Climate Change.

590 **Madam Speaker:** Next question.

Q555/2023
School cleaner vacancies –
Breakdown by school and when expected to be filled

Clerk: Question 555/2023. The Hon. E J Reyes.

595 **Hon. E J Reyes:** Madam Speaker, can Government provide details of how many vacancies currently exist for school cleaners, providing a breakdown of schools concerned, together with details of when these posts are expected to be filled on a permanent basis?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

600 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the current complement of school cleaners is 278. There are 21 vacant part-time posts.

605 **Hon. E J Reyes:** Madam Speaker, in my question I did request the Minister to provide a breakdown of the schools concerned. I want confirmation of the stories I hear that some schools have very big numbers of vacancies and others may not; hence my request for a breakdown of the schools concerned.

610 **Hon. Prof. J E Cortes:** Madam Speaker, yes, I should have clarified that there is certain movement between schools and therefore it is hard to pin it down. I can give an approximate figure and I can bring that back on another occasion, if that would be helpful.

Hon. E J Reyes: Yes, thank you, Madam Speaker, I appreciate the Minister doing that. Whilst he is doing that verification and providing the data for me, I will give an indication that I am trying, also, to establish whether there is any veracity behind a school like Bishop Fitzgerald being down

615 by as many as 11 cleaners. It sounds a big number to me, but the Minister, with his investigation,
may be able to come back to this House and confirm those figures being bandied about.

Hon. Prof. J E Cortes: Madam Speaker, I suspect that if Bishop Fitzgerald were down by 11
620 cleaners, I would have had representation in my office before now. I have no information as to
that. What may, perhaps, have led to that comment is the fact that because it is a larger school,
we are going to need a larger number and, for a period of time, the recruitment process has
commenced, including the 21 vacancies, and there is some cross cover with extra hours. However,
it is not that they are down by 11 cleaners, because the work is being done and covered, so there
is no major crisis, certainly that I am aware of.

625 **Hon. E J Reyes:** Thank you, ma'am. The Minister has touched upon it – I believe he led us to
believe that there is a process of filling those vacancies and so on. I had asked in my original
question when does he have an expectation that these will be filled on a permanent basis. He may
have the information now and we can have it; if not, it is something I look forward to receiving.

630 **Hon. Prof. J E Cortes:** Yes, Madam Speaker, the selection process has commenced. I recall
having signed, a short time ago, the appropriate form that comes to me for filling of vacancies so
the process has commenced.

Q556-57/2023
BTEC Level 3 Music Performance courses –
Location of classes

Clerk: Question 556/2023. The Hon. E J Reyes.

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Hon. E J Reyes: Madam Speaker, why is the BTEC Level 3 National Extended Certificate in Music
Performance being delivered at premises other than the Gibraltar College, as stated in both
Bayside and Westside Schools' Curriculum 2023 booklet issued to students?

640 **Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam
Speaker, I will answer this question together with Question 557.

645 **Clerk:** Question 557/2023. The Hon. E J Reyes.

Hon. E J Reyes: Why is the BTEC Level 3 National Extended Certificate in Music Performance
(Acting) being delivered at premises other than the Gibraltar College, as stated in both Bayside
and Westside Schools' Curriculum 2023 booklet issued to students?

650

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, because these courses are being delivered at the
premises of the Gibraltar Academy of Music and Performing Arts.

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Hon. E J Reyes: Madam Speaker, if the booklet issued to students both at Bayside and Westside
in respect of these two courses has a note that says that these courses will be delivered at the
Gibraltar College, I am asking why they are being delivered at premises other than the College, as
stated in the booklet. I am grateful that the Minister has confirmed where they are being

660 delivered, but it does not answer the question of why they are being delivered other than where
the booklet said they were going to be delivered.

Hon. Prof. J E Cortes: Madam Speaker, as the hon. Member is well aware, because these
665 questions have arisen time and again in this House in the previous Parliament, there is an
agreement between the College and the Gibraltar Academy of Music and Performing Arts for the
delivery of these courses.

Hon. E J Reyes: Madam Speaker, why were students and parents led to believe, at the end of
670 academic year 2022-23, that for the academic year 2023-24 the courses were actually going to be
delivered at the Gibraltar College? It has now been confirmed that they are being delivered in
premises other than those that fall under the direct control of the Director of Education. It is, in
my opinion, misguidance to the parents.

Hon. Prof. J E Cortes: Madam Speaker, a multi-campus approach is very common in higher and
675 further education. It is a way to expand the availability of courses. It happens all over the world.
The courses are run and accredited by the College. They are delivered by the Gibraltar Academy
of Music and Performing Arts in the same way that other vocational courses are run in places
other than the Gibraltar College. It is the correct way of allowing the College to expand despite its
confinement in space. I make no apology for that, whatsoever. I think this is the right way to
680 expand the opportunities that our young people have for more and more courses, in more and
more subjects.

Hon. E J Reyes: Madam Speaker, I hope I am not pushing your patience, but –

685 **Madam Speaker:** Last question.

Hon. E J Reyes: – it requires me to seek further clarification. The Minister referred to a campus.
I can understand the concept of consortium, if one wants to call it that, between Bayside School,
Westside School and the College of Further Education because they are catering for an A-level and
690 A-level equivalent academic route, but I was never aware that GAMPA was part of this consortium.
If it is, it is news certainly to the House. As a result of what the Minister is trying to explain in his
answer, is he signifying that there is no availability within the existing, relatively new buildings of
Bayside and Westside which were built within the last parliamentary term of office? Are there no
rooms available to deliver these courses there? Why do we need to ask students to move to
695 another location?

Hon. Prof. J E Cortes: Madam Speaker, there are university campuses which are probably larger
than Gibraltar, so we are not talking of more than perhaps a 10-minute – 15 minutes at most, if
you go slowly – walk between the different sites.

700 It can be considered an extension of the consortium. It is not a question of availability, it is a
question of choice. Some of the courses are delivered by people from GAMPA, who have their
facility there and it is made available to the College, and we welcome that. I am afraid that the
hon. Member is going to be quite upset as we roll out further arrangements with other
organisations in order to have courses delivered elsewhere than at the College, because this is the
705 way to expand.

I must add that these courses are extremely successful and have opened up opportunities for
young people, who are doing things that would not have been possible had we not taken this
initiative.

710 **Madam Speaker:** The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Thank you, Madam Speaker. On the point that the Hon. Minister mentioned, that there was an agreement with GAMPA for the delivery of these courses, can I ask when this agreement was entered into? When were the courses first delivered at GAMPA?

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Hon. Prof. J E Cortes: Madam Speaker, our recollection is 2021. We have already had some successful people completing the course, so I think two to three years, because this would be the third academic year.

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Madam Speaker: We are exhausting the subject.

Hon. E J Reyes: I know, Madam Speaker, but the Minister said something there –

Madam Speaker: Right, one more.

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Hon. E J Reyes: – which raises a further ... Can I clarify as well, Madam Speaker, for the record, that I am, by no means, upset in any shape or form – the Minister was hinting towards that – that any delivery of lessons happens anywhere outside the schools. It is the last thing on my mind. Let that be clear for the record.

730

What I want to set out here is that in my original statement I said parents and students are being told this is going to be delivered at the College and it then happens to be delivered elsewhere. I concur with the Minister's date, it was at about the start of the academic year in September 2021 when this started happening. When it was repeated for the academic year that started in September 2022, I know that teaching staff from both Bayside and Westside held a meeting with the Director – I am not 100% certain, but they may have, later, even met the Minister himself – expressing concerns. They are qualified teachers employed by the Department of Education, with the accredited qualifications to be able to deliver these courses in house, in the school buildings where the facilities are available, and yet it was being contracted out, so something there does not quite fit the picture, Madam Speaker.

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Madam Speaker: Your question is?

Hon. E J Reyes: My question is why were these teachers, who reassured the Director of Education that they had the qualifications and the resources necessary to teach them in house within Bayside and Westside School ... why was their offer not taken up and why are these courses not being delivered there?

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Hon. Prof. J E Cortes: Madam Speaker, the accreditation for these courses was, in fact, achieved by GAMPA and offered to the Department of Education at a time when the schools were not delivering or were not about to deliver. The relationship became a very helpful one. The courses have been extremely successful and the decision was taken that these vocational courses would continue to be delivered under the auspices of the College, under the tutorship of GAMPA as well as the College. It was a satisfactory arrangement which has proven very successful and has continued to the present day. It was a conscious decision made after all the different aspects were considered.

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Madam Speaker: Next question.

Q558/2023
Delivery of BTEC courses –
Payments made to providers

Clerk: Question 558/2023. The Hon. E J Reyes.

760 **Hon. E J Reyes:** Can Government provide a detailed breakdown showing how much has been paid to whom in respect of all costs over the last three and current academic years related to the delivery/provision of BTEC courses for students registered at Bayside School, Westside School or the Gibraltar College of Further Education?

765 **Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I hand over a schedule with the information requested; I believe the first schedule of this Parliament.

Answer to Q558/2023

ANSWER TO QUESTION 558

Course Provider	Course	Course Delivery	Equipment
Mayfair On Main	Vocational Hair & Beauty Course September 2019 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course October 2019 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course November 2019 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course December 2019 Westside/Bayside	£1,800.00	
Mayfair On Main	Being payment of supply of equipment for Westside/Bayside course		£222.89
Mayfair On Main	Vocational Hair & Beauty Course January 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course February 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course March 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course April 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course May 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course June 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course July 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Vocational Hair & Beauty Course August 2020 Westside/Bayside	£1,800.00	
Mayfair On Main	Being payment of supply of equipment for Gibraltar College course		£2,205.10
Mayfair On Main	Vocational Hair & Beauty Course September 2020 Westside/Bayside	£1,907.50	
Mayfair On Main	Vocational Hair & Beauty Course October 2020 Westside/Bayside	£1,907.50	
Mayfair On Main	Vocational Hair & Beauty Course November 2020 Westside/Bayside	£1,907.50	
Mayfair On Main	Vocational Hair & Beauty Course September 2020 Gibraltar College	£5,489.92	
Mayfair On Main	Vocational Hair & Beauty Course October 2020 Gibraltar College	£5,489.92	
Mayfair On Main	Vocational Hair & Beauty Course November 2020 Gibraltar College	£5,489.92	
Mayfair On Main	Vocational Hair & Beauty Course December 2020 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course January 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Being payment of supply of equipment for Gibraltar College course		£2,624.05
Mayfair On Main	Vocational Hair & Beauty Course February 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course March 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course April 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course May 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course June 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course July 2021 Westside/Bayside/College	£7,397.42	
Mayfair On Main	Vocational Hair & Beauty Course August 2021 Westside/Bayside/College	£7,397.42	

Cont...

CONTINUED ANSWER TO QUESTION 558

<u>Course Provider</u>	<u>Course</u>	<u>Course Delivery</u>	<u>Ancillary costs</u>
GAMPA	Vocational BTEC Music Performance September 2021	£2,050.00	
GAMPA	Vocational BTEC Music Performance QVQO Registration Fees and equipment		£1,400.00
GAMPA	Vocational BTEC Music Performance October 2021	£2,050.00	
GAMPA	Vocational BTEC Music Performance November 2021	£2,050.00	
GAMPA	Vocational BTEC Music Performance December 2021	£2,050.00	
GAMPA	Vocational BTEC Music Performance January 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance February 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance March 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance April 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance May 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance June 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance July 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance August 2022	£2,050.00	
GAMPA	Vocational BTEC Music Performance September 2022	£2,558.00	
GAMPA	Vocational BTEC Music Performance October 2022	£2,558.00	
GAMPA	Vocational BTEC Music Performance QVQO Registration Fees and equipment		£3,473.68
GAMPA	Vocational BTEC Music Performance November 2022	£2,558.00	
GAMPA	Vocational BTEC Music Performance December 2022	£2,558.00	
GAMPA	Vocational BTEC Music Performance January 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance February 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance March 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance April 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance May 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance June 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance July 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance August 2023	£2,558.00	
GAMPA	Vocational BTEC Music Performance September 2023	£2,558.00	
<u>Course Provider</u>	<u>Course</u>	<u>Course Delivery</u>	<u>Ancillary costs</u>
GAMPA	Vocational BTEC Performing Art (Acting) September 2023 (Part-time variable)	£378.00	

CONTINUED ANSWER TO QUESTION 558

Mayfair On Main	Vocational Hair & Beauty Course September 2021 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course October 2021 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course November 2021 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course December 2021 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course January 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course February 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course March 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course April 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course May 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course June 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course July 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course August 2022 Westside/Bayside	£1,809.67
Mayfair On Main	Vocational Hair & Beauty Course September 2022 Westside/Bayside/College	£10,393.66
Mayfair On Main	Vocational Hair & Beauty Course October 2022 Westside/Bayside/College	£10,393.66
Mayfair On Main	Being payment of supply of equipment for Westside/Bayside course	£1,579.15
Mayfair On Main	Being payment of supply of equipment for Gibraltar College course	£5,177.16
Mayfair On Main	Vocational Hair & Beauty Course November 2022 Westside/Bayside/College plus adjustment for Sept and Oct 2022	£10,669.33
Mayfair On Main	Vocational Hair & Beauty Course December 2022 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course January 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course February 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course March 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course April 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course May 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course June 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course July 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course August 2023 Westside/Bayside/College	£9,571.33
Mayfair On Main	Vocational Hair & Beauty Course September 2023 Westside/Bayside	£3,663.19
Mayfair On Main	Vocational Hair & Beauty Course October 2023 Westside/Bayside	£3,663.19

Cont...

770 **Hon. E J Reyes:** Madam Speaker, if it helps you, with previous Speakers we had a practice where, when a schedule came round, we moved on to the next question, and a few minutes later the Speaker would allow us to come to a question, rather than having the whole House silent for a few minutes whilst we studied it. I do not know whether you, ma'am, would like to entertain that past practice.

775 **Madam Speaker:** Whilst it may be a blessing to have the whole House silent for a few minutes, I think it is a sensible practice, so we shall adopt it.
Next question.

**Q559-63/2023
Scholarships –
Funding and repayment**

Clerk: Question 559/2023. The Hon. E J Reyes.

780 **Hon. E J Reyes:** How many new mandatory scholarships have been awarded in 2023 and what is the total number of mandatory scholarships currently being funded?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

785 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with Questions 560 to 563.

Clerk: Question 560/2023. The Hon. E J Reyes.

790 **Hon. E J Reyes:** How many new discretionary scholarships have been awarded in 2023 and what is the total number of discretionary scholarships currently being funded?

Clerk: Question 561/2023. The Hon. E J Reyes.

795 **Hon. E J Reyes:** How many new distance learning scholarships have been awarded in 2023 and what is the total number of distance learning scholarships currently being funded?

Clerk: Question 562/2023. The Hon. E J Reyes.

800 **Hon. E J Reyes:** How many students who were beneficiaries of scholarships are active debtors or must make arrangements to pay back government grants given to them, due to not successfully completing the course for which they were funded?

805 **Clerk:** Question 563/2023. The Hon. E J Reyes.

Hon. E J Reyes: What is the total debt owed to Government by students, and/or their guarantors, who did not successfully complete the courses for which they were funded?

810 **Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, I will take them in sequence. In answer to Question 559, the number of new mandatory scholarships awarded in 2023 is 374. The total number of

815 mandatory scholarships currently being funded, inclusive of those awarded for academic year 2023-24, is 893.

The number of new discretionary scholarships awarded in 2023 is 149. The total number of discretionary scholarships currently being funded, inclusive of those awarded for the current academic year, is 175.

820 Distance learning scholarships are awarded from both mandatory and discretionary funding, as some school leavers are now opting to pursue their choice of degree through online learning. The number of new distance learning awards are broken down as follows: mandatory, 11; discretionary, 31. The total number of distance learning awards, inclusive of those awarded this academic year, is as follows: mandatory, 38; discretionary, 38.

825 The number of scholarship students who are debtors, actively repaying debts or otherwise, amounts to 240.

The total outstanding debt related to scholarship arrears amounts to £1,650,894.08.

Hon. E J Reyes: Madam Speaker, I thank the Minister for all that information broken down and so on. If I can refer, first, to Question 563, where we have a grand total owed to Government, the
830 Minister may recall a few months ago, probably a year ago, we had a similar question and, at the time, the Minister provided me with a schedule, without identifying particular names, with the number of students owing. It arose from that that I noticed that some students or their guarantors had failed to meet whatever commitment they had on the repayment facilities. They are supposed to make monthly or quarterly instalments. Is the Minister aware if the practice has now been done
835 away with, or are there cases that need to be chased up, which possibly could even lead to legal action against those who have failed to make the commitment to repay?

Hon. Prof. J E Cortes: Madam Speaker, there is a whole range of situations. Some students are paying more, some are paying less. There are personal circumstances, sometimes, that come into
840 play. This is dealt with, mainly, by the Department but also with the support of the Central Areas Unit. There is a whole range of different conditions. There are no two the same, as the hon. Member will remember from that long list that I provided at that time. I do not believe he actually asked for that amount of detail in this particular question; otherwise, it would have been provided, as it was last time.

845

Hon. Dr K Azopardi: To be clear, so that I understand it, the amount of £1.65 million, which relates to the figure of 240 students, these are students who owe the money because they have dropped out – is that really the thrust of it?

850 **Hon. Prof. J E Cortes:** Essentially, yes, students who, over a long period of time, clearly, have not completed their studies. There is an assessment. In some cases, where there is a documented medical reason, there is an exemption made and that is waived, but this is students who have not completed their course.

855 **Hon. Dr K Azopardi:** Presumably these decisions are taken by the Education Department. Is there some kind of protocol to allow appeals being made on hardship grounds by particular students?

860 **Hon. Prof. J E Cortes:** Yes, this is possible, and the Department will allocate time, if necessary, to consider appeals on grounds of hardship, health perhaps, and other grounds that may have led to it.

Madam Speaker: Next question.

Q565-66/2023

**Bicycle lanes –
Cost to date**

Clerk: Question 565/2023. The Hon. R M Clinton.

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Hon. R M Clinton: Madam Speaker, can the Government advise the cumulative cost, as at 30th September 2023, of the construction of the bicycle lanes?

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

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Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 566.

Clerk: Question 566. The Hon. D J Bossino.

875

Hon. D J Bossino: Please state what the total cost to date is of the cycle lane from the Sundial roundabout to the Waterport roundabout.

Hon. Chief Minister: Answer, the Minister for Education, the Environment and Climate Change.

880

Hon. Prof. J E Cortes: Madam Speaker, the Government has, to date, spent the following amounts on the bi-directional bicycle lane infrastructure: Phase 1, Bayside Road, £490,773.31; Phase 2, Glacis Road, £252,413.74; Phase 3, Waterport Wharf roundabout, £286,373. The figures for the bicycle lane infrastructure at the Kingsway and Regal House junction are not included, as these works were funded within their respective projects.

885

Hon. R M Clinton: Madam Speaker, if you will give me two seconds just to add up those numbers, because he has not given me the – (**Madam Speaker:** Counting.) By my reckoning – and the hon. Member can correct me – that comes to £1,028,000 in the round. Would that be the number he would recognise?

890

Hon. Prof. J E Cortes: No, I have not added it up.

Chief Minister (Hon. F R Picardo): Madam Speaker, we are not here to check the hon. Member's mathematics.

895

Hon. R M Clinton: Madam Speaker, I asked the Government for the total cumulative cost. I would have thought they would have that to hand, but I will do the maths for the Minister if he cannot do it himself. It comes, at my reckoning, to over £1 million.

900

Can I ask the Minister, and perhaps he can confirm this: in the Estimates Book for 2023-24, within the Sustainable Traffic, Transport and Parking Plan, there is a total estimate of £1.2 million, so he is very close to reaching the total budget for the entire project on sustainable traffic, transport and parking. Can I ask the Minister: is that as much as he expects to spend on the bicycle lanes, or does he expect to spend more; and, if so, how much more?

905

Hon. Prof. J E Cortes: Madam Speaker, it is likely that that is about as much as we are spending in this financial year. I propose to continue with cycle lanes as per the plans, and looking, perhaps, at rejigging some of them, but I do not expect that any significant spending on that will happen in this financial year and would be left to the next financial year and subsequently.

910

Hon. R M Clinton: Madam Speaker, I am very grateful to the hon. Member for his answer. Does he have with him, perhaps, a breakdown of those numbers in terms of the type of work, the painting, digging up the road, or anything of that type?

915 **Hon. Prof. J E Cortes:** Madam Speaker, the hon. Member is telling me the very opposite of what he said before. He asked for the cumulative costs, which he complained I had not given, and now he asks me for a further breakdown. The answer is I do not have that information with me here.

920 **Hon. D J Bossino:** Madam Speaker, if the hon. Member will indulge me for a moment ... I am assuming that he has answered my question on the Order Paper, because he took them together. I would, therefore, seek his assistance as to whether my understanding is correct, because I asked specifically in relation to one point to another geographically, and that is because it was asked in this House in the previous Parliament in almost exactly the same terms that I drafted them for the
925 purposes of that particular question. However, he then answers and helpfully splits them in respect of three different phases. Is that, therefore, the total amount, as has been added up by my hon. Friend here to my left, of the cost of the cycle lane from the Sundial roundabout to the Waterport roundabout, or is he able to assist any further as to whether there is a breakdown within those three phases that would assist me in understanding what the answer to that specific
930 question is?

Hon. Prof. J E Cortes: Madam Speaker, no, that is it. I do not want to give the hon. Members opposite a lesson in geography, but if you look at the questions, they are actually pretty much the same and we could have questioned the repetition, but the bicycle lanes from Bayside Road to
935 Waterport roundabout are essentially the Sundial to Waterport roundabout, which is the total cost I have given, so we are talking about the same thing.

Hon. D J Bossino: If I may, Madam Speaker, is the hon. Member able to state and confirm that that is the final figure – in other words, that there will not be any further costs to add upon the
940 quite astronomical figure, if I may say, of in excess of £1 million in relation to this small stretch?

Hon. Prof. J E Cortes: Madam Speaker, I have to comment on the last, almost throwaway, comment, in that the benefits to the community in reduced emissions and cleaner air cannot be measured in monetary terms proximately. They can be in the long term, in reduction in costs of
945 healthcare, but I do not accept the implication. Having said that, I have forgotten, Madam Speaker, the first part of his question.

Hon. D J Bossino: I will assist the hon. Member, Madam Speaker: basically, whether there are going to be any further costs beyond the figure he has given across the floor of the House.
950

Hon. Prof. J E Cortes: My apologies, a momentary lapse. Madam Speaker, the question asks the cost to date. I have given those figures. I am still fairly new in the portfolio. I do not envisage any further costs coming in – perhaps a little bit of tweaking here. At the very end of the Waterport area I think there was a little bit more to do, but not anything significant. I would need to confirm
955 that. I have given the cost to date. I do not think there will be much more, if any.

Hon. D J Bossino: Madam Speaker, in terms of perhaps a wider question, does the Government have an idea of what the cost of the further bicycle lanes project, if I may put it in those terms, might amount to? We have, at least, an immediate view in relation to what this is costing for that,
960 in our view, small stretch of road. If their plans are as ambitious as I think they are, can he state here and now what he expects the likely costs of delivery of his plans are going to be?

Hon. Chief Minister: Madam Speaker, first of all, they are not *his* plans, they are *our* plans. They are the plans of the Government, they are not the hon. Gentleman's plans. And second –
965 (*Interjection by Hon. D J Bossino*) Sorry, the hon. Gentleman –

Madam Speaker: Yes? (*Interjection by Hon. D J Bossino*) No, you cannot make a comment that is audible from a sedentary position.

Hon. Chief Minister: Madam Speaker, the Government's plans relate to different areas of Gibraltar, and in different areas of Gibraltar we expect that there will be different developments that will have to include the provision of the cycle lanes, which include the Government's plans, and therefore the Government's costs will be greatly reduced in some areas. Therefore, it is not possible to give an indication of the order of costs at this stage, although the Government believes,
970 quite contrary to what is being indicated by the hon. Gentleman opposite, that this is actually money *very* well spent, both in terms of traffic flow and in terms of reduction of pollution and the encouragement of people to get on their bikes, which is a very good and healthy thing to do.
975

Hon. Dr K Azopardi: Madam Speaker, can I just clarify from the Minister? He has answered the question on construction, so I take it – should I? – that the costs that he has confirmed to my hon. Member to the left are construction costs and are exclusive of maintenance. Would that be right, maintenance from the commencement?
980

Hon. Prof. J E Cortes: Madam Speaker, I could not confirm it 100%, but I believe so. This is the cost of construction. There has been no maintenance. This would be – (*Interjection by Hon. Dr K Azopardi*) Just to just to point out that it is currently within a guarantee period.
985

Hon. Dr K Azopardi: So when there has been repainting of these cycle lanes, this is not maintenance, it is the guarantee period works. Is that correct?
990

Hon. Chief Minister: Yes, Madam Speaker, there has been repainting but with a different paint because the paint has failed. The contractor provided paint which failed and the contractors had to replace the paint.

Madam Speaker: One last question, Mr Bossino.
995

Hon. D J Bossino: I am grateful, Madam Speaker. The figure that the hon. Member has provided, is that within budget? I have, here, *Hansard* from when the answer was provided by the predecessor Minister, Mr Balban, when he talked about possible hidden costs. At the time, the figure that he was able to give to the House was £14,000. This was in June this year. Is he able to say whether this figure is within budget? Basically, that is the sum total of my question.
1000

Hon. Chief Minister: Madam Speaker, as the Hon. Mr Clinton referred to the House a few moments ago, the budget was £1.2 million, which was provided for in the Estimates Book, so I refer the hon. Gentleman to the question posed a few moments ago by the person sitting a little bit further to his left.
1005

Hon. R M Clinton: Madam Speaker, if I may add to the Chief Minister's clarification – I do not know if it is within the rules – of course, the £1.2 million budget which I referred to is for the entire sustainable traffic budget. I think my hon. Friend was referring specifically to the bicycle element of that budget.
1010

Hon. Chief Minister: Yes, Madam Speaker, I am aware of that, but the hon. Gentleman also had the answer that told him that we had no plans to exceed that budget, and therefore, within

1015 the context of what we expected to spend during this financial year in respect of the transport plan, we were within budget because we expected to do the bicycle lanes and we have.

Madam Speaker: The question has been answered as fully as can reasonably be expected.

Q558/2023
BTEC Level 3 Music Performance courses –
Location of classes –
Supplementary questions

1020 **Madam Speaker:** I am going to interject now, and we are going back to Question 548. Hon. Member, I think you have some supplementaries, now that you have considered the information in silence.

Hon. E J Reyes: I am extremely grateful, Madam Speaker, and I will be brief. I just need a little bit of clarification.

1025 On the last page of the schedule that the Minister provided, I see the vocational BTEC Music Performance QVQO registration fees and equipment, and the same a bit further down, just after October 2022. Can the Minister confirm that those figures refer only to the equipment that was purchased, necessary, obviously, for the delivery of that particular course in that academic year, and that the registration fees are in respect of the students only and not in respect of any fees that may be due by the examination centre? From previous answers we know the licence holder for that happens to be GAMP A and not the schools. Can we have confirmation that we are not actually paying GAMP A for their licence and we are only paying for the registration fees pertaining to the students? And once a course has been completed, is the equipment purchased accounted for under government accounting instructions and then held safely in the custody of the school, or is it automatically donated somewhere? I would be grateful for some clarification on that part first, Madam Speaker.

1030

1035

Madam Speaker: Just an observation: if we are going to ask long questions, perhaps you could take one at a time. You can ask more than one, but it might be easier to focus our minds if you ask one question of length at a time in the future.

1040

Hon. E J Reyes: Noted, and very useful advice, ma'am.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, thank you for that because I am not sure I captured all the elements. I am going to answer what I think I understood, and I am very happy to then have the question repeated if I have not ...

1045

I note the hon. Member mentioned registration. That is given. He is referring to the last page? Yes. We have a fee, there, of £3,473.68 for registration and equipment. The equipment would remain available for the use of the College students, because this course is being offered by the College through a provider. What other clarification does the hon. Member want?

1050

Hon. E J Reyes: Madam Speaker, I was asking whether the registration fees refer to the fees to register the actual student, not to register the accreditation of delivering the course.

1055 **Hon. Prof. J E Cortes:** Yes, ma'am.

Hon. E J Reyes: In respect of the equipment, ma'am, I was saying that more or less at the start of each academic year they need to purchase equipment. When their course is completed, could

1060 equipment be held by the student? The equipment has been purchased with taxpayers' money. Who is the custodian of that equipment, and who accounts for it under the Government's accounting instructions?

Hon. Prof. J E Cortes: Madam Speaker, the hon. Member is an old friend but he certainly does not like this course.

1065 Part of the equipment was provided by GAMPA. I am advised that there was a need to boost that with one or two additional laptops, which were provided as part of the College, and all the equipment will remain available for use by the students – that purchased by the Department through the College and that which was provided by GAMPA, which they had purchased for the course and for which they did not charge.

1070

Hon. E J Reyes: That helps to clarify. I know I may be a bit pedantic, but if the audit department were to come and say, 'We bought this equipment: where is it now?', who actually has to account for it to Government's audit department?

1075

Hon. Prof. J E Cortes: If the equipment has been purchased directly with Government funds through the Department of Education, the Department of Education will register it and they will be the custodians of that equipment, absolutely.

Hon. E J Reyes: Thank you, Madam Speaker, that clarifies it.

1080

I know the Minister can only provide information as and when he is provided with it, but I see that the registration fees and equipment came more or less between September and October in 2021 and between October and November in 2022, yet for 2023 there is no other expenditure after September, which was two months ago. Does the Minister have any details of the registration fees and equipment, which should have been paid by now, in 2023? I suppose the 1085 October 2023 payment will have been made. I want confirmation that I can safely assume that the monthly payments will probably be the same as for September, but the registration fees and equipment in 2022 are higher than in 2021, which I deduce will be due to an increase in the number of students, but I have no indication of what is happening in 2023. Are there more or fewer students? Is the expense increasing or decreasing?

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Hon. Prof. J E Cortes: I can confirm, Madam Speaker, that the higher number, the second time round, reflects a higher number of students.

1095

In relation to the preparation of the information, this is the information that was available at the time. I believe that it is paid a month late, so September payments would have been paid sometime in October, and it may be that that information was not available at the time, but I can update it. If the hon. Member, as he often does, reminds me, I will provide that additional information so that it is recorded here, if it is, in fact, already available.

1100

Hon. E J Reyes: Thank you, Madam Speaker. I think you gather the Minister and I do happen to have a good line of communication. With your leave, ma'am – I know we are only in November – perhaps if I wait until January, you might allow me to pose a question asking for updated information since September, to allow his accounting department at the Ministry to update those figures.

1105

One final thing, ma'am –

Madam Speaker: For the avoidance of doubt, I grant you leave.

1110

Hon. E J Reyes: Under Vocational BTEC Performing Art (Acting), there are no details prior to September 2023. In my question I asked what happened in previous years. Is this because it only commenced for the first time in 2023? Can I have confirmation of that? When the Minister stands

up to answer that, can he, please, for the sake of clarity and for my record, explain what exactly is meant by 'part-time variable'?

1115 **Hon. Prof. J E Cortes:** Madam Speaker, this course commenced this September. It is a new course and it is part-time cover. The amount of time spent during the course may vary because it is cover, so that is why it is a variable sum, because it depends on the number of hours actually worked.

1120 **Hon. D J Bossino:** I am grateful, Madam Speaker.
Can the Hon. Minister answer this question: is he able to say whether the information that we have on the last page that has taxed Mr Reyes for the last few questions in relation to the costs of GAMPA is the total cost to the Government in relation to its contractual relations with GAMPA?

1125 **Hon. Prof. J E Cortes:** Yes, Madam Speaker, the cost is actually detailed here.

1130 **Hon. D J Bossino:** If I may assist, in his prepared answer the hon. Member talked about the contractual relationship which the Government has with GAMPA because it farms these courses out to it. I am asking him whether, if we tot up these numbers in the schedule which he has provided in respect of the answer to this question, that is the cost to the Government of the contractual relationship we have with GAMPA. Is there anything else, or does the answer lie therein?

1135 **Hon. Prof. J E Cortes:** Madam Speaker, there is a grant to GAMPA which is separate to this, which is included in the Estimates. This is an arrangement for the delivery of these courses specifically, and the costs are here.

Madam Speaker: Next question.

1140

Q567-68/2023
Highways Resurfacing Programme –
Roads to be resurfaced, duration and cost

Clerk: Question 567/2023. The Hon. D J Bossino.

1145 **Hon. D J Bossino:** Please state which roads the Highways Resurfacing Programme is expected to encompass and the duration of same.

Clerk: Answer, the Minister for Education, the Environment and Climate Change.

1150 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with Question 568.

Hon. Chief Minister: Question 568. The Hon. D J Bossino.

Hon. D J Bossino: Please state the cost to date of the highways resurfacing programme.

1155 **Hon. Chief Minister:** Answer, the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, the cost to date of the 2023-24 Highways Resurfacing Programme has been £1,373,510.81.

1160 The 2023-24 Highways Resurfacing Programme has been completed. The roads resurfaced during the latest Highways Resurfacing Programme were as follows: Queensway, in the area of Campion Park; Windmill Hill Road; Crutchett's Ramp; Europa Road, from the Old Casino to Bella Vista; Smith Dorrien Bridge to Casemates Hill; and Victualling Office Lane.

1165 **Hon. D J Bossino:** I may have misunderstood the Minister in his reply. Can he assist in clarifying the position for me? Are there any further roads expected, or is he saying that that is the totality of the Road Resurfacing Programme for this financial year?

1170 **Hon. Prof. J E Cortes:** Madam Speaker, that is the complete list of the programme for this financial year. Clearly, if there should be any emergency works or other reasons for doing anything else in a non-programmed way, that would have to be dealt with, but that is the end of the current year's programmed works.

1175 **Hon. D J Bossino:** Madam Speaker, I am not talking about maintenance works, which is, I think, what the hon. Member is referring to; I am talking about something a bit more ambitious. Does he have ambitious plans to continue with the resurfacing programme? I must say that, certainly in the area where I live, it is being done very well and it is something which not only seems good quality, in that you hardly hear the cars whooshing around, but also it actually looks aesthetically quite attractive. Can he say whether he has plans to implement a future resurfacing programme, and what those plans are?

1180 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I am very grateful for the hon. Gentleman's recognition of the work done by the Government, in particular the former Minister for Transport, who led on a resurfacing programme which went through the 12 years that he was Minister.

1185 The hon. Gentleman will benefit from knowing that the way that resurfacing works, because we have to import plant and because these things have to be hot, it is usually a spring and summer endeavour, and so at the beginning of each financial year we receive plans from the particular Ministry, money is voted for a plan that goes through the spring and the summer – that is when you do your large resurfacing – and then, in the period of the autumn and the winter, you plan for the next one. Plans for resurfacing, which are contained in the manifesto which we fought the election on, will be fixed for the next financial year at the time of the next Budget. So there are plans, but where we can go with that will depend on the appropriation, and that will happen in time for the plans to take effect once again in the spring and summer months, which is when you can do these things. It will be done to exactly the same standard and quality which the hon. Gentleman has referred to.

1195 **Hon. D J Bossino:** Yes, and he can quote me on that, if he wishes to in the future, because I think it has been done very well, especially in the area where he and I live. I say 'especially' because that is the one I frequent.

1200 Can I ask the hon. Member ...? I know that it may be pedantry, in the sense that it is a slight increased overspill in terms of what was budgeted. He knows that we voted in the House for expenditure, in June-July, of £1 million, and he explained to this House that it is, in effect, in excess by £373,000-odd. Can he explain what the reason for that increase is? I appreciate that in the scheme of things it is not a particularly big figure.

1205 **Hon. Prof. J E Cortes:** Madam Speaker, not in detail. I would need a detailed breakdown of the costs. I think the hon. Member will realise that when you are working in that kind of situation, things might arise that need a little bit more attention, and perhaps that will increase the amount of detailed work that has to be done. I do not have that information available. It is something that, if he really wants to know, I could look into.

1210 I want to reiterate the Hon. Chief Minister's appreciation in praise of the workmanship. I live in the area, too, and I can assure him that it was not done for his benefit or for ours. It was done because it needed to be done.

1215 **Hon. Chief Minister:** If I can be of assistance, Madam Speaker, the request for additional funding came to me, and the reason I approved it was because a new area had been identified which required resurfacing. We were in time and we had the kit mobilised to Gibraltar. The mobilisation, of course, is one of the things that costs money, and for that reason the more extensive area was agreed to be covered. In fact, I think, from memory, it was actually in part of the area which he is referring to as done so well, where we decided that we should go that little
1220 bit further because mobilisation had happened. There was further deterioration which had happened or was expected during the course of the winter months, and therefore the additional amount was done in that period.

Madam Speaker: Next question.

1225

Clerk: Questions to the Minister for Industrial Relations, Civil Contingencies and Sport. Question 569/2023. The Hon. E J Reyes.

1230 **Chief Minister (Hon. F R Picardo):** Before we get there, Madam Speaker, would this be a convenient moment to break for 10 minutes?

Madam Speaker: All right, we will recess. We will come back at ten to.

The House recessed at 4.37 p.m. and resumed at 4.53 p.m.

1235

INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT

Q569/2023

**Play parks –
Jet-washing**

Clerk: Question 569/2023. The Hon. E J Reyes.

1240 **Hon. E J Reyes:** Madam Speaker, can Government provide details of the frequency in respect of the scheduled jet-wash cleaning process carried out at all children's play parks?

Clerk: Answer, the Minister for Industrial Relations, Civil Contingencies and Sport.

1245 **Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon):** Madam Speaker, the playgrounds are jet-washed fortnightly, with the rubber flooring done once monthly. The rubber flooring at the Europa Sports Park is jet-washed on a weekly basis.

1250 **Hon. E J Reyes:** I am grateful for that answer, Madam Speaker, because what prompted me to ask this question was, as a frequent user of the Europa Sports Park – I tend to frequent it lots on Saturday mornings when rugby activities are taking place for youngsters – I noticed, from one week to another, a decline in the standards and the amount of dirt that accumulated, so I asked if there is a frequency. I can see it is swept quite frequently, because dead leaves and so on are cleared, but on a weekly basis one fails to see that. I am grateful to the Minister for his answer. I just ask him, can he please ensure that despite whatever feedback he is getting, the jet-washing

1255 part is actually taking place in the effective manner for which Government is contracting the services?

Hon. L M Bruzon: Madam Speaker, I am advised that, the rubber flooring being porous, some of the stains are very hard to remove and therefore it may seem as if they are not being cleaned as frequently as they are.

1260

Madam Speaker: Next question.

Q570/2023

**Gibraltar Netball Association –
Rebalancing of allocations**

Clerk: Question 570/2023. The Hon. E J Reyes.

1265 **Hon. E J Reyes:** Can Government provide details of any rebalancing of allocations recently adjusted in favour of the Gibraltar Netball Association?

Clerk: Answer, the Minister for Industrial Relations, Civil Contingencies and Sport.

1270 **Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon):** Madam Speaker, there has been no recent rebalancing of allocations in favour of the Gibraltar Netball Association. This was done in early September, with the community use programme having been in full swing now for over two months.

1275 **Hon. E J Reyes:** Madam Speaker, because there exists a commitment from that side of the House to rebalance the allocations and so on, does the Minister have any dates to which he is working to make this a reality?

Hon. L M Bruzon: Madam Speaker, I held a meeting last night with the Netball Association and there was no request from them for such a rebalancing.

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Hon. E J Reyes: Madam Speaker, there may not have been a request specifically last night but it was certainly recognised from that side of the House when a letter was sent, in the run up to the elections, to the Gibraltar Netball Association assuring them that a rebalancing of allocations would take place. So the problem was identified beforehand. One takes it that there is a commitment, especially in the letter signed by today's Chief Minister saying that the rebalancing would take place, and I am a bit surprised to see that the Minister does not seem to have this on his radar in the immediately pending 'in' file or desk that he has.

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Chief Minister (Hon. F R Picardo): Thank you Madam Speaker, the letter stands in my name, as the hon. Gentleman has referred, and he can rest assured that we will act upon it when necessary. Yesterday's meeting, which was actually scheduled to be with me and with the Hon. Minister but which I could not keep to because of other responsibilities, was one in which we were not advised of the need to pursue that at this stage. The rebalancing that the hon. Gentleman has been referred to occurred in September, but that may, once again, be necessary as the season proceeds, as we get through different stages of leagues etc. When it is necessary, it will happen. That is the point: it will happen when necessary, before we have the home of netball. Once we have the home of netball, that issue will go away.

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Madam Speaker: Next question.

Q571-72/2023
Europa Sports Complex –
Ball-stop nets; contract re management and manning levels

1300 **Clerk:** Question 571/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of the still outstanding problems in providing a permanent solution to the ball-stop nets at the Europa sports grounds?

1305 **Clerk:** Answer, the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, I will answer this question together with Question 572.

1310 **Clerk:** Question 572. The Hon. E J Reyes.

Hon. E J Reyes: Can Government update this House with full details in respect of the contract or other arrangements entered into to permanently settle the management and manning levels at the Europa Sports Complex?

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Clerk: Answer, the Minister for Industrial Relations, Civil Contingencies and Sport.

Hon. L M Bruzon: Madam Speaker, I am currently acquainting myself with the ongoing processes and operational requirements at the Europa Sports Complex. The Europa Sports Complex is to be viewed in line with HM Government's wider vision for local sports, taking into account manifesto commitments and other sporting developments.

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Any decisions related to the management of the Europa Sports Complex will be designed and delivered in a manner that serves the best interests of all the local sporting fraternity housed at the complex. I am currently reviewing all existing proposals related to the prospective management of the complex and will be in a position, shortly, to initiate a long-lasting and permanent structure.

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I will also be looking into the issue of the replacement or repair of the ball-stop nets, once the discussions and the management of the complex are finalised.

Hon. E J Reyes: Madam Speaker, I appreciate that the Minister for Sport has only recently taken over that particular responsibility, but if one casts back to prior to the summer recess of the last Parliament, the then Minister for Sport told this House that it had been fixed, and then I had to pose the question again the following month, saying that the nets were still not fit for purpose. The Minister said he had received an update and that it was work that was being tackled, leading us to believe it should be a short-term solution. I noticed, having been there recently, that we, unfortunately, still have to place notices in the children's play park advising them of the danger of the possibility of a good batsman hitting the ball quite hard and it coming over. In fact, there were certain stages – and it did not even affect weekends, which is peak use time at those parks – when the park had to be physically closed, I suppose for user safety, because of the ongoing cricket games that were next door. So it is not something new, despite my accepting that the Minister has only recently taken office.

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Can I have an assurance from the Minister that this problem will be tackled as soon as possible, so that it has little effect upon users, mainly the children wishing to play within the magnificent park up there? I will ask that part of the question first, Madam Speaker, following your advice.

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Madam Speaker: Thank you.

Hon. L M Bruzon: Sorry, can you repeat the question, please?

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Hon. E J Reyes: In short, ma'am, I refer to previous answers and commitments. I would like a commitment from the Minister to assure this House that this problem will be tackled, to prevent the possibility of dangers occurring to children, as soon as possible and hopefully within a matter of days, or weeks at the most.

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Hon. L M Bruzon: Madam Speaker, it is being looked at as we speak.

Hon. E J Reyes: The other part I wish to refer to: I understand the Minister said in his answer that he is getting more to grips with the small print, if one wants to call it that, of the managerial arrangements for the Europa Sports Complex, but can the Minister confirm that the contract has actually been signed already with an entity for the management of that facility?

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Hon. L M Bruzon: Madam Speaker, unfortunately, at this point all I can do is repeat what I said, which is that I am currently reviewing all existing proposals related to the prospective management of the complex.

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Hon. E J Reyes: Maybe my hearing is not working properly. Can I have a confirmation that the contract has been signed, Madam Speaker?

Hon. L M Bruzon: Madam Speaker, I have to refer the hon. Gentleman to the answer I gave a moment ago.

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Madam Speaker: Is the Hon. Minister able to say whether a contract has been signed?

Chief Minister (Hon. F R Picardo): Madam Speaker, the Hon. Minister gave an answer which has been carefully considered by the Government for reasons which it is better not to ventilate across the floor of the House.

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Hon. E J Reyes: Madam Speaker, can I ask will the Government be providing this House, perhaps by laying on the table, details of the contract – as and when, if it has not already happened, it is signed – for the management of those public facilities?

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Hon. Chief Minister: Madam Speaker, the Government is in receipt of a number of representations and, at this stage, would not wish to commit to any aspect of an answer to the terms on which the hon. Gentleman has put the question.

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Madam Speaker: Next question.

EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

Q573/2023

**Christmas Wonderland events –
Measures to ensure access for all**

Clerk: Questions to the Minister for Equality, Employment, Culture and Tourism.
Question 573/2023. The Hon. Mrs A Sanchez.

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Hon. Mrs A Sanchez: Madam Speaker, can the Government elaborate on the measures being implemented to ensure equitable access for all individuals interested in attending the Christmas Wonderland events recently advertised by the Gibraltar Cultural Services, including any provisions for reasonable adjustments where needed?

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Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, Christmas Wonderland will be held on 24th and 25th November at various venues throughout town; I trust as many hon. Members as possible will attend.

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At our public events at Casemates Square, the organisers are providing a wheelchair-accessible viewing platform as per Government Press Releases 784 and 796/2023, as well as ear plugs donated by GHITA. At John Mackintosh Square, GCS will be setting up fair attractions. The fairground will be providing an inclusive and sensory-friendly event from 6 p.m. to 7.30 p.m. on Friday, 24th November.

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Hon. Mrs A Sanchez: Madam Speaker, I am grateful for that answer. Commendable as these initiatives are, could the hon. Member provide details on any further plans, if any, to help individuals who have issues that go beyond mobility issues for some of these events, more specifically the events such as the Festival of Lights and the Christmas party?

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Hon. C P Santos: Madam Speaker, the Festival of Lights is not just about mobility. The viewing platform is on a first come, first served basis for anyone with mobility issues or a Disability Information Card. Because we know that there are a lot of young children who have sensory issues, we have made provision for this – at the fairground, where there will be no lights and no sound, at the same time as the Festival of Lights will be happening at Casemates – so that every child has an opportunity to enjoy the start of the Christmas period at various venues in Gibraltar.

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Madam Speaker: Next question.

Q574/2023

**Supported Employment Scheme –
Government entities and government-owned companies participating**

Clerk: Question 574/2023. The Hon. Mrs A Sanchez.

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Hon. Mrs A Sanchez: Madam Speaker, could the Government provide clarification on which government entities or government-owned companies employ individuals in need of supported employment?

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Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the following government entities and government-owned companies employ individuals in need of supported employment: Gibraltar Air Terminal Ltd, the Care Agency, the Gibraltar Archives, the Department of Education, the GHA, the Housing Works Agency, Supported Employment Company Ltd (SEC), the GSLA, the GEA and the Ministry for Equality, Employment, Culture and Tourism.

Hon. Dr K Azopardi: Can I just ask for clarification? As I understand the list that the Hon. Minister has given, these are entities that are employing people in need of supported employment, but one of the companies that he read out – he rattled them off rather quickly, can I say, and it was impossible to take a note – is a company called Supported Employment. I had understood that that company plays some kind of central role in running a scheme, which is specific. Is it that that company places individuals within different other entities, or is it that beyond the individuals the company places or employs, who may be placed in other entities – the GHA, for example, which is, I think, one of the ones that he read out, is also employing people directly itself and it is not people that they are getting from the Supported Employment Company?

Hon. C P Santos: It is a combination. Supported employment is a transitional programme, so when we have people with different disabilities or different support required, there are people who go through ... We cannot place them in companies for a short period of time due to ill health, or people with severe anxiety issues – I have a list – and that is when the Supported Employment Company takes over, so that these people are not out of the employment circuit for the amount of time that we need to support them as well. Supported employment is not just about getting people into a job but supporting them through the employment process.

Hon. Dr K Azopardi: For me to understand, if there is an individual who needs assistance in this supported employment, do they first go to the Supported Employment Company and are either employed by the Supported Employment Company and sent somewhere ... or are they pushed to a particular entity and are employed directly? Does it act as a sort of transition vehicle, or is it that beyond those individuals who are structured and employed through the Supported Employment Company, the GHA or Care Agency, or whoever it is, in accordance with some kind of guidance or protocol that is being devised for supported employment, is actually assisting people who need supported employment?

Hon. C P Santos: They start off employed by SEC. We find a placement in view of them securing a permanent placement. For example, we have had two just start in supported employment and they have taken employment up at the Citizens Advice Bureau.

Hon. Dr K Azopardi: I see, so they start under the Supported Employment Company and they would then be placed somewhere, and so the employer becomes the new entity, as I understand what the Minister is saying – is that correct?

Can I just ask, while I am on my feet, to short circuit the answer that he may give: is the transition through the Supported Employment Company for a specific period until the prospective employer is happy to directly employ that person for a longer period?

Hon. C P Santos: Madam Speaker, first of all, apologies – I have skipped the ‘Madam Speaker’ the other times, but I am back on it.

The point is that supported employment will support the person throughout their career, so if we do not manage to find them permanent employment, we will continue to support their individual needs in employment. Ideally, we will also find people, as we have in the past and as I have just given examples, companies that will employ them as part of their complement; but if not, we will continue supporting them, and not just in the public sector. This is in combination with the private sector. It is just that I have just been asked about government entities.

1480 **Hon. Dr K Azopardi:** A final question, Madam Speaker. Sorry, because I did say 'final' before, but just to ask about something that the Hon. Minister just mentioned. When the Supported Employment Company is going to support them through their career, as he said, does that mean that, for example, if you place an individual in a particular entity that does not work out, it is financial support as well as placement, to the extent possible, in different entities? So the individual will get financial support – is that right?

1485 **Chief Minister (Hon. F R Picardo):** Madam Speaker, if I can assist, because I have dealt with a number of these in the past, they will be able to return to supported Employment Company Ltd to continue their employment in Supported Employment Company Ltd, but they will not be paid by Supported Employment Company Ltd to be at home. They would have to revert to the employment of SEC. We have not had many of those instances, which is the success of this programme.

1490 If I can give the hon. Gentleman an example which might be helpful, this has worked a little like the Future Job Strategy that they like to criticise so much. The Future Job Strategy would employ people in the strategy whilst they were deployed in the private sector entity, and then they would eventually no longer be employed by the Future Job Strategy and would be employed only by the private sector entity. I think we started there with a six-month period originally, then we whittled it down to six weeks. In the Future Job Strategy you are paid for six weeks, even though you are in the private sector entity, and once the private sector entity says, 'He fits', or 'She fits', then you move to their employment. With SEC it is a little like that, except that the fit, we appreciate, may change as the supported employment needs of the individual may change, or, indeed, if employee is not failing but the employer has issues. SEC continues to provide an element of a safety net for those individuals and they could come back to being in the employment of SEC and go to another entity where the fit might be better. There are some instances where the individual's characteristics may change over time, and it may be harder to find employment in the same sort of sector. It may be necessary to provide a different sort of support, and in some instances – very few – that support can only be provided by what we might call the wider public sector, rather than even including private sector entities.

Madam Speaker: That has been fully answered. Next question.

Q575/2023

Supported Employment Scheme – Numbers by employing entity

1510 **Clerk:** Question 575/2023. The Hon. Mrs A Sanchez.

1515 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government provide precise figures detailing the number of individuals employed under the Supported Employment Scheme at the following dates, and could these figures include the entity they have been employed under: 1st January 2012, 1st January 2013, 1st January 2014, 1st January 2015, 1st January 2016, 1st January 2017, 1st January 2018, 1st January 2019, 1st January 2020, 1st January 2021, 1st January 2022 and 1st January 2023?

1520 **Clerk:** Answer, the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I now hand over a schedule with the information requested, setting out the number of people

employed each year on this scheme, which started only when the GSLP-Liberals were first elected in 2011.

1525 In respect of the breakdown of the individuals and the entity they are employed under, it is not in the employees' interest to disclose this across the floor of this House, as it could render them identifiable. I am, nonetheless, happy to provide this to the hon. Member behind the Speaker's Chair, on the basis that it will remain confidential.

Answer to Q575/2023

1st January 2012 - 38 Employees
1st January 2013 - 48 Employees
1st January 2014 - 50 Employees
1st January 2015 - 57 Employees
1st January 2016 - 57 Employees
1st January 2017 - 57 Employees
1st January 2018 - 59 Employees
1st January 2019 - 63 Employees
1st January 2020 - 63 Employees
1st January 2021 - 63 Employees
1st January 2022 - 63 Employees
1st January 2023 - 65 Employees

1530 **Hon. Dr K Azopardi:** Madam Speaker, in the previous question the Minister was giving clarification on people employed in government entities, and he is now being asked to give us figures on how many people were employed under the Supported Employment Scheme. And so, for example, if I just take the highest figure, which is 65, which is the latest figure but it oscillates between 38 and 65, that includes government entities, the Supported Employment Company and private ... any employer? That is the extent of the Supported Employment Scheme under any
1535 employer, including all the ones that he rattled off – the Care Agency, the GSLA, all of that? That is the extent of it, is it?

Hon. C P Santos: Madam Speaker, yes, that is the extent of the people we employ in the public and the private sector, and in those that I apparently rattled off.

1540 **Hon. Dr K Azopardi:** I apologise for using the words 'rattled off' twice. It was not meant to be a criticism; the first time, it was just an observation.

Does the Minister agree that much more could be done in respect of support for people who need employment of this nature, given the numbers that he has just given us?

1545 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I think that is based on an assumption that this is the total number of people helped by supported employment since 2012. That is to say there are 65 people who are, today, in Supported Employment Company Ltd, but the hon. Gentleman should factor in what I have said before. Some may have prospered in private sector employment and no longer be in the number recorded here, because some may not have come
1550 back to Supported Employment Company Ltd. And so this is the current number of people in employment who are employed in the public sector entities, are on the books of Supported Employment Company Ltd, even though they are in the private sector. But that is not the total number of people who would have passed through Supported Employment Company Ltd since
1555 2012. Perhaps if he reflects on that element, he might accept that 65 is not the total number of people helped, and that much more has been done, therefore, since 2012. I do not know whether that has a bearing on how he would pose his question.

1560 **Hon. Dr K Azopardi:** Yes, it does have a bearing. I understand the point that the Chief Minister is making, but I suppose the question that then arises is to what extent are some of those names

common? Without asking for names, does the Minister have information as to how many of those people have commonly been on the same list for the last 10 years? Otherwise, we cannot really appreciate whether the scheme has helped 700 people or, actually, 65.

1565 **Hon. C P Santos:** Madam Speaker, I would need notice of that question, but I can assure you that I am unaware of names, I am working on figures, due to data protection. I have chosen not to get involved in individuals. I can tell you, as I said before, I know three people have retired this year and two people have moved into permanent employment just a few months before I took office, so I know that 65 is not the cumulative number in the past 12 years.

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Madam Speaker: Next question.

Q576/2023
Autism Pathway –
Timeline for publication

Clerk: Question 576/2023. The Hon. Mrs A Sanchez.

1575 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government specify the expected timeline for the finalisation and publication of the new Autism Pathway?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

1580 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, the Autism Pathway is almost ready to be published. Logistical issues are being analysed before its publication. This is crucial for the pathway to be successful once published.

1585 **Hon. Mrs A Sanchez:** Madam Speaker, given a press release that was issued by the Government on 13th April regarding the development of a new, comprehensive Autism Pathway which was being finalised after a two-year consultation period, can the Government confirm and perhaps elaborate on the delay and why it has taken so long to finalise these pathways and be more precise on when they will finally be published?

1590 **Hon. C P Santos:** Madam Speaker, I do not consider it a delay. We have done an exercise whereby we have consulted with the professionals at the GHA, Education and Care Agency in order to identify what exactly is needed right now to reduce waiting lists and what is needed thereafter to maintain an efficient service. We want to make sure that we publish it when everything is in place, so we do not just make it happen with empty promises and we do it when everything is in place and ready.

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Madam Speaker: Next question.

Q577/2023
Supported Needs and Disability Co-ordination and Liaison Office –
Annual report

Clerk: Question 577/2023. The Hon. Mrs A Sanchez.

1600 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government specify when the first annual report providing updates against objectives will be published by the Supported Needs and Disability Co-ordination and Liaison Office?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

1605 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, the Supported Needs and Disability Office is under no obligation to publish an annual report and does not consider it helpful, advisable or necessary to publish such a report.

1610 **Hon. Mrs A Sanchez:** Madam Speaker, considering the commitment to publish annual reports in the opening presentation delivered by this Office since its operational inception in September 2021, would the hon. Member care to clarify the change in this policy and why the Office now has chosen not to publish annual reports against objectives?

1615 **Hon. C P Santos:** Madam Speaker, our position has not changed. We are not saying we are not going to publish, I am just saying we are under no obligation to publish and so we have no set date to publish the first annual report.

1620 **Hon. Mrs A Sanchez:** Madam Speaker, it is not, obviously, that you are under an obligation, but it was a commitment that was made during the presentation and was delivered by this Office to the public and was clearly stated in the presentation that the Office made. I am trying to understand why the position has changed and why you do not want to establish when the annual reports are going to be published.

1625 **Hon. C P Santos:** Madam Speaker, I repeat: I am saying we are under no obligation, I am not saying we will not publish it. We do not have a set date at the moment. I am very recent in the Office and I am working with my team very hard to get all the information necessary, working on databases and getting as much information as I possibly can. I am not saying we are not going to, I am saying that we are not under any obligation and therefore we cannot confirm a date right now for publication.

1630 **Hon. Dr K Azopardi:** I understand the nuance, the difference between being under no obligation and having made a commitment to do so two years ago. I think the legitimate question that arises is, having the commitment first being made two years ago in respect of a period that has obviously now elapsed, why is the Minister not in a position to say, having spoken to his Office on sight of this question, whether the 2021-22 report will be published soon?

1640 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the hon. Gentleman prefaces his question, as the hon. Lady did a moment ago, saying that there was a 'commitment' to do so, and yet it is very clear from what hon. Members are saying in the context of their questioning that what they are referring to is a presentation made by the officials who set up that Office, which suggested that an annual report might be published. That is not a political commitment of the Government or indeed a political commitment entered into by Ministers, which is the sort of commitment that hon. Members would refer to across the floor of the House. That presentation was made by the people who established the Office. They now tell us that they do not believe it is advisable or helpful to be publishing annual reports at this stage, and, for that reason, we have reflected that in the answer that we have provided to the House, so that the public is aware.

1645 The hon. Gentleman has indicated already, in the course of his answers, that there are a number of workstreams which are being developed. It is likely that there will be publication, at some stage, of the fruit of that work in a way that is going to help the community to understand the work that is being done by that Office, but I do not think that we should consider that there is

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a political commitment here which is in any way not being adhered to, because that is not the case.

1655 **Hon. Dr K Azopardi:** I was not saying that there was a political commitment, Madam Speaker, I was just reflecting that there had been a commitment made by those people who had done that presentation. The Hon. Chief Minister makes this distinction between the Government – which I understood to be the political Government, obviously – and the Supported Needs and Disability Co-ordination and Liaison Office, but ultimately that is staffed by civil servants who are part of the administrative Government, and they made a presentation that said that they were going to do
1660 an annual report. Have I taken from his answer that when the Minister said that it was not advisable, it is the same people who said in 2021 that they wished to make annual reports who are now saying that they do not think it is advisable to do so? Is that the tenor of what the Chief Minister said?

1665 **Hon. Chief Minister:** Madam Speaker, yes. I would tell the hon. Gentleman that the Government does not include professionals in this field; we are professionally guided in this respect. The presentation that the hon. Gentleman is referring to, and the hon. Lady referred to, was made by the individuals who set up the Office as they explained to the users of those offices
1670 how they envisage that things would develop. They have seen things develop, obviously, in a different way, and they are the ones now saying it is not advisable at this stage to proceed down the route of providing annual reports.

If I might just indicate what I believe is behind this, because I have experienced this generally in liaison with this Office, the number of people with disabilities in Gibraltar is relatively small given the size of the population. A lot of what we might say in the context of those individuals
1675 might render them identifiable. We have this issue, for example, with GHA reports, where you are dealing with the whole population. You still have to be very careful with what you say in a GHA report, because it might render some people identifiable if you look at the numbers that are suffering from a particular malaise. In the context of these issues, because the population that you are dealing with is smaller, identifiability becomes, once again, a practical problem that you
1680 have to deal with, especially if you are going to do this annually.

We know, from seeking to share data across the Government, that we have data protection issues in order to ensure protection of individuals' identities when dealing with these issues, when sharing data across the Government, which is, of course, the new issue that one must be alert to
1685 always on data protection. You might call it the tyranny of data protection, but there is a good reason for it, and we have to be alive to it. I believe this is the sort of issue that is changing the view of those who started with the view, not the commitment, that they would be publishing an annual report.

Madam Speaker: Next question.

Q578/2023

UN Convention on the Rights of Persons with Disabilities – Extension to Gibraltar

1690 **Clerk:** Question 578/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government confirm whether the UK has provided any feedback with respect to our request for the extension of the UN Convention on the Rights of
1695 Persons with Disabilities to Gibraltar, and how long does the Government expect this process to take?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

1700 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, the UK team assigned to Gibraltar's request for extension is in the process of considering the request that has been made. There is no specific feedback yet. The Government cannot say how long the extension process will take given that there are a number of third parties involved.

Madam Speaker: Next question.

1705 **Hon. Dr K Azopardi:** Madam Speaker, can I just understand the reference to the third parties? Meaning who: the United Kingdom government and who else?

1710 **Hon. C P Santos:** This is the UK team. *(Interjection)* Yes. Madam Speaker, all we can do is present the request for the extension, then it is in the hands of the UK team assigned to it.

Madam Speaker: Next question.

Q579/2023
World Travel Market –
Expectation of business generated

Clerk: Question 579/2023. The Hon. G Origo.

1715 **Hon. G Origo:** Madam Speaker, could the hon. Member opposite please indicate what business, if any, has transpired or is to be expected to be generated from his recent visit to the World Travel Market in London, to which he went to promote our Literary Festival and Gibraltar more widely?

1720 **Clerk:** Answer, the Minister for Equality, Employment, Culture and Tourism.

1725 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, at the recent World Travel Market my team and I met with a wide range of industry players to attract business into Gibraltar. The intention at the World Travel Market is to showcase our facilities and ignite interest. We are currently discussing an expansion of our air routes with one of our current operators, as well as liaising with MICE planners, cruise companies, tour operators and wedding planners. As ever with such marketing initiatives, it is not possible to have any objectively reliable estimations of what interest will be generated by the work we have done.

Madam Speaker: Next question.

Q580/2023
Gibraltar Cruise and Maritime Tourism Officer –
Further details

1730 **Clerk:** Question 580/2023. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government expand on its plans for the introduction of a Gibraltar Cruise and Maritime Tourism Officer? How much would he expect to remunerate this role, and what responsibilities would it have?

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Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the introduction of a Gibraltar Cruise and Maritime Tourism Officer is being looked into. Details of remuneration will follow once responsibilities have been set accordingly.

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Hon. G Origo: Madam Speaker, given that the Government already employs a CEO of the Tourist Board, whose role is to promote tourism in Gibraltar more widely, how is the Cruise and Maritime Tourism Officer role supposed to be any different from that of the CEO of the Tourist Board?

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Hon. C P Santos: I understand we do have a CEO of Tourism. I think you are assuming that the Gibraltar Cruise and Maritime Tourism Officer role is on a par: it is not necessarily on a par. The CEO has to manage a team, and this role would probably be part of the team specialising in bringing cruises to Gibraltar.

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Madam Speaker: Next question.

Q581/2023

Landport Tunnel beautification project – Tender cost

Clerk: Question 581/2023. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, can the Government disclose at what cost it has tendered the beautification project at Landport Tunnel which has recently been approved at DPC level?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

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Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the Landport beautification project tender has not been awarded yet. It is, therefore, not possible to provide the tender cost.

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Hon. G Origo: Madam Speaker, could the hon. Member opposite please, then, if possible, provide more details of when he would expect to have such approvals in place, so that we could then ask for the cost of this project at that stage?

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Chief Minister (Hon. F R Picardo): Madam Speaker, I hope it is helpful for all hon. Members just to set out what the practice usually is. When the Government awards a tender, that is published. In other words, the Government makes an announcement that the tender has been awarded, and that is the trigger for hon. Members to then be able to ask a question in this House. If we start to indicate how long it will take to award the tender, we start to interfere with the procurement process, which is not ministerially led, and therefore that is handled in keeping with our procurement rules and procurement laws. We get notified, or advice is given, and sometimes Ministers are given a choice or ask for a steer or an indication on a policy issue. Then the tender is awarded. As a result, a government press release is issued – usually, hon. Members might seek

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to complain that we have issued it with all bells and whistles – that a government tender has been awarded. That is the trigger for hon. Members to then know that they can ask their question at the following meeting of the House.

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Madam Speaker: Next question.

Q582/2023

Caleta Hotel –

Timescale for completion of new hotel

Clerk: Question 582/2023. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, given the recent demolition of the Caleta Hotel, can the Government confirm when the new hotel will be expected to complete?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

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Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, this is not a government project. The Government understands that the developers have stated that they expect the new hotel to be completed by the end of 2028. This is not a date which the Government is providing to the House, but simply a reflection of what the developer has said.

Madam Speaker: Next question.

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Q583/2023

Employment Tribunal –

Number of claims awaiting appointment of chairperson and when filed

Clerk: Question 583/2023. The Hon. E J Reyes.

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Hon. E J Reyes: Madam Speaker, how many claims filed with the Employment Tribunal are awaiting the appointment of a chairperson, and when were those claims first filed?

Clerk: Answer, the Minister for Equality, Employment, Culture and Tourism.

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Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, The total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 53.

I now hand over a schedule with the information requested.

Answer to Q583/2023

Claims awaiting appointment of chairperson by date are as follows:

2021		2022		2023	
Jul	3	Feb	1	Jan	2
Aug	3	Mar	1	Feb	3
Sep	3	May	4	Apr	2
Oct	1	Jun	9	May	1
		Jul	6		
		Aug	4		
		Sep	3		
		Oct	1		
		Nov	2		
		Dec	4		

1810 **Hon. E J Reyes:** Madam Speaker, whilst I await the arrival of the schedule which will give me details of the dates, can the Minister add any prior information? Why have these delays been encountered? Under the previous Minister for Employment, we were led to believe that chairpersons were being appointed, it was imminent and the cases were going to proceed, so can the Minister update this House in respect of delays?

1815 **Hon. C P Santos:** Madam Speaker, when this question was last asked in Parliament, last May, there were a total of 49 cases awaiting appointment of a chairperson. From May to now, we have appointed 19 chairpersons and a further 23 cases are now pending appointment of chairpersons, which brings the total to 53, so we have already ... Last time, we had nine chairpersons ... to have been more active – I have the list – and we have already reduced the backlog from 2020. We are
1820 now working through 2021 and 2022. As I said, we have had a reduction of 19, which has then moved the process forward. So we now have 53, because it is an addition of 23 as we have moved through the different levels.

1825 **Hon. E J Reyes:** Thank you, Madam Speaker. I now have the schedule in front of me. I am still a bit shocked to see that there are appointments waiting to be made from claims that were filed as far back as July 2021. That is well over two years ago. Is there any particular reason why it is taking so long to make an appointment?

1830 **Hon. C P Santos:** Madam Speaker, there is no particular reason. I do not particularly feel it is moving that slowly. We have worked on 19 moving upon appointment of a chairperson. We currently have 122 cases moving through the different stages of the process.

1835 **Hon. Dr K Azopardi:** Sorry, I thought my hon. colleague had finished, but let me just ask this question, as it relates to the statistic that the hon. Member gave. There are 122 cases moving through the system and 53 are awaiting the appointment of a chairperson. So, loosely – I do not know, my maths is not that great – 40%, 45%. When we posed questions in this House to the previous Minister before the appointment of chairpersons, I remember asking for and being given the statistic that there were 59 cases awaiting the appointment of chairpersons. We asked that consistently and were always given the same statistic and told that once there was an
1840 appointment of chairpersons it would be unblocked. There was a photograph in the press when all these chairpersons were appointed – there were eight or nine of them. The Hon. Minister has said that since May, they have appointed 19 chairpersons – in other words, in 19 cases – and there is a big panel there. Does he not agree that the unblocking of these historic cases is being rather slow, given the number of chairpersons that were appointed and the expectation of the previous
1845 Minister and his Government that that would lead to a complete unblocking? On the face of the

statistics he has given, and because they have appointed 19 and we are still back at the figure of 53, it does not seem to have dented it in any significant way.

1850 **Chief Minister (Hon. F R Picardo):** Madam Chairman, I do not agree with the hon. Gentleman's
assessment, for this reason: the number of appointments of chairmen, I think, demonstrates that
the two permanent chairmen that we now have are starting the process of dealing with what we
might call the backlog that there was, which had arisen because practitioners were not coming
forward to act as chairpersons of the tribunal. Now that we have two permanent chairmen, they
are really starting the process of getting through material, and, indeed, what we have seen is that
1855 the whole infrastructure of the tribunal is working quickly. That, of course, if you are just looking
at the statistics – and one is reminded of the concept of statistics, damned statistics and lies –
would suggest that the blockage is not being undone, quite the opposite, because as the whole
infrastructure of the tribunal is changing and becoming more agile, more cases are being brought
forward for appointment of chairmen more quickly. The tribunal is managing the caseload as it
1860 goes through – not particulars of claim; presentation of case, response, etc. – more quickly. That
is producing the cases ready for appointment of chairmen: 19 already cleared. That is the process
that is now becoming more agile.

The hon. Gentleman will be surprised to hear me say that I think that he might not be wrong,
but I think it is too soon for him to make that assessment. He needs to allow the chairmen to go
1865 through the process of dealing with the backlog. Perhaps in 18 months we might both be of the
view that not enough has been done to clear what we might call the backlog, but I am very
confident, given what I have been told by the former Minister and by the Director of Employment,
that in fact this process we are going through does lead to the reduction of the backlog.

Of course, the hon. Gentleman knows – and, if I may say so, with respect, you know, Madam
1870 Speaker – that legal cases cannot be cleared as if they were chewing gum on the street. You have
to go through the process. You have to permit people to present their defences etc. You appoint
the chairman, you then give the date and you start to deal with it. That is happening. The backlog
built up because that was not happening, because we did not have the chairmen, but we have to
give this time to actually work, and I would ask the hon. Gentleman to indulge the process for a
1875 little longer. Perhaps we might both agree, some months down the line, that not enough progress
has been made if those numbers do not start to shift, but not in a month. This is something that
takes six to 18 months, in my view.

1880 **Hon. E J Reyes:** Madam Speaker, one last thing. Seeing that the date range is obviously spread
out over the course of three years, is there a particular criterion that is used to prioritise the
appointment a chairman for the tribunal? Someone who has been waiting since 2021 may feel it
unfair that someone who only submitted a claim in 2022 or even 2023 has had their case coming
forward before them. Is there a set criterion that one can refer to?

1885 **Hon. Chief Minister:** Madam Speaker, the usual criterion is the age of the claim, but there are
so many different issues which can be live in a case. For example, if I can put it this way to the
hon. Gentleman, some parties may be on the list from 2021. They may be about to settle and both
parties may say, 'Don't set it down: we think we may have found a resolution.' Some parties may
be down from 2021 and their lawyers might not have finalised matters, and therefore the case
1890 cannot be brought forward. This is why I talk about the infrastructure of the tribunal dealing also
with those issues and trying to chivvy along those cases and say, 'When are you going to be ready
to have your chairman appointed?' There are many different issues. The tribunal is not as strict
on its procedure as a court might be, and therefore the parties may ... always seeking not to allow
the employer to delay, but there may be reasons why the employee may not be ready. Many of
1895 these cases are union led, where the union represents the employee. The union may be seeking
to settle with the employer, or there may be other issues in play, so it cannot simply be looked at
on the basis of somebody who is fired in March 2023 having their matter resolved by November

1900 2023 and somebody who was fired in May 2021 still not having been dealt with, not least because that person may have found employment immediately and they may be dealing with their new employment and their case. The issues are many and varied.

Madam Speaker: Next question.

JUSTICE, TRADE AND INDUSTRY

Q584/2023

**Royal Gibraltar Police –
Shortfall in complement**

Clerk: Questions to the Minister for Justice, Trade and Industry.
Question 584/2023. The Hon. Mrs J Ladislaus.

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Hon. Mrs J Ladislaus: Madam Speaker, how does the Government propose to tackle the shortfall in the Royal Gibraltar Police complement and its impact on policing?

Clerk: Answer, the Minister for Justice, Trade and Industry.

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Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Royal Gibraltar Police has recently employed 16 police officers, who started their police recruit training in September 2023 and should be operationally deployable in March 2024. Furthermore, the RGP has recently conducted an additional recruitment campaign and will soon be employing a further 12 police officers, who will start their police recruit training in January 2024.

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Hon. Mrs J Ladislaus: I am grateful, but can the hon. Member perhaps clarify whether anything is being put in place in the meantime? There are still a few months until the passing out of these initial 16 officers, and then there are 12 more, but the RGP was 34 down in its complement recently. Can that be clarified?

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Hon. N Feetham: Madam Speaker, His Majesty's Government of Gibraltar has also agreed with the Commissioner of Police that the Royal Gibraltar Police should not fall below the complement level. We have made that commitment very clear to the Commissioner. I met with the Commissioner and the senior leadership team. We have had a very constructive initial meeting. I was due to meet the Commissioner again. Unfortunately, the Commissioner has been away from Gibraltar over the last two weeks. He is back today, I understand. He has done sterling work outside the jurisdiction. I am due to meet him again, I believe, over the next few days.

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My understanding from the information that I have is that, additionally, the Royal Gibraltar Police continues to fulfil its obligations to recruit 10 command and dispatch officers and five retention officers as part of the civilianisation of police officers to release police officers into frontline policing. That is the information that I currently have available for the hon. Member.

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Q585/2023

**Young Offenders Institute –
Whether concrete plans in place to create**

Clerk: Question 585/2023. The Hon. Mrs J Ladislaus.

1935 **Hon. Mrs J Ladislaus:** Madam Speaker, are there concrete plans in place for the creation of a Young Offenders Institute?

Clerk: Answer, the Minister for Justice, Trade and Industry.

1940 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, there are no concrete plans in place for this at this moment. His Majesty's Government of Gibraltar is considering the matter with relevant professionals in the field in order to create a secure and positive environment for children and young adults during custody and after sentencing.

1945 **Hon. Mrs J Ladislaus:** Does the hon. Member then agree that the current Prison is not adequate to house young offenders?

1950 **Hon. N Feetham:** Madam Speaker, we have made a very clear policy commitment in our manifesto, and the answer that I have given the hon. Member is entirely consistent with that commitment.

Hon. D J Bossino: May I ask the Hon. Minister which professionals he is consulting with? He talks about the relevant professionals in the field: I would ask him who he is undergoing these consultations with.

1955 **Hon. N Feetham:** Madam Speaker, as GBC reminded me just before I came to Parliament today, we have only been in office for six weeks. I am saying that we are considering with relevant professionals. 'Relevant professionals' includes all professionals in my Ministry and, indeed, in related Ministries as well. It is early stages in this Government's term of office and therefore we envisage that we will consult all relevant professionals and stakeholders.

1960 **Hon. D J Bossino:** Madam Speaker, is he saying that it is a statement of intent that he is going to be consulting relevant professionals in the field? It seems that the Hon. Minister does not know the answer. I know he has just assumed office, but I simply want to know whether he has an idea, at least, so that he can identify to this House which relevant – he says they are relevant – professionals in the field. If he does not know, then he can simply say, 'I do not know at this stage, and it is simply an intention that I will be consulting relevant professionals in the field.' However, it seems odd from this standpoint that the hon. Member who is the Minister for Justice does not yet know which those relevant professionals are.

1970 **Hon. N Feetham:** Madam Speaker, the relevant professionals are all professionals involved in the justice system, so clearly, to the extent that relevant stakeholders need to be consulted, that is precisely what the Government of Gibraltar will be doing. Thank you.

Madam Speaker: Next question.

**Q586/2023
Prison officers –
Increase in cohort**

1975 **Clerk:** Question 586/2023. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, when will the cohort of prison officers, in particular female officers, be increased?

Clerk: Answer, the Minister for Justice, Trade and Industry.

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Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, His Majesty's Government of Gibraltar expects that vacancies for prison officers, with specific provision for female officers, will be advertised within the next few months.

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Madam Speaker: Next question.

Q587/2023
Sex offenders –
Rehabilitation facility

Clerk: Question 587/2023. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, has work commenced to establish a facility for effective rehabilitation work to take place regarding sex offenders?

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Clerk: Answer, the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, yes, ma'am.

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Hon. Mrs J Ladislaus: When can we expect the fruits of this work?

Hon. N Feetham: Madam Speaker, His Majesty's Government of Gibraltar has identified premises for the Multi-Agency Public Protection Arrangements (MAPPA). The MAPPA facility plans are under way to allow for the relevant members of the responsible bodies and agencies to be able to jointly utilise these premises, so that this work can be undertaken even more effectively. The plan is to use Johnstone's Passage. I was due to pay a visit to the premises this week, but unfortunately, because of Parliament, those plans have now been delayed.

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Hon. Dr K Azopardi: Are the premises at Johnstone's Passage the offices that used to be occupied by the GHA?

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Hon. N Feetham: Madam Speaker, I do not have that information available to me at the present moment.

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Hon. D J Bossino: Is he, in answer to this question, able to identify which are – I think I have taken a proper note – the respective bodies and agencies? I want him to particularise his answers. We are not being given full answers, I think, to the questions that we are posing – and I refer to the answer he gave to Question 585. Can I ask him, therefore, a very simple question? If he does not have the information here and now, then fine, we will accept that, but is he able to identify which are the respective bodies and agencies he is referring to?

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Hon. N Feetham: Madam Speaker, that information, I am reminded by the Chief Minister, is publicly available information, but in answer to his question, the list of agencies which co-operate under MAPPA and, therefore, by definition, are the relevant professionals that are involved in this process, are the Royal Gibraltar Police, the Care Agency, the Probation Service, Her Majesty's Prison Service, the Gibraltar Health Authority, the Housing Department, the Department of Education, HM Customs, the Borders and Coastline Agency and the Gibraltar Sports and Leisure Authority.

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Madam Speaker: Next question.

Q588/2023
Sex offenders –
Rehabilitation facility

2025 **Clerk:** Question 588/2023. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise why the Income Tax Office is asking for a tax specialist to be seconded from the private sector?

2030 **Clerk:** Answer, the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the secondment of tax specialists from the private sector is a strategic move to bridge the knowledge gap and leverage specialised expertise from within the private sector. It is a natural progression from the steps already taken by this Government. This Government acknowledges the importance of upskilling and resourcing the Income Tax Office. This has been highlighted by the Chief Minister in his 2023 Budget address. It is also essential to adopt a proactive approach in aligning with the continually evolving international tax landscape. This initiative has already been positively received by finance centre professionals in Gibraltar.

2040 I am pleased to announce that the Commissioner of Income Tax and his team have already received numerous expressions of interest for consideration.

Hon. R M Clinton: Madam Speaker, I have a copy of the expression of interest here. Looking at the brief, it talks about optimising tax strategy, and the Minister has just referred to a natural progression of steps already taken, but the Tax Office is not a private sector concern. My concern from this side of the House is whether the public sector is being provided with the training in order to undertake its functions and not effectively privatising functions which should be properly within the public sector.

2050 Looking at the overall key responsibilities, yes, they are quite specialised: BEPS, base erosion, transfer pricing in accordance with OECD rules. However, more importantly, one of the requirements is to assist with the implementation of training, focusing on identifying and profiling taxpayer returns etc. I am a little surprised that the duration of secondment is only 12 months, so can the Minister advise the House whether the overall strategy that he just mentioned is not to privatise this function, but rather to provide training so that the public sector has the necessary skills? Does he believe that the 12-month period will be sufficient to do that; and, if not, what steps does he propose to undertake to ensure that public sector officials are properly trained in this area? I should add, Madam Speaker, that I have no interest in applying.

Hon. N Feetham: Madam Speaker, I reassure the hon. Members opposite that there is absolutely no intention of privatising the Tax Office or, indeed, any functions within the Tax Office.

2060 The Government of Gibraltar has acted on the advice of the Commissioner of Income Tax. In other words, we have accepted the advice that was given to us that the quickest means by which the Tax Office could be resourced in the short term was if we went out and asked for a secondment placement from the private sector. So we have acted on the advice received from the Commissioner. Having said that, the Government's position is that we would support – and I have communicated this position to the Commissioner of Income Tax – in this engagement process with the private sector any expression of interest from relevant professionals who might consider that a secondment is not something that they wish to pursue. In other words, if the right candidate

2070 comes across and they are currently in employment with the private sector but feel that they have the necessary skills to be able to do the job effectively, the Commissioner is not averse, and I have certainly supported him in that position, to engaging in discussions with individuals who might wish to take direct employment with the Tax Office, if that is something which the Commissioner is minded to recommend to the Government of Gibraltar.

2075 The whole point of doing this exercise is to ensure that we are resourced, that we have a Tax Office in this jurisdiction that is capable of challenging assessments which are submitted by large corporates. We believe the potential tax revenues that can be raised as a result of this could be significant for Gibraltar, and I am sure that Members on the opposite side would welcome that initiative.

2080 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Minister for his reasoning for the secondment, but I must confess to being a bit concerned that he states, effectively, that the Tax Office is under-resourced, which is, obviously, of great concern to this House because we would all wish it to be properly resourced.

2085 If I can ask the Minister two basic questions: one is was this type of brief the one that was meant to be undertaken by the person who was seconded by Her Majesty's Treasury to Gibraltar recently, who I believe has since gone back to the UK? Secondly, how will the Minister ensure that there is no perceived conflict of interest if anybody from his firm applies?

2090 **Hon. N Feetham:** Madam Speaker, there are various strands of questions put by the hon. Member. On his comment in relation to being concerned about the Tax Office being under-resourced, it is not quite as bland a statement as that. It is a skilling statement. In other words, tax is a very complicated subject. I practised in the tax area years ago and I have a tax background, although I have not practised tax over the last 14 years, I believe, since the financial crisis in 2007 and 2008. Those of us who have been involved in this sector will understand that it is a question of keeping abreast of tax developments and, therefore, making sure that the tax authorities are in a position where they can challenge companies in terms of positions that they take when making and submitting tax returns which do not necessarily reflect the value that ought to be attributed to profits in Gibraltar, given the substance and activity conducted from within the jurisdiction. I do not think it is a matter of concern. I think what the Government is doing is ensuring that the skills are there. That is consistent with what other tax authorities all over the world are currently doing. Indeed, given that there are competing tax interests between tax authorities in different jurisdictions, we have to ensure that the Gibraltar view on taxation is also adequately represented, and that can only happen if we are properly resourced. That covers the first point.

2105 Secondly, you are absolutely right, we did have an HMRC officer seconded to the Tax Office, but I believe that was for a period of three months and there is only so much that somebody who is seconded for three months can do in terms of upskilling. This is really an exercise that will require having a short-, medium- and long-term vision of where the tax authorities need to be, in terms of skills.

2110 I think you have asked about whether there is a conflict of interest in somebody applying from my law firm. I actually do not expect many applications from within the legal profession, because what the tax authorities would like to see and certainly the expectation is to recruit professional tax accountants – in other words, an accountant rather than a lawyer.

2115 **Hon. R M Clinton:** I am grateful to the Minister for his answer. If I may deal with the last point first, he is fully aware that there are professionally qualified accountants as well as lawyers in his firm who could perhaps apply for this appointment. However, I take his point, and I assume that he will do what is necessary to avoid any perceived conflict of interest should one arise.

2120 I come back to the secondees from His Majesty's Treasury. May I ask: is that not an option that could be pursued as well?

Hon. N Feetham: Madam Speaker, the fact that the Commissioner of Income Tax is telling the Government that, in his view, the strategy ought to be the one that we have embarked upon would certainly suggest that the option that the hon. Member has highlighted is not one which they think is immediately available.

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Madam Speaker: Next question.

Q589/2023

Finance Bill –

Whether to be presented in 2024 Budget

Clerk: Question 589/2023. The Hon. R M Clinton.

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Hon. R M Clinton: Madam Speaker, can the Government advise whether the Minister for Taxation intends to present a Finance Bill in the 2024 Budget?

Clerk: Answer, the Minister for Justice, Trade and Industry.

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Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, no, the Minister for Taxation will not be presenting a Finance Bill in the 2024 Budget.

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Hon. R M Clinton: Madam Speaker, may I ask the Minister, firstly, why he will not be doing one? Secondly, does he think it is appropriate that there are outstanding Budget measures from years ago that have yet to be enacted in our statute because of the fact that there is no Finance Bill presented at the annual Budget?

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Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman knows what the position of the GSLP Liberal administration is in relation to a Finance Bill. This is an issue that we have debated ad nauseam for a number of years, usually during the course of the Budget debate. Our view is that a budget is about presenting all measures related to taxation etc. and other measures, not just matters related to taxation. Our view is that we do not do it with a Finance Bill. Our view has been explained on a number of occasions during the course of that debate and in answers to questions in this House. Our Government has not changed. The identity of Ministers may have changed, but the policy has not changed, so I refer the hon. Gentleman to the answers that we have been giving him since he was elected to this House.

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Hon. R M Clinton: Madam Speaker, I am grateful to the hon. Member, the Chief Minister, for his answer, but my question was directed at the Minister for Taxation, not the Chief Minister. The Chief Minister is, I understand, the Minister for Public Finance, but we now have a Minister for Taxation. So I would ask the Minister again: does he think it is correct that there are Budget measures that have not been enacted in law due to the absence of a Finance Bill?

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Hon. Chief Minister: Madam Speaker, the hon. Gentleman can direct his question to whomever he likes, but it is the Government that decides who answers. Because I have been dealing with this issue for the past 12 years, I am answering as Minister for Finance because I retain responsibility for things that have happened in the past 12 years and going forward in respect of how public finance is going to be dealt with, including matters relating to taxation.

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The hon. Gentleman knows that we have all regretted the absence of the Statute Book catching up with Budget measures. That has arisen not because of the absence of a Finance Bill, but because of other pressures on government time, which would not be fixed by the simple device

2170 that the hon. Gentleman throws out there of a Finance Bill. We continue to regret the fact that there are some measures which have not yet found their way on to the Statute Book. We expect that we should be able to bring to the Statute Book, with alacrity, when we are able to, given other pressures, those measures that are outstanding, but once again, whether it is – if I may congratulate the hon. Gentleman, in giving this answer – the third Feetham to address this House or the same Picardo addressing this House, the policy of the Government has not changed and will not change.

Madam Speaker: I think this has been sufficiently explored. Next question.

Q590/2023
Removal from FATF grey list –
Update

2175 **Clerk:** Question 590/2023. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government provide an update as to Gibraltar's removal from the FATF grey list?

2180 **Clerk:** Answer, the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, there is no update beyond the publicly available information provided in the Government press release of 29th October 2023.

2185 **Hon. R M Clinton:** Madam Speaker, I am grateful for the Minister's statement. I believe that announcement indicated there would be a visit to Gibraltar scheduled for February. I have two suggestions to the Minister that he may want to consider, perhaps as a question: (1) that in any meetings with the team, he would like to consider whether they would like to invite Members of the Opposition to provide support to the Government's arguments in terms of political commitment to the Moneyval objectives; and (2) would the Minister please consider, in line, again, with the Ministerial Code, making statements to this House rather than the private sector, in terms of progress on FATF grey listing? Thank you.

2195 **Chief Minister (Hon. F R Picardo):** Madam Speaker, both of those issues engage the Government generally, not just the Minister.

2200 Let me first say that I am very grateful to the hon. Gentleman for his statement about the Opposition's commitment in respect of the measures that need to be put in place to deal with the grey listing issue. Of course, if the visit had been scheduled for August with an election due during the autumn, it would have been absolutely appropriate that the Opposition should be there to show that commitment through the period which might affect a new listing. However, given that these reviews are held every three years and we have just been through a General Election, I thank the hon. Gentleman for his statement. I think that is sufficient at this stage. However, if it is considered by those who advise the Government that it might be helpful for members of the visiting team to meet Members of the Opposition or, indeed, anybody else, we would, of course, consider that. It has not been considered in the context of the programme that has been presented to the Hon. Minister and to me, because we already know the schedule: it is very tight and, on the advice of those who suggested to us who they should meet, it does not include the Opposition,.

2210 The hon. Gentleman asked another question, which I confess I have ... (*Interjection*) Oh, and of course, in the context of whether a ministerial statement should be made or a statement to Parliament on public statements should be made, the hon. Gentleman will want to reflect that he has been referred to a statement by the Government on 27th October, when Parliament had not yet met ceremonially and was therefore not in session. He knows that the rule is that the Government will try to avoid making a public statement in respect of a matter on which a question has been asked by the Opposition, once questions have been tabled, and indeed will seek to bring to this House, for a statement in this House, matters which are of general public importance. However, because we do not have a Parliament in permanent session, that can only be relevant, usually, in the week in which Parliament is sitting. Otherwise, we would not have been able to make that statement three weeks ago and we would not be able to make a statement in relation to the FATF issue once again until Parliament sits again. Indeed, the Government makes many statements which are of general public importance, and if they are not in this week, we would be unable to make them until the next sitting of the Parliament if we were to observe a rule that is made for a Parliament that is in permanent session.

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Madam Speaker: Next question.

HOUSING AND THE UNIVERSITY

Q591/2023

Rental housing market – Review

Clerk: Questions to the Minister for Housing and the University.
Question 591/2023. The Hon. D J Bossino.

2230 **Hon. D J Bossino:** What is the Government proposing in the context of its thorough review of the regime of the rental housing market?

Clerk: Answer, the Minister for Housing and the University.

Minister for Housing and the University (Hon. Ms P A Orfila): Madam Speaker, the thorough review to which the Hon. Gentleman refers is currently under way. It involves a detailed consultation with all the affected stakeholders. This means landlords, tenants, lenders and others who may wish to share views with the Ministry for Housing. The consultation includes understanding both what can best stimulate the market and also protect the tenants.

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Hon. D J Bossino: Whilst I appreciate that the hon. Member has only just come to office and it is a manifesto commitment which, in effect, as the Hon. Chief Minister, I think, stated on this occasion, is now basically the policy of the Government – and I refer her to page 97, which talks about the thorough review of the regime of the rental housing market – can she be more helpful? I appreciate and am grateful that she has listed – maybe her colleague to her left can learn from what she has done – specifically the entities that she is consulting with. Can she give the House an indication of where she thinks that review is going to lead to? In other words, does she and the Government have a specific idea as to where she wants to take this?

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I remind her, if I may, Madam Speaker, that this was an issue which divided us during the course of the election, where we were told that our manifesto had many references to reviews. Actually, when I have been preparing my questions in relation to my current areas of responsibility, I have seen a lot of those, and this is one of them. So can I ask her: when they used to boast, in the course

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of the campaign, that they were the ones who provided specific commitments in relation to the areas ...? Now, here we have a review. Can I give her the opportunity to state where she wants to go with this review?

Hon. Ms P A Orfila: Well, a review is something in which you consult. I have only been in this post for a scant four weeks, getting to know a lot of things. This is one of the things that was there and that I am taking the interest, looking into it, so that we can properly propose what the final document will be.

Hon. D J Bossino: Okay. I appreciate that. I do not want to press her too much at this stage. I know it is early stages and she is, in effect, unable to provide this House with the idea of where she wants to go with this, but can I press her as to timings: when does she think that she will be in a position ...? Will this, for example – and I think it will, if I may offer that to her – include a change of the legislation? In that context, is it within the realms of possibility, as far as the Government's policy thinking is concerned in relation to this area, that, for example, they are thinking of a radical proposition as to whether ...? For example, they may wish to remove the concept, totally, of rent control, either throughout Gibraltar or in specific areas. I just offer that to her, to see if she can further assist the House in relation to the questions that I am asking at this stage.

Chief Minister (Hon. F R Picardo): Madam Speaker, where the Government has set out a timetable for something in our manifesto which is now the policy of the Government, of course hon. Members can ask us how we are going to keep to that timetable. Well, we have not set out a timetable; we have the whole of the lifetime of this Parliament to do that. The former Chief Minister, the leader of the party now opposite, famously reminded us that we were not elected to be his time keepers and that he had the whole sweep of the 48 months of the lifetime of the Parliament to deliver against his manifesto commitments. That, with respect, we actually agreed from the other side of the House. So in terms of the timetable, in particular in the first month after being elected, I do not think it is necessarily fair that the hon. Gentleman is trying to press us on that.

We are going to want to do this review properly. We want to ensure that we do not have a predetermined outcome for the review. Otherwise, there is no point in engaging with landlords, tenants and all the others that we have referred generically to we are engaging with. And so the hon. Gentleman, I think, will be as disappointed in the answer I am going to give him as he has pretended to be with all the answers he has been receiving during the course of this afternoon, when I tell him that we do not want to predetermine something that we are setting out to do in order to try to deliver a positive result for all those who are affected by this issue, and it would be unfair to press us further at this stage.

Madam Speaker: Next question.

Q592/2023

Number of rental homes vacant – Breakdown by number of rooms

Clerk: Question 592/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many rental homes are currently vacant, broken down by number of rooms?

Clerk: Answer, the Minister for Housing and the University.

2295 **Minister for Housing and the University (Hon. Ms P A Orfila):** Madam Speaker, there are none.

Hon. D J Bossino: That is a very clear and simple answer, but I must say that it does cause some surprise on this side of the House. Can she expand on that? We find it very odd. The information that we have received in the long years that we have been in opposition is that there are many vacant houses. Certainly since I have been tasked with this responsibility for housing over the last two or three years, I am told – and I do not think I am raising rumour to the House, but I am told anecdotally that people see that there are many vacant houses in many government estates.

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2305 With the comment that I have just made, can I give her the opportunity to expand on that answer and comment on what I have just said, that there are many people who tell us that there are many vacant flats around Gibraltar, around many government estates in Gibraltar?

Hon. Ms P A Orfila: Madam Speaker, he asked how many rental homes are currently broken down to number of rooms and I said none, because, for example, we have ‘urban renewal’, we have ‘beyond economic repair’ and we have ‘earmarked’, so they are not, in fact, empty, they are earmarked for someone and they are in the process of being established so that people will be moving into them. That is why I said none.

Madam Speaker: Next question.

2315 **Clerk:** Question 593 –

Hon. Dr K Azopardi: Sorry, Madam Speaker, if I may –?

2320 **Madam Speaker:** If you want to ask a supplementary, you need to stand up and catch my eye within a reasonable period of time.

Hon. Dr K Azopardi: To understand what the Hon. Minister has said, the fact that they are empty in a particular area ... where there is a government property that is empty, it is not considered vacant – is that right? Is that what the Hon. Minister says, that even though it is empty, because it is, in principle, available for allocation, they are not categorising it as vacant?

2330 **Chief Minister (Hon. F R Picardo):** No, Madam Speaker, that is not the position. I think the hon. Gentleman has got it wrong. The position is that if a property is empty but we are not going to put it back into housing stock because it is beyond economic repair etc., we are considering it out of housing stock: it is going to be sold or it is going to be demolished. In other words, it is not an empty property that is going to be used for allocation. If it is already allocated and is just being prepared for handing over of the keys, it is not a property that is considered vacant because it is a property that has already got the name of a new tenant assigned to it and it is simply in the process of being painted etc.

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2340 What we would have to consider vacant is a property that, for some reason, has not come back to the Government, is lying there, not in any way being managed by the Government, which is the type that tends to be referred to us also – those which are, for example, properties that we believe are tenanted but actually are not; there is nobody turning up there for six months or for a year. In those cases, when one investigates further, they are usually properties that the former GSD administration sold, but people just see them lying empty because they were bought by an individual who has passed away, or an individual who no longer lives in Gibraltar. In many instances, it is what the hon. Members opposite did that is causing us these issues. Or there is an individual who is in long-term hospitalisation, not elderly care, and we have not been able to take the property back because the individual is in hospital and, therefore, supposedly coming back;

2345 they are not going to Mount Alvernia or to another residential home. Those are usually the
instances that we come across, but there is a very good system of managing property now, which
very quickly tells us that empty property is (a) sold; (b) tenanted to somebody who is still in
hospital; (c) beyond economic repair – take it out, we are going to sell it at tender or have another
use for it; or (d) in the system for refurbishment and repair and allocated to Mr, Mrs, Miss or
2350 Master X.

Therefore, the numbers of allegedly vacant properties that constantly come up ... Hon.
Members will have this experience, as I have, where people come to see me with the addresses:
'I need a three-bedroom and here are the four three-bedrooms I know are empty,' and I tell them,
'Well, in fact, two of them were sold by the GSD and are, therefore, not available anymore; one is
2355 Mrs X, who is in the hospital; and on the other, the refurbishment process is starting and it is for
another tenant who was ahead of you on the list.' That is usually the situation, unfortunately.

Hon. Dr K Azopardi: Madam Speaker, in all that rather long answer there was one category
that I do not think he has mentioned, so let me ask a very precise question very briefly. If there is
2360 an empty, unallocated flat in Glacis Estate, does the Government consider it vacant, using that
classification method?

Hon. Chief Minister: Yes, but there are no such properties.

2365 **Hon. D J Bossino:** I was going to seek that precise –

Hon. Dr K Azopardi: No –

Hon. D J Bossino: Sorry. (*Interjection*)

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Hon. Dr K Azopardi: Indeed. (*Interjection*) And maybe never.

Hon. D J Bossino: Or maybe never, the choice of the –

2375 **Madam Speaker:** Time is running out to answer the question.

Hon. Dr K Azopardi: Madam Speaker, how can it be that there are no vacant but unallocated
flats in housing estates? Let me just try to postulate a scenario for the hon. Member. This is why I
am having difficulty with the concept of there being none. I accept there is some ... When we have
2380 asked questions before in the House, previous Ministers have said, 'We have allocated the
following number of houses in a calendar year.' Presumably that involves a process where a flat is
occupied, it then becomes empty – I will not use the word 'vacant' – and then there is a process
of allocation. There must be a point at which the Housing Department says, 'I am going to allocate
this flat to this family', and there must be an interregnum between that decision and the point at
2385 which the flat has become empty in the interregnum. Surely it is vacant using the classification of
the hon. Member, because it has not been allocated. In other words, there has not been a decision
taken for allocation. That is what I am struggling with, because surely there must be properties
out there where there is that interregnum, where the Housing Authority has not taken those
allocation decisions because it is not a seamless process, because there is a decision-making
2390 process.

Hon. Chief Minister: The answer to that question which the hon. Gentleman poses, Madam
Speaker, is good planning, and that is what means that the interregnum is not one that sometimes
lasts hours, at all, because we have management of the list being done, which enables us to know,
2395 the minute somebody says to us ... They do not usually say, 'I have gone', they usually say, 'I am
going.' The minute somebody says, 'I am going', there is a process which is undertaken to ensure

that the allocation happens, so the person who is highest on the list ... and also list management, so that you are then saying, 'And this person ...' Most people are not going from homelessness to property, they are going from the two-bedroom to the three-bedroom, from the three-bedroom
2400 to the four-bedroom ... management of the list, so that the four-bedroom that we are told is going to become vacant, usually when Mrs X moves to a pensioner flat or to ERS, is going to be allocated to Mr and Mrs X, who are in a three-bedroom. Their three-bedroom, even before it has become vacant – they do not yet know that we are going to assign it to them – is going to be handed over
2405 to Mr and Mrs Y, who are in the two-bedroom, and their two-bedroom is going to be assigned to Mr and Mrs W, who are in the one-bedroom, and so on and so forth. So there is almost none of the empty property scenario, which is an urban myth, because there is management of the property, but there are empty properties. There are what are de facto empty properties, because there is a property assigned under our list of properties which are not beyond economic repair, which are ready to be handed over or repaired etc., but they are empty. However, they are empty
2410 because, as I said before, the criterion has been that the person is in long-term hospitalisation, that there are individuals who have bought their properties etc.

There can be a category which the hon. Gentleman has not alighted upon, which is the category that I would consider to be the gold dust category, which is the property that lies empty not because the tenants have passed away, because if they pass away we know, and have not moved
2415 to ERS, because if they move to ERS we know, but have decided that they are going to spend more time in Marbella, for example, but are holding on to the tenancy. Then you have to say, 'Hang on a minute, is there really nobody coming here every six months? This is not one of those that was sold by the GSD. This person is not in the hospital. This person is not in ERS. Where is this person?' In the time I have been in office, I have heard about those a hundred times a week, and I think we
2420 may have found one or two in the past 12 years. That is the reality.

Madam Speaker: One final question.

Hon. D J Bossino: Very grateful, Madam Speaker. I am going to give the Chief Minister an
2425 opportunity to bash, once again.

Madam Speaker: I am going to remind you, again. Let's use the titles correctly: the 'Hon.'

Hon. D J Bossino: Madam Speaker, I am going to give the Hon. the Chief Minister the
2430 opportunity to GSD bash once again. I just want to clarify one point of policy in which I may have detected a slight change, but I am sure it is not the case, because he has been persistent in the past and, indeed, now, in relation to what he says was our policy – and indeed it was our policy – to sell government flats. Another question is how many and all the rest of it.

He talked about the different categorisations as to why a property is not vacant, and he has
2435 gone through some of them now. He said they may have been sold. Is he saying that in the context of his Government's policy, the only possibility of a property being under that category – unless he is saying it happened under the GSD's watch – is that the property is then sold through the tender process? Is that the case? I would not expect that to be the case in the traditional estates, but it may be, for example, in the Upper Town. I think I have a question on the Order Paper in
2440 relation to that.

Hon. Chief Minister: Madam Speaker, the hon. Gentleman rightly does open up a flank for me to be able to attack, which I am going to resist.

Madam Speaker: Well, I hope it will be a short flank, if you are minded to do so.
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Hon. Chief Minister: It will be a short, sharp attack, however large the flack, Madam Speaker.

2450 The position that we have taken issue with consistently is the sale by the GSD of post-war housing. That is what we said was unacceptable and made no sense. They sold a number when they were in office. They committed to sell a number, which they did not complete while they were in office. We accepted that we should honour the contracts for sale that had been agreed by them when they were in government, but we would not sell any more of the post-war housing stock – that is to say, the estates. What we believed we should continue to do, which was the policy we had established from 1988 and which they continued ... In other words, we had a policy of sale of government rental flats, which they accepted and continued and which we have continued, which was the pre-war property sales. The pre-war property sales are sold because properties are beyond economic repair, and those properties are sold through the Land Management Committee at tender or to sitting tenants on the sitting tenant formula, which was established in 1988 and has continued, even under the GSD. Those are the criteria; criteria that they agreed with, because they continued it whilst they were in office.

2455 Their policy denuded us of the stock that we need in order to be able to house people, whilst with the pre-war stock, the difficulty that all Governments have is that the cost of repair means that most or all of it is beyond economic repair in the hands of the Government, because the sort of repair that you are talking about requires you to go all the way back to the brick, and eventually, 2465 nonetheless, you once again have damp and you are once again stuck with having to carry out the repairs. If we sell that stock, I think it is common ground across the floor of the House that the urban renewal that we want to see happens – because the pre-war stock is in the old Town – because people buy the properties from us and do them up themselves, and they do the facades up very well. However, it is the post-war stock that is the issue in dispute between us. None have 2470 been sold on our watch, other than those which were agreed by them and which we honoured when we took over.

Madam Speaker: Next question.

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Q593/2023

**Government rental properties in Upper Town –
Number to be available to those on waiting list**

Clerk: Question 593/2023. The Hon. D J Bossino.

2480 **Hon. D J Bossino:** Please state how many properties are envisaged will be made available from the Upper Town area to individuals on the housing waiting list.

Clerk: Answer, the Minister for Housing and the University.

2485 **Minister for Housing and the University (Hon. Ms P A Orfila):** Madam Speaker, the answer to this question is dependent on the turnover of flats. This is, itself, subject to various factors, such as tenants surrendering properties as a result of moving to ERS, demise of tenants, exchanges, etc. The Housing Department is, therefore, not able to provide any accurate figures in respect of the requested information for the Upper Town area or, indeed, for any other district in Gibraltar.

2490 **Madam Speaker:** Next question.

Q594-602/2023

**Medical A+, A, B and C, and Social Category A housing waiting lists –
Numbers and duration**

Clerk: Question 594/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, how many people were on the Medical A+ housing list at 15th November 2023?

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Clerk: Answer, the Minister for Housing and the University.

Minister for Housing and the University (Hon. Ms P A Orfila): Madam Speaker, I will answer this question together with Questions 595 to 602.

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Clerk: Question 595/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many people were on the Medical A housing list at 15th November 2023?

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Clerk: Question 596/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Of the persons on the Medical A list at 15th November 2023, how long have those persons been classified as A, providing a breakdown of dates or time on the A list in respect of each?

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Clerk: Question 597/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many people were on the Medical B housing list at 15th November 2023?

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Clerk: Question 598/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Of the persons on the Medical B list at 15th November 2023, how long have those persons been classified as B, providing a breakdown of dates or time on the B list in respect of each?

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Clerk: Question 599/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many people were on the Medical C housing list at 15th November 2023?

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Clerk: Question 600/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Of the persons on the Medical C list at 15th November 2023, how long have those persons been classified as C, providing a breakdown of dates or time on the C list in respect of each?

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Clerk: Question 601/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many people were on the Social Category A housing list at 15th November 2023?

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Clerk: Question 602/2023. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Of the persons on the Social Category A list at 15th November 2023, how long have those persons been classified as Social A, providing a breakdown of dates or time on the Social A list in respect of each?

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Clerk: Answer, the Minister for Housing and the University.

Hon. Ms P A Orfila: Madam Speaker, I will now hand over a schedule with the information requested.

Answer to Question 594/2023

The total number of people on the Medical A+ list is 125.

Answer to Questions 595 and 596/2023

The total number of people on the Medical A list is 63. The breakdown is as follows:

2012	1
2013	2
2014	2
2015	2
2017	4
2018	8
2019	14
2020	9
2021	1
2022	9
2023	11

Answer to Questions 597 and 598/2023

The total number of people on the Medical B list is 14. The breakdown is as follows:

2014	1
2016	1
2017	1
2018	.2
2019	2
2020	3

2022	2
2023	2

Answer to Questions 599 and 600/2023

The total number of people on the Medical C list is 1. The breakdown is as follows:

2016	1
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Answer to Questions 601 and 602/2023

The total number of people on the Social A list is 92. The breakdown is as follows.

2017	1
2018	1
2019	8
2020	15
2021	12
2022	21
2023	34

2550 **Madam Speaker:** We will go on to the next question and give you time to consider the schedule.

DEPUTY CHIEF MINISTER

**Q603/2023
St Andrew's Church –
Purchase**

2555 **Clerk:** Questions to the Deputy Chief Minister.
Question 603/2023. The Hon. D J Bossino.

Hon. D J Bossino: Madam Speaker, who has purchased St Andrew's Church?

2560 **Clerk:** Answer, the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, St Andrew's Church is a freehold. The Government, therefore, has no details that any sale has been registered in the Land Registry.

2565 **Hon. D J Bossino:** This was the subject of press comment, I think. I cannot remember when; I do not have the press cuttings with me. Is he able to provide any information further than that? I

assume his answer is, which is fair enough, that there is nothing formally in the hands of the ...
[Inaudible]

2570 **Madam Speaker:** Can I remind the hon. Member: address. We either use it or we do not. It is difficult for me, too, but if we do, we need to stick to it.

Hon. D J Bossino: The address is 'the Hon. the Deputy Chief Minister'? I am grateful, Madam Speaker.

2575 I think he got the gist of what I was saying, so is he able to provide any further detail? This is a listed property. When I submitted the question, I was fully appreciative that it is not necessarily in the hands of the Government, because the Government is not selling it, but I took the view that it is of sufficient public interest, and that perhaps Hon. the Deputy Chief Minister and the Government could enlighten the rest of the public – I would give him the opportunity, to try to elicit some further information from him, but I understand if he cannot, he cannot.

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Deputy Chief Minister: Madam Speaker, what I am told by Land Property Services is that if this were a leasehold, then it would come to the Government for consent before the sale happens, in which case the Government would have the information and I would be able to supply it. Because it is a freehold, we have to wait until they register it in the Land Registry, and then we will know officially, as the Government, that the sale has happened.

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Madam Speaker: Next question.

2590 **Hon. D J Bossino:** Madam Speaker, if I may, with your permission and leave, is the Government – I am trying to push him slightly further – somehow using its authority and its power as the Government of Gibraltar, given the iconic nature of the building? I know that if someone, somewhere, decided to build a supermarket, by way of extreme example, there will be a planning process in place and the Government could object. Can the Hon. the Deputy Chief Minister give us any further information as to how the Government is expressing an interest in relation to what is going to happen to the property? Again, I appreciate the strictures of what he said, and he may not be able to go beyond that in this House, but can he provide us any further information?

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2600 **Deputy Chief Minister:** Madam Speaker, yes, the hon. Member is right, this is a private sale and it is a freehold, so the Government is not involved in it. In terms of the concerns that he has expressed, obviously whatever happens there will have to go through the planning process and it would separately and independently also require a heritage licence, so there is an element of control in terms of what can and cannot happen.

Madam Speaker: Next question.

HOUSING AND THE UNIVERSITY

Q594-602/2023

Medical A+, A, B and C, and Social Category A housing lists –
Supplementary questions

2605 **Hon. Dr K Azopardi:** Madam Speaker, I was going to ask for permission to go back to the schedule, if that was okay.

Madam Speaker: Yes, if you are ready.

2610 **Hon. Dr K Azopardi:** If I go back to the schedule of answers given by the Hon. Minister for
Housing, first of all, can I seek to persuade her ...? This is a point that I made to her predecessor,
but I will make it to her because, obviously, she is now in office and the Hon. Minister who was
her predecessor was, I think, unable to do this before he left office. Can I seek to persuade her
that these statistics of the number of people on these various lists is publicly available? When you
go to the Government website, what is available is the number of people who get placed on, for
2615 example, the Medical A list in a particular month or year, but you do not have the running total,
so it makes it difficult to know how many people are actually on the list at any given time; you
only know who is being placed on that list. The Hon. Minister can verify that for herself when she
goes to the statistics publicly available, and perhaps she can consider the suggestion that beyond
the statistics that are currently available ... As the Minister will know, there is a table that is headed
2620 'Applicants placed on the various medical lists by month', so that is the placement in January but
not the running total. Can there also be a table for the running total at any given time per month
on the various lists? If she would consider that ...?

2625 **Minister for Housing and the University (Hon. Ms P A Orfila):** Madam Speaker, of course. I
think it is a very good idea that we should give the public everything they need with regard to
housing. Yes, of course.

2630 **Hon. Dr K Azopardi:** I am grateful for that. Can I also urge her, because obviously she is a recent
appointee, so I am not going to –

Madam Speaker: I presume you are going to urge the 'hon. Member'.

2635 **Hon. Dr K Azopardi:** Yes, sorry, Madam Speaker. I thought that having already called her the
Hon. Minister, that was –

Madam Speaker: A separate supplementary.

2640 **Hon. Dr K Azopardi:** – every time, by calling her the Hon. Minister. Can I urge the Hon. Minister?
I know she is a recent appointee, but what is striking from the statistics when you look at them is
that there are some people who have been classified Medical A going back many years. A lot of
people come and see me about housing cases; some of them are A+ or A. I write to the
Department, I write to the Minister concerned, and I put their case. They tell me they have been
A or A+ for several years. It is quite striking that this is the case. Can I urge her, as a priority of her
particular administration of this Department, to take an interest in these cases, to try to break the
2645 backlog of people who have been classified as Medical A or Social A and still, after many years,
have not been allocated a flat?

2650 **Hon. Ms P A Orfila:** Madam Speaker, of course I am aware of what the hon. Gentleman is
asking, and I am pointing out, of course I am, but the thing is that there might be the person ...
Remember that you are referring to the A list. We have an A+, so it means that we have people
on the A+, and we still have to get to the A, the B and the C. The person you have seen on the A+
plus might have been there for a few years, the reason being that we have to align everything. It
is not just finding an 'empty house', as you like to call them, to give to someone. We have to talk
with the doctors, the psychologists and the person, and we have to find a suitable house – not just
2655 any house; it has to be a suitable house for that particular person. The OT has to go and see it. The
person themselves may not like the district or the area. It is not as easy as just placing a person
into a pocket, because that is not the way I want Housing to be. We want to care for people and
put them in the right pocket at the right time. Thank you.

2660 **Hon. Dr K Azopardi:** I certainly appreciate the Hon. Minister's point, and she is right to point
out that there is an A+ list. The reason for my questions in this order, without asking for a total on
A+, is because I put these particular questions to the Hon. Minister at the last session of the House,
but, because of the dissolution of Parliament, they were never taken. However, if I just give her
2665 the example that her predecessor answered in June that there were 113 people on the A+ list,
and when you look at the statistics that the Hon. Minister has given today – let's say there are,
notionally, a hundred people on the Medical A+ list, another 63 on the A and 14 on the B, and
then there are another 92 on the Social A – the Government is allocating about 120 flats a year,
so when you look at all that, I can certainly understand the backlog, which gives rise to issues
2670 about the speed of allocation of government housing, but also understanding the intricacies of
these cases.

It is, as I said, striking, when you look at all this and you look at the Medical A+ list, that some
people have been waiting for many years. I understand the point the Hon. Minister has made, but
I am asking her to focus on these as a priority of her administration. I hope she agrees with me
that this is a deep priority of the Housing Department.

2675 **Chief Minister (Hon. F R Picardo):** Madam Speaker, of course it is, and the hon. Gentleman is
speaking for the whole House in what he is saying. I am not going to get into what the figures were
on the Medical A+, Medical A, Medical B and Medical C when we were elected, but these are
lower than then, and I think that, whichever administration is in office, all hon. Members will want
2680 to see this issue dealt with. That is why, if I can expose myself to a little bit of GSLP Liberal bashing
by the hon. Members, it is absolutely true that we went to the last General Election saying that
we felt we had to build more rental homes for stock, which we had said before we felt we were
not having to build. However, because we are delayed in building affordable homes, we have
accepted that, actually, it has given rise to a backlog, and therefore we will build more affordable
2685 housing, more pensioner rental and more general rental as well. We have made that point in order
to be able to deal with this issue.

I think there is another issue, Madam Speaker, that will enjoy the understanding of the whole
House. In the Medical A+ list, which is the list that the hon. Gentleman has referred to in the
context of his last supplementary, the oldest individual, in terms of longevity, is from 2015. That
2690 individual, perhaps for very good reason, has refused an allocation. This is the point that the hon.
Lady is making. The hon. Gentleman, rightly, is asking, 'Why is somebody on this list for eight
years?' and the answer actually can be because they refused an allocation. For all the reasons the
hon. Lady has given, an allocation in these circumstances has to be in keeping with the
recommendation of the OTs and the doctors etc. If all of those stars align, you make the offer and
2695 the person says, 'I do not like the area ...' Maybe it is not that, maybe it is for good reason: 'I have
a problem with somebody, where there is an order that they cannot approach me. He lives down
the road, and although it is outside the exact measurements of the order, it is too close for
comfort.' I am not suggesting that the refusal would necessarily be frivolous, the refusal might be
for good reason, but Housing has made an offer to that person and it may be a medically complex
2700 case. The stars then have to align again on all the medical aspects, the OT aspects etc., and the
person has to say, 'Okay, this one works for me.' In that case, we would all agree that there is an
issue that has to be dealt with. Perhaps it has been dealt with in the way that any administration
could, and for good or not good reason – we do not know – that person has refused the flat.

The point that I would make, Madam Speaker, and I hope I will enjoy the support of the whole
2705 House in this respect, is that the Housing Department should not be regarded by people on the
housing waiting list as a real estate agency; very often, it is. People will come – and, no doubt,
they see him, but let's ventilate this issue, the same as they see me and other Members of the
House when they come to see us in clinics – and say, 'I would really quite like a pensioner flat, but
I want one with a sea view on a high floor – I do not want to be too hemmed in – and I want it to
2710 be near Morrisons.' You almost feel like saying, 'A pensioner flat, yes, but I cannot get into that

level of detail.' That happens more often than one would expect in the context of government rental housing. I am sure the whole House will agree that that is not appropriate.

The final point I would make, Madam Speaker, for the whole House to be aware of, is that the 125 on the Medical A+ list, the 63 on the Medical A list, the 14 on the Medical B list, the one on the Medical C list and the number on the Social list, which I think is 92, are also on the general housing waiting list. When you are on this list, you are also on the general list, so there is an element of double counting, not between these lists but if you are on the Medical A+ list for a 3RKB and there are 17 people there, the general 3RKB list includes these 17 as well, so we would be double counting if we counted them both.

Madam Speaker: Next question.

DEPUTY CHIEF MINISTER

Q604/2023

Parliament building – Commencement and completion dates for works to interior

Clerk: Question 604/2023. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, what are the expected commencement and completion dates for the works to the interior of the Parliament building?

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, works are expected to commence on 24th January with the expected completion likely to be during the course of the following financial year, barring, of course, any major issue.

Hon. Dr K Azopardi: During the course of the following financial year: the outer limit to that would be 30th June 2025. I imagine that the works would be programmed to take account of our sittings, unless we are going to sit less. I assume they are not doing any works to this particular Chamber; it is all going on downstairs. Would that assumption be correct, or do they need to do something, in the context of the works, that would affect this Chamber?

Deputy Chief Minister: Madam Speaker, yes, the hon. Member is right, we are talking about the end of the financial year, as in the end of March 2025. The intention is that it will not disrupt sittings, but sittings may disrupt the works. That is why I said barring any major issue it may take slightly longer than we had forecast. The only works to the Chamber involve the installation of the lift, which will be at the northern end of the Chamber. That is the only planned work in the Chamber – that I am aware of, at least.

Hon. Dr K Azopardi: I see, and is that work on the lift going to be done during the early part of the works? Can I just ask, while I am on my feet ...? The Hon. Minister remembers a presentation he made to us, on this side, as to the nature of the works. Are the works that are going to happen in line with the presentation given to us?

Hon. Deputy Chief Minister: Madam Speaker, yes, the layouts that the hon. Members saw in the presentation that we gave them are the basis of the works, but I am told that the project director wants to meet with them again to go over the exact nature of what they want to produce

2755 there. I am told, also, that they have been presented to the Clerk and to Madam Speaker – if that has not happened already, the intention is that it will happen – and obviously an effort will be made to incorporate any observations into the design. The meetings of Parliament will dictate the pace and the nature of the works, rather than the other way round.

Madam Speaker: Next question.

Adjournment

2760 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I think that might be a convenient moment to move the overnight adjournment, to tomorrow at three o'clock, and thank all hon. Members for the way that the Parliament has, today, conducted itself at its first session with this genteel sparring that I hope will go on as much as possible in the next 48 months. I am particularly pleased to have come to this Parliament for the first time in my time here, in 20 years, to be invited to a very convivial event on 6th December, which I shall do my best to attend, and no doubt I speak for all Members of the House when I say that we shall all seek to attend and to have an opportunity to meet in less rarefied circumstances than these.

2765 I move now that the House should adjourn to tomorrow at 3 p.m. to take my questions.

2770 **Madam Speaker:** Adjourn to Tuesday at 3 p.m. I now put the question, which is that this House do adjourn to Tuesday at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed. (**A Member:** Thursday.) Did I say Tuesday? (**A Member:** Yes.) Well, it is good to know that I am kept on my toes, too. Thursday at 3 p.m.

The House will now adjourn to Thursday at 3 p.m.

The House adjourned at 6.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 7.32 p.m.

Gibraltar, Thursday, 23rd November 2023

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The Gibraltar Parliament

The Parliament met at 3.10 p.m.

[MADAM SPEAKER: Hon. Mrs Justice K Ramagge *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Questions for Oral Answer

EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE

Q555/2023

**School cleaner vacancies –
Supplementary information**

Clerk: Meeting of Parliament, Thursday, 23rd November 2023.
Order of Proceedings: Answers to Oral Questions continued.

5 **Madam Speaker:** Before we begin with Oral Questions, I understand that the Hon. Minister Cortes has some information that was promised to the hon. Member yesterday, so perhaps we could deal with that.

10 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Thank you, Madam Speaker. Yes, I undertook to provide the breakdown of cleaner vacancies per school. There is flexibility between them, but, in order to assist, I can confirm that the figures that he had for Bishop Fitzgerald are not correct. The breakdown of the 21 vacancies is West Side, six; Bayside, two; St Joseph's Upper, two; Bishop Fitzgerald, two; St Anne's, one; Governor's Meadow, one; St Joseph's Lower, two; St Mary's, one; St Bernard's, one; and St Martin's, three.

15 **Madam Speaker:** All right. We can proceed.

CHIEF MINISTER

Q660/2023

**Adoption Act –
Date of coming into force**

Clerk: Questions to the Hon. the Chief Minister.
Question 660. The Hon. Mrs A Sanchez.

20 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government state when the new Adoption Act is expected to come into force?

Clerk: Answer, the Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the new Adoption Act is a major overhaul of the 1951 legislation making the process of assisting families to have children simpler and better. An Act as sensitive as the Adoption Act requires essential pieces of secondary legislation which are drafted and are currently being reviewed. The Act will come into force once we are satisfied with these regulations.

30 **Madam Speaker:** Next question.

Hon. Dr K Azopardi: May I just ask the Chief Minister ...? We supported that legislation, as he knows, and on both sides of the House I think we are keen to see that overhaul of legislation, as he points out. Does he have a timescale in mind? We appreciate, of course, that there needs to be secondary legislation also underpinning that principal Act.

Hon. Chief Minister: Madam Speaker, there are six pieces of legislation – the Adoption (Care Agency) Regulations, the Adoption (Suitability of Adopters) Regulations, the Adoption (Disclosure of Information) Regulations, the Adoption (Foreign Element) Regulations, the Adoption (Independent Review of Determinations) Regulations and the Family Procedure (Adoption) Rules – which have to be prepared alongside the Act. I understand that a lot of that work has already been completed. The Supreme Court has been involved as well, the Chief Justice being involved. I understand that the reviews are almost complete, so I would hope that we would see this legislation in place and commenced in the next 90 days or so.

45 **Hon. Dr K Azopardi:** May I ask if there is going to be some degree of consultation on that subsidiary legislation, or if the Government is content, having given that expectation of 90 days, that it is unnecessary to do so because it has done the work internally with the bodies that the Chief Minister has pointed out?

50 **Hon. Chief Minister:** Madam Speaker, the consultation, as I understand it, has already taken place. There has been considerable consultation with the Care Agency and all of the relevant agencies of His Majesty's Government of Gibraltar. The Chief Justice, I understand, has reviewed and approved the Family Procedure (Adoption) Rules because those relate to Rules of Court. So I understand that a lot of that has already happened, and it is now a question, I assume, of dotting i's and crossing t's and ensuring that there is not anything in there which needs to be reviewed before actual implementation and bringing into effect the Act.

Madam Speaker: Next question.

Q661/2023
Disability benefit –
Publication of eligibility criteria

60 **Clerk:** Question 661. The Hon. Mrs A Sanchez.

Hon. Mrs A Sanchez: Madam Speaker, can the Government state whether it intends to make the eligibility criteria for disability benefit widely accessible by publishing them, ensuring they are readily available for those in need of applying?

65 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, no, ma'am, not at this stage. The Government's view is that the eligibility criteria for this benefit must be reviewed. The Supported Needs and Disability Office has begun preliminary work analysing our local disability landscape in order to be able to ascertain the appropriate criteria to ensure that those who need it get it. They are also in consultation with similar offices in other countries to learn about how they manage their version of this allowance.

Hon. Mrs A Sanchez: I am grateful for that answer. Once it is reviewed, would he agree that it would be beneficial for the criteria to be published, not only to inform those in need of the criteria but also to provide transparency in the application process?

Hon. Chief Minister: Madam Speaker, in principle, yes, but not necessarily.

Hon. Mrs A Sanchez: Would you care to elaborate further?

Hon. Chief Minister: Well, Madam Speaker, because, as hon. Members should know given that they are a party that has been in government, there is a lot of abuse of this disability benefit. In some instances, there are attempts to come within its eligibility criteria. The assessments that are made suggest that a lot of time is spent having to determine whether people are entitled to this disability benefit or not – people who should not even have applied in the first place, but try to squeeze themselves into the eligibility criteria. We can make the criteria widely available and we can make the criteria such that lots of people can apply for this benefit, and then what we will have is unnecessary expense. One of the key things I said when I was making the statement was that we want to ensure that those who need it get it. The corollary of that is those who do not need it should not get it.

Hon. Mrs A Sanchez: Madam Speaker, wouldn't the hon. Member agree that by publishing the criteria, he might, in fact, find that it might reduce the backlog of applications that we sometimes find? People would understand whether they are eligible to apply for the disability benefit because the criteria would be published and they would have the information before applying. Right now, there is no information available and people do not know what they can reasonably expect and if they are actually entitled to apply, or not. I would also direct the hon. Member to the UK government website, which provides the criteria online, readily accessible to the public. I would just like clarification on why the Government is so reluctant to do the same locally.

Hon. Chief Minister: Madam Speaker, the hon. Lady started with a question that required a yes or no answer, to which the answer was no. She ended with a question which requested clarification, in respect of which I refer her to the answer I gave a few moments ago.

Madam Speaker: Next question.

Q662 and 677-79/2023

St Bernadette's Centre; Land frontier entrance; Netball Association premises; Rental houses – Further details re manifesto commitments

Clerk: Question 662. The Hon. Mrs Sanchez.

Hon. Mrs A Sanchez: Madam Speaker, could the Government furnish additional details regarding the proposed location and timeline for the development of the new St Bernadette's Centre, as depicted in the GSLP Liberals' Manifesto 2023?

Clerk: Answer, the Hon. the Chief Minister.

115 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer this question with Questions 677 to 679.

Clerk: Question 677. The Hon. G Origo.

120 **Hon. G Origo:** Madam Speaker, major beautification projects are promised in the recent manifesto in respect of the land frontier entrance, could the hon. Member please indicate whether there is a timeline in place for when these refurbishments are to take place and the estimated timeframe to complete?

125 **Madam Speaker:** Having a short discussion with the learned Clerk, it seems to me that the questions on the sheet do not necessarily follow on the same topic that one would expect. I just want to check whether they are in the right order, so that the hon. Member knows what he has to answer. I am going to propose a very short recess, so that the learned Clerk can confer with the back office staff, to make sure that the questions follow.

130 **Hon. Chief Minister:** The ones I think I am dealing with, Madam Speaker, are St Bernadette's major beautification, a chosen site for netball, and the site of rental houses. Those are the ones I am dealing with together.

135 **Madam Speaker:** If that is correct, then they are correct.

Hon. Chief Minister: Yes. There is a common theme running through them.

Madam Speaker: All right.

140 **Clerk:** Question 678. The Hon. E J Reyes.

Hon. E J Reyes: Madam Speaker, can Government provide details of the chosen site, cost and expected completion date in respect of its commitment to provide the Gibraltar Netball Association with its own home?

145 **Clerk:** Question 679. The Hon. D J Bossino.

Hon. D J Bossino: When and where will the first set of rental houses be built?

150 **Clerk:** Answer, the Hon. the Chief Minister.

155 **Hon. Chief Minister:** Madam Speaker, as I indicated yesterday, in respect of GSLP Liberal commitments which are set out in our manifesto, which is now government policy, for which a timeline is not provided in the manifesto or otherwise in a statement of the Government, we will deliver these during the lifetime of this Parliament. When we are ready, we will provide more detail.

160 **Hon. E J Reyes:** Thank you, Madam Speaker. I understand what the Chief Minister is saying; I accept that. My Question 678, in respect of the Gibraltar Netball Association – if I may pull from my own side – carries perhaps a little bit more urgency because I know there is an ongoing commitment for Gibraltar to host a major international netball tournament in 2025. Just calculating the average length of time it takes to construct any premises, I do not think my question is necessarily too early on in this term of office for the Government, because either the

165 facilities are going to be ready for 2025 or ... I would be grateful if the Chief Minister can confirm that at least that is a possible target date.

170 **Hon. Chief Minister:** Madam Speaker, I am surprised by the hon. Gentleman's question. The netball event in 2025 was announced some time ago, as far as I understand, and yet in *their* manifesto they do not have any project to deliver a home for netball, so he cannot have been so concerned that the home for netball should be delivered in time for this international event, if it was not something which he told the people of Gibraltar he would deliver in time at the last General Election. So he will forgive me for sticking to the answer that I have given and allow the Hon. Minister for Sport and me to be in touch with the Netball Association about how we deal with the issues that arise for them in the context of that, and how we are going to ensure that they will deliver a very successful international netball tournament from Gibraltar.

180 **Hon. E J Reyes:** Madam Speaker, the Chief Minister is entitled to give whatever personal opinion he may hold about the GSD's manifesto, but that is an internal matter for the GSD. My question was relating to whether it is Government's target to hopefully have these new facilities in place for the 2025 international tournament. That is what my supplementary consists of.

Madam Speaker: Well, that was just an explanation of why he put the question. Does the hon. Member wish to put a question?

185 **Hon. E J Reyes:** Yes. Perhaps I did not understand the answer properly. My question was: is it the Government's commitment to have these facilities ready in time for the 2025 international netball tournament?

190 **Hon. Chief Minister:** Madam Speaker, in that preamble the hon. Gentleman said I had expressed my personal opinion as to the GSD manifesto. I have given no such thing. I do not think you would tolerate that I should get up to give my personal opinion on the GSD manifesto, not least because I would not be able to do it without offending the rule against excessive length that you are going to insist that I stick to in providing my answer.

195 I refer the hon. Gentleman to the answer I gave a few moments ago: we will make an announcement as to the timelines of these projects when we are ready to do so, and in the context of the international event that is going to be held here, we do not see the two as necessarily being linked.

Madam Speaker: Next question.

200 **Hon. D J Bossino:** Madam Speaker, I have a supplementary. Can the Hon. the Chief Minister assist me in relation to this? He did say yesterday – in, I think, a rare admission on his part – that there was, basically, a U-turn as far as the GSLP Liberals' policy, a complete and utter 180° turn from its original position in relation to the building of rental housing, a complete volte-face. I was simply interested in asking the question because it arises on page 100 of his manifesto. He dismisses the question on the basis that it will be done during the course of the four years, but there is a particular timing here, and I would ask him to elucidate the House as to what he meant when his party said:

we estimate that building affordable housing stock at an approximate rate of 200 units per year ...

210 Is it the case that his Government's policy, intention and commitment is to have built, during the course of the four years, if one multiplies 200 by four, 800 units? Is that the case?

Hon. Chief Minister: Madam Speaker, I am going to ignore all the things the hon. Gentleman has said which are deprecatory, which are designed to be partisan. I do recognise, of course, that he is in the middle of an election campaign – we are not, we finished ours – and he has to try to garner support, so I am going to ignore all of that and just go straight to the reference to the numbers, which is not a timeline.

The hon. Gentleman knows, because he has been in this House for long enough, that we have been saying for some time – I think, since 2007 – that in order to keep pace with demand, the average number of homes that one has to deliver a year is 200, not that we are going to build 800 homes in the next four years. The hon. Gentleman knows we have given a different figure in respect of the homes that we will build. I do not know whether he was just trying to find a way to identify what might look like a timeline in our manifesto, in order to try to ask a supplementary, but that is totally irrelevant to the context of chronology and how we will build during the next four years.

Hon. D J Bossino: If I can pursue the point further, Madam Speaker, can the Hon. the Chief Minister assist this House by stating whether the Government has an idea as to location? The question was not just in relation to when – which is how he has dealt with this question by saying, ‘I am not committed to when, because it is a timing issue’ – but where, and I would ask him to expand upon whether the Government has any intentions as to locations for building these government rental houses.

Hon. Chief Minister: Madam Speaker, I do not think that we have ignored that part of his question. I refer the hon. Gentleman to the last sentence of what I said, which was that when we are ready, we will provide more detail. That is not just as to time; that is also, of course, as to location.

Madam Speaker: A question? Yes.

Hon. Mrs A Sanchez: Madam Speaker, appreciating the fact that the Government has the full four years to complete the projects, may I ask the hon. Member, appreciating the fact that there is a need for a new, more modern and bigger centre to cater for the needs of those in St Bernadette’s Centre, if it is something that will be given priority and done as soon as possible; if he has, more or less, a timeframe; and if it will be given the urgency that it requires?

Hon. Chief Minister: Madam Speaker, the hon. Lady has just asked me, by way of supplementary, her first question again. The answer remains the same.

Madam Speaker: Next question.

Q663/2023
eGov platform for businesses –
Timeframe for delivery

Clerk: Question 663. The Hon. C Sacarello.

Hon. C Sacarello: Is it the Government’s intention to establish a fully functional, actual eGov platform for businesses? In the event that it is, when will this be delivered?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, yes, the intention is to create a comprehensive electronic platform for business operations. Currently, the Office of Fair Trading provides eServices for new business licence registration and this will be expanded further. The Digital Services Team is actively identifying additional business services, in particular the creation of a digital employment service, and is working to establish a timeline for this delivery.

The Government has taken significant steps to expand local businesses' ability to engage with government departments on the eGovernment platform ... which are already available. Notably, with the introduction of the Fair Trading Act 2023 in October of this year, businesses are now able to apply for business licences on the eGovernment platform once they have registered themselves as a corporate user. The system introduced is significantly simpler than the one it replaces, doing away with the need for Gazette notices and notices in a local newspaper. While there have been some teething issues with this system, as is to be expected with the introduction of such a service, it is, nevertheless, fully operational and will allow businesses to apply for licences in a simple manner without having to attend the OFT's public counters. Furthermore, aside from the eGovernment platform, businesses and the general public can now inspect the OFT's business licence register and see notifications for new licence applications, for free, on the OFT's website, which is oft.gov.gi.

The Government continues to explore further opportunities for businesses to engage with its Departments online in a modern, transparent and efficient manner.

Hon. C Sacarello: Madam Speaker, I would like to thank the hon. Member for his reply and remind the House that the Government has been in power for 12 years and has boasted a one-stop shop for pretty much most of that term, certainly for the last four years. The hon. Member went on about the ability to register a trade licence – or business licence, as it is now – online. However, there are many more facets that are worrisome for business owners that could be facilitated by this.

You might think that their approach is perhaps tokenism from an eGov perspective in the business sense. For example, there is no business tab available on the eGov platform, and there is certainly no online one-stop shop where businesses can centrally conduct their administrative obligations in a wholly simplified manner. This is what the GSD promised the electorate and would have delivered on behalf of –

Madam Speaker: I am going to ask you not to make a political statement. Just get to the question.

Hon. C Sacarello: *[Inaudible]* back our promise and deliver a truly beneficial, modern solution for business in this term of government?

Hon. Chief Minister: Madam Speaker, I am fascinated by the thought that the hon. Gentleman believes it is credible to say that they would have delivered this from day one. Just to remind the hon. Gentleman of the importance of not misleading the House, whether it is in answers or in questions, day one was 13th October. I found it difficult to get myself through the day to 5.30 because we had not slept, and yet the hon. Gentleman is saying that he would have delivered a digital transformation – that is what he has said in his question – on day one.

He then refers us back to our day one. He said we have been in government for 12 years. We were elected in 2011. The iPad was launched in 2010. Digital services of the sort that we are talking about were not even dreamt of in 2011. Indeed, the hon. Gentleman might care to reflect on the fact that an email address did not exist for the Chief Minister on the day that I was elected. It is remarkable to think that they believe that it is reasonable to suggest that we have not digitised Government. I have just read him all of the things that we are already doing in the context of business engagement with Government and said that we are going to do more and told him what we are going to do more.

310 The hon. Gentleman has referred to the GSD's manifesto, and, of course, in response, I have to remind him that if he has found that golden nugget which might be an actual policy in that manifesto, other than to do review or audit, well, I am very pleased that he has found one, and it may be that, for once, there is agreement across the floor of the House on what should happen. I am very pleased that he is going to be here to watch us deliver it in the next four years.

315 **Hon. C Sacarello:** Thank you. I would just like to clarify what the hon. Member said there. When I said from day one, it is starting to make the change and starting to implement. Obviously no one expects a digital revolution within the first day of office, so that is a nonsense.

320 What is not a nonsense, however, is the understanding of the difficulties that businesses face in just maintaining their business, which his own supporters have relayed to us, particularly in the campaign, in that there is far too much red tape. So, again, I ask the question: when will they tackle the eGov platform, so that businesses can deal with all elements of government red tape, not just the business licence which you have alluded to and which currently exists, and provide proper value for money for the taxpayer?

325 **Hon. Chief Minister:** Madam Speaker, perhaps the reason for the result of the past elections has been disclosed now: they have been spending too much time with our supporters rather than trying to find some of their own.

330 It is very clear to me that when he talks about delivering value to the taxpayer, the taxpayer has just decided, barely five weeks ago, that this side of the House is the one that they want to continue to see deliver. So we are going to deliver on the basis of what we promised in our manifesto we are going to deliver in this space, expanding on what we have already said we are going to deliver, which already has cut out what the hon. Gentleman likes to refer to as red tape in some respects, and will cut further red tape – although, let's be clear, what we do not want to do is replace physical red tape with digital red tape. At the end of the day, it is about making
335 business easier for business. That is what we believe we have delivered already, and that is what the majority have decided must have been the case, because that is why we are sitting here and they are sitting there.

Madam Speaker: I think the subject has been explored sufficiently. Next question.

Q664/2023

Roaming charges – Maintaining alignment with the EU

340 **Clerk:** Question 664. The Hon. C Sacarello.

Hon. C Sacarello: In the event of a negotiated deal with the EU, is the Government's intention to keep our roaming charges aligned with the EU, maintaining obvious advantages to travelling
345 Gibraltarians, as well as visitors to Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, yes. We have done so despite Brexit, which was the issue.
350

Madam Speaker: Next question.

Q665-68/2023

**AquaGib and Gibtelecom shared ownership schemes –
Gifting of shares to employees; added value for taxpayer**

Clerk: Question 665. The Hon. C Sacarello.

Hon. C Sacarello: How many and what type of shares will AquaGib employees be given, and
355 how will they operate?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Questions 666 to 668.
360

Clerk: Question 666. The Hon. C Sacarello.

Hon. C Sacarello: What added value will gifting these shares to the AquaGib employees bring
365 to the taxpayer?

Clerk: Question 667. The Hon. C Sacarello.

Hon. C Sacarello: How many and what types of shares will Gibtelecom employees be given,
370 and how will they operate?

Clerk: Question 668. The Hon. C Sacarello.

Hon. C Sacarello: What added value will gifting these shares to the Gibtelecom employees
375 bring to the taxpayer?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, the exact manner in which this share ownership scheme
380 will be set up has not yet been determined and an announcement will be made when decisions
have been made. Nonetheless, as we set out in our 2023 manifesto, which is now government
policy, HM Government of Gibraltar is committed to exploring a shared Government/employee
ownership model inspired by the successful John Lewis employee ownership structure. This
innovative approach aims to generate a sense of shared responsibility that we believe will lead to
385 increased productivity and commitment, building a resilient and interconnected local economy
and promoting job creation. This groundbreaking model will contribute to more sustainable and
equitable practices, ensuring the longevity and profitability of these companies, in our view.

Hon. C Sacarello: Thank you, Madam Speaker, and I thank the hon. Gentleman for his reply.

The John Lewis Partnership, to which he refers by way of comparison, is a private partnership
390 and not a partnership belonging to a ruling government. It is our view that the Government cannot
have its cake and eat it. Either the company is owned by the people of Gibraltar, i.e. nationalised,
or it is partly or wholly privatised. Is the Government planning on privatising AquaGib now or at
any point in the future?

Hon. Chief Minister: Madam Speaker, I do not think the hon. Gentleman has focused
395 accurately on what AquaGib is today. Aquagib, today, is owned only one third by the Government
of Gibraltar. It is owned two thirds by Northumberland Water. I made an announcement that we
are in the process of buying back the interest that Northumberland Water had in AquaGib,
because this was part of the deal that we did originally with Lyonnaise des Eaux some 30 years

400 ago, which has now, in effect, run its course. The position of the Government is that once AquaGib is back in public ownership completely, it will continue in public ownership.

I do believe, Madam Speaker, that it is not for the hon. Gentleman to tell the Government whether we can have our cake and eat it, in the frivolous manner that he has, in respect of a policy which has been chosen by the people to become the Government's policy. This is not something
405 that we are saying we are going to do. This is something we have proposed to the people that we should do, and the people have returned us to government to do it.

Hon. C Sacarello: Madam Speaker, as the hon. Member will agree, shareholders are primarily interested in company profits. The UK water supply, for example, is facing issues with
410 maintenance, with private companies cutting corners by dumping their waste into the UK rivers. How does the Government propose, should they proceed with this scheme, to navigate the complexities arising from this strange setup whereby a national gem is also owned by its employees, who may have a vested interest in generating profits rather than in properly maintaining the network?

415 **Hon. Chief Minister:** Successfully, Madam Speaker.

Madam Speaker: Next question.

Q669/2023

Principal Auditor's reports – Tabling of 2017 and 2018 documents

Clerk: Question 669/2023. The Hon. R M Clinton.

420 **Hon. R M Clinton:** Madam Speaker, can the Government advise when it expects the reports of the Principal Auditor for the years ended 31st March, 2017 and 2018 to be tabled?

Clerk: Answer, the Hon. the Chief Minister.

425 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Principal Auditor has informed me that there are still a very small number of amendments to carry out in the Financial Statements for the years ended 31st March 2017 and 31st March 2018, in addition to some amendments to the Accountant General's reports on these accounts. The Principal Auditor is confident that his reports
430 on the Public Accounts of Gibraltar for the financial years 2016-17 and 2017-18 will be submitted to the Clerk of the Parliament before the end of December 2023.

Hon. R M Clinton: Madam Speaker, I am grateful to the Chief Minister for his answer, but he will recall that the question of minor amendments and certain adjustments was a similar answer
435 to what we received last time we asked this question.

Will the Chief Minister agree with me that if this House does not receive the reports at the next session of Parliament, which I presume will be in December, next month, the position of this House to be able to scrutinise the financial activities of the government accounts is somewhat compromised, in that these reports are extremely overdue?

440 Would the Chief Minister, if these reports are not forthcoming next month, support a motion in this House for the creation of a committee across the House to call the Principal Auditor to attend this place, to explain what the problems are?

445 **Hon. Chief Minister:** Madam Speaker, I detect two questions in what the hon. Gentleman has said, and the answer to both is no.

450 **Hon. R M Clinton:** Madam Speaker, so I understand, then: the Government does not consider it to be a great issue that these reports are overdue, and I further understand that the Government will not support a motion to seek explanation from the Principal Auditor? May I ask the Chief Minister, does he believe that is the way to conduct the financial affairs of Government, when the Principal Auditor's reports have not been submitted for the year 2016? Does he find that acceptable?

455 **Hon. Chief Minister:** Madam Speaker, I now identify four questions that the hon. Gentleman put in the course of his supplementary, the answer to all four of which is yes.

Madam Speaker: Next question.

Q670/2023
Consolidated Fund –
Analysis of expenditure for six months ended 30th September 2023

Clerk: Question 670/2023. The Hon. R M Clinton.

460 **Hon. R M Clinton:** Madam Speaker, can the Government provide a detailed analysis of Consolidated Fund expenditure for the six months ended 30th September 2023 as per the presentation in the draft Estimates for 2023-24 at pages 13 and 14?

465 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the analysis of total Consolidated Fund expenditure outturn for the six months ended 30th September 2023 is, subject to the usual caveats, in the schedule I now hand over.

Answer to Question 670/2023

CONSOLIDATED FUND CHARGES		Estimated Expenditure as at 30/09/2023
HEAD		
01	Statutory Offices	£352,863.09
02	Judicature	£1,048,044.71
03	Pensions	£28,505,595.95
04	Employer's Contributions	£3,353,858.91
05	Public Debt Charges	£24,665,934.81
06	Public Service Ombudsman	£226,632.76
07	Revenue Payments	£5,472,535.73
08	Charities Act	£305.40
		£63,625,771.36
09	Public Debt	£0.00
	Total Consolidated Fund Charges	£63,625,771.36

CONSOLIDATED FUND - DEPARTMENTAL EXPENDITURE		Estimated Expenditure as at 30/09/2023
HEAD		
1	Treasury	£13,389,797.35
2	No 6. Convent Place	£4,079,968.09
3	Office of Chief Technical Officer	£177,047.22
4	Customs	£5,237,489.49
5	Income Tax	£1,366,293.67
6	Parliament	£811,856.62
7	Human Resources	£4,109,611.07
8	Immigration and Civil Status	£4,756,008.09
9	Financial Secretary's Office	£397,769.12
10	Government Law Offices	£4,338,427.22
11	Office of the Deputy Chief Minister	£927,485.57
12	Civil Aviation	£895,025.50
13	Environment	£8,374,769.19
14	Collection and Disposal of Refuse	£6,331,627.67
15	Upper Rock Tourist Sites and Beaches	£3,835,162.33
16	Education	£28,062,221.69
17	Gibraltar University	£386,363.63
18	Heritage	£882,784.35
19	Culture	£1,793,094.09
20	Driver and Vehicle Licensing	£921,843.27
21	Technical Services	£1,839,659.75
22	Social Security	£9,794,788.95
23	Statistics Office	£203,627.89
24	Economic Development	£7,529,678.62
25	Procurement Office	£168,927.72
26	Justice	£1,142,947.42
27	Gibraltar Law Courts	£958,850.02
28	Policing	£8,479,355.84
29	Prison	£2,068,055.25
30	Equality	£585,499.52
31	Civil Contingency	£192,295.65
32	Gibraltar Regulatory Authority	£1,200,000.00
33	Town Planning and Building Control	£552,290.79
34	Office of Fair Trading	£327,484.61
35	Fire and Rescue Service	£2,980,714.95
36	Airport Fire and Rescue Service	£1,988,050.64
37	Housing	£5,436,284.16
38	Employment	£972,083.89
39	Youth	£334,663.66
40	Sports and Leisure	£4,082,934.30
41	Digital Services	£857,274.05
42	Information Technology and Logistics Department	£5,171,772.29
43	Broadcasting	£2,775,000.00
44	Financial Services	£1,416,373.15
45	Gambling Division	£491,149.21
46	Health and Social Care	£83,207,713.62
47	GHA - Elderly Residential Services Section	£12,982,711.17
48	Care Agency	£14,391,051.72
49	Drugs & Alcohol Awareness & Rehabilitation Services	£549,588.50
50	Utilities	£37,539,608.29
51	Business	£262,717.98
52	Tourism	£819,344.87
53	Postal Services	£2,036,577.79
54	Port	£3,357,054.84
55	Maritime Services	£654,985.34
56	Gibraltar Audit Office	£623,471.41
	Total Expenditure	£309,049,233.09
57	Supplementary Provision	£0.00
58	Contribution to Government-Owned Companies	£0.00
59	Transfer from Government Surplus	£0.00
60	Contribution to Improvement and Development Fund	£0.00
61	Exceptional Expenditure	£0.00
	Total Consolidated Fund Expenditure	£309,049,233.09

* Includes Agency and Authority expenditure to date.

470 **Madam Speaker:** Are you happy if we continue and come back to this when you have had a chance to look at it?

Q671/2023

**Victoria Keys land reclamation –
Area reclaimed as at 31st March 2023**

Clerk: Question 671. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the area, in square metres, of
475 the land reclaimed at Victoria Keys as at 31st March 2023?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, as at 30th March 2023, an area of
480 11,000 m² had been reclaimed.

Madam Speaker: Next question.

Hon. R M Clinton: Sorry, Madam Speaker, just give me a second. Eleven thousand square
485 metres ... Can the Chief Minister advise, given the press announcement on 8th April 2019 – being
Government Press Release 261/2019 – that it had been envisaged to be, I quote, '60,000 sqm of
new land', is 11,000 m² going to be the limit of the reclamation, as the Government understands
it?

Hon. Chief Minister: No, ma'am.
490

Hon. R M Clinton: Does the Government have a view as to what it expects the final amount of
reclamation to be?

Hon. Chief Minister: Yes, ma'am.
495

Hon. R M Clinton: Madam Speaker, would he be willing to share with the House what number
that would be?

Hon. Chief Minister: Not at this stage, ma'am.
500

Madam Speaker: Next question.

Q672/2023

**Gibraltar Business Loan Disruption Guarantee Scheme –
Value of loans outstanding and Government's exposure**

Clerk: Question 672. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the total value of loans
505 outstanding as at 31st March 2023 and the Government's exposure under the Gibraltar Business
Loan Disruption Guarantee Scheme approved by Parliament on 28th May 2020?

Clerk: Answer, the Hon. the Chief Minister.

510 **Hon. Chief Minister:** Madam Speaker, the total value of loans outstanding as at 31st March 2023 was £888,310.30. The Government's guarantee reliance as at 31st March 2023 was £710,648.25.

Madam Speaker: Next question.

Q673/2023
Nudge Factory –
Fees paid and nature of services

515 **Clerk:** Question 673. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise what fees have been paid to Nudge Factory or its principal director over the last five years to 30th September 2023 and what has been the nature of any services provided?

520

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, a total of £9,250 has been paid to Nudge Factory over the past five years, up to 30th September 2023. The payments are related to lobbying in the UK, organising high-level visits and attracting foreign investments to Gibraltar.

525

Madam Speaker: Next question.

Q674-76/2023
Former Financial Secretary –
Details of directorships and remuneration/retainer/fees received from Government

Clerk: Question 674. The Hon. R M Clinton.

530 **Madam Speaker:** Before the hon. Member puts this next question, the hon. Member will be aware that I flagged with him the fact that there was reference to a name in the question, and that if it was not necessary, to make the question intelligible, the name ought not to be mentioned. The hon. Member replied to me that he felt it was necessary, because there may be some confusion as to who the former Financial Secretary might be.

535 I am reluctant to have names mentioned, so I would ask the Hon. the Chief Minister whether it is necessary to mention that name, or whether it is possible to have some certainty as to who the Financial Secretary may be. It occurs to me that the Hon. R M Clinton could make reference to the year of the Financial Secretary, and that might solve the problem without having to mention him by name.

540

Chief Minister (Hon. F R Picardo): Madam Speaker, if it assists, we both know who we are talking about; he just needs to say 'the former Financial Secretary'.

Madam Speaker: All right.

545 **Hon. Chief Minister:** At this stage, there is only one former Financial Secretary and there is only one former Chief Minister, because that is interpreted as being the immediate former, and that is how we have interpreted it.

550 **Madam Speaker:** All right. In that case, I will ask the hon. Member to put the question without reference to the name.

Hon. R M Clinton: Thank you, Madam Speaker.
Can the Government advise of which Government, Gibraltar Development Corporation or Savings Bank wholly or partly owned companies is the former Financial Secretary still a director;
555 and what is his remuneration for each?

Clerk: Answer, the Hon. the Chief Minister.

560 **Hon. Chief Minister:** Madam Speaker, I will answer this question with Questions 675 and 676.

Clerk: Question 675. The Hon. R M Clinton.

565 **Hon. R M Clinton:** Madam Speaker, can the Government advise whether the former Financial Secretary is being paid a retainer; and, if so, in what amount and on what terms?

Clerk: Question 676. The Hon. R M Clinton.

570 **Hon. R M Clinton:** Madam Speaker, can the Government advise what fees have or are to be charged by the former Financial Secretary for his services in acting as the Government's agent in negotiating the Eastside Development Agreement with TNG Global?

Clerk: Answer, the Hon. the Chief Minister.

575 **Hon. Chief Minister:** Madam Speaker, the former Financial Secretary resigned from most of the government directorships on 30th September 2022. He was retained and is currently still a director of Gibtelecom and remains on the board of the Gibraltar Electricity Authority. The former Financial Secretary is also a director of Shell LNG Ltd, which is 49% owned by Credit Finance Company Ltd.

580 The former Financial Secretary is not paid a retainer but is paid for the hours of work that he provides, and bills Government in the same way as any other professional who provides a service.

585 For the work in respect of the difficult and technical agreement for the Eastside, which produced a £90 million payment to the Government, the Government paid £132,525 for the 10-month period between October 2022 and August 2023 to Line Trust Corporation Ltd. As I have mentioned previously, the former Financial Secretary did not act as a lawyer in this transaction but rather led on the transaction, liaising with me and other key government personnel on all issues relating to the transaction.

590 **Hon. R M Clinton:** Madam Speaker, I thank the Chief Minister for his answer. I do not recall hearing – or maybe it is just nil – what the remuneration was, under Question 674, for each of those entities that the Chief Minister listed.

Hon. Chief Minister: I specifically replied to that, Madam Speaker, when I said that he is not paid a retainer.

595 **Hon. R M Clinton:** Madam Speaker, I apologise if I did not hear that. Can I ask why he is being retained on entities such as Gibelec, Gibtelecom and Shell LNG? What role is he performing that the Government cannot perform for itself?

600 **Hon. Chief Minister:** Madam Speaker, in fact, he is about to retire from Gibtelecom. He is performing roles on boards which others also perform and are never questioned for performing. For example, a partner in a law firm close to hon. Members opposite has been on the board of Gibelec since before we were elected, and so I am surprised that there is a need to ask a question in respect of somebody of the extreme talent and ability of the former Financial Secretary, and yet others who are not in the Government do not raise any issue with Members opposite. One might think that there is a reason behind the questioning which is difficult to ascertain.

Hon. R M Clinton: Madam Speaker, is it the Government's intention that the current Financial Secretary should adopt the directorships that the former Financial Secretary is holding?

610 **Hon. Chief Minister:** I am afraid, Madam Speaker, the question does not arise. The Financial Secretary is, himself, also on the board of Gibelec, on the board of AquaGib and on all of these boards. The former Financial Secretary is staying there as one of the individuals from outside Government who adds value to these boards.

I do not understand why it raises an issue with the hon. Gentleman, because if I appointed somebody else, from another accountancy practice or another law firm or any other professional field, it is very unlikely that he would ask me questions. The reason I say that is because he has not asked questions about other members of that board, and yet the person who is probably recognised by all of his contemporary professionals as being the most talented and the most able does lead to questions being asked, when in fact he has more experience than anyone because he sat on those boards as Financial Secretary. He does not come from the private sector to sit on those boards, and nobody asks questions about it, even though they may not have had any experience in LNG etc; he comes to those boards from sitting on those boards as the representative of the people, as Financial Secretary, and therefore he brings not just his ability, not just his knowledge, but his experience as having been Financial Secretary.

620 I would venture to suggest, Madam Speaker, that it would be foolish not to have kept the former Financial Secretary on these boards whilst he has been prepared to continue to serve on them. I think Gibraltar has been very well served indeed in respect of the work he has done already and the work that he will continue to do on those boards on which he will continue to serve.

630 **Madam Speaker:** Does the hon. Member have a supplementary?

Hon. R M Clinton: On a different question, if I may, Madam Speaker. If I can turn to Question 675, I believe the Chief Minister said he does not have a retainer, but he is paid according to an hourly rate on hours worked. On what basis is he being paid an hourly rate? Is he engaged for some particular services? He may not get a fixed retainer, but is he under some contract for services; and, if so, what are they?

640 **Hon. Chief Minister:** No, ma'am, he is not under any contract for service and he is not under any retainer. He charges when he works and he charges per hour, like most professionals charge.

Madam Speaker: One last one.

Hon. R M Clinton: On this particular one; I have another one on the next one. If he is charging an hourly rate, he must be providing some service. I was asking what is the nature of that service – and please do not say legal services.

Hon. Chief Minister: Professional services, ma'am, of the sort that are provided by individuals who are qualified as accountants or lawyers and who have had the experience of being former Financial Secretary.

650

Madam Speaker: Does the hon. Member have another question on any other one?

Hon. R M Clinton: Yes, Madam Speaker, if you will bear with me.

655 Moving to question 676, he mentioned the number of around £132,000 for, effectively, if I can use the words loosely, closing the TNG Global deal. Is it envisaged that any other fees would arise from this particular transaction?

660 **Hon. Chief Minister:** No, ma'am, I did not say for closing the deal, I said for 10 months of work from October 2022 to August 2023. If it was just for closing, it would have been a much shorter period of time. It is not envisaged that there will be further fees in respect of this matter.

Madam Speaker: Next question.

Q680/2023

Dealing with affairs of the deceased – One-stop shop service

Clerk: Question 680. The Hon. D J Bossino.

665 **Hon. D J Bossino:** Does the Government continue to provide a central office which allows individuals to deal with a deceased's affairs in a one-stop shop manner?

Clerk: Answer, the Hon. the Chief Minister.

670 **Chief Minister (Hon. F R Picardo):** Madam Speaker, yes. The Civil Status and Registration Office continues to provide a one-stop shop service to deal with the deceased's affairs from their offices at Joshua Hassan House.

675 **Hon. D J Bossino:** Can the Hon. Chief Minister state whether this is exactly the same service as has been provided from when it was announced, I think, in his first term of office? The concern that I have had from somebody is that the service was not available. I am sure there would have been an interregnum during the period of lockdown during COVID, but is he able to confirm that it is exactly the same service that would have been there and available, if my assumption is correct, before the COVID lockdown?

680

Hon. Chief Minister: Yes, ma'am, and the only thing that has changed is that we no longer provide the disconnection-of-utility service, because it was never used.

Madam Speaker: Next question.

Q681/2023

**Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views –
Delivery dates for remaining phases**

685 **Clerk:** Question 681. The Hon. D J Bossino.

Hon. D J Bossino: What are the current expected delivery dates for the remaining phases at Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views?

690 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the answers remain as set out in answer to Question 460/2023. The second phase of Hassan Centenary Terraces is programmed for completion in May 2025. Chatham Views is programmed for completion in November 2025. The first phase of Bob Peliza Mews is programmed for completion in June 2025, and the second phase in the second to third quarter of 2026, subject to AquaGib's relocation being completed in accordance with the required handover date.

Madam Speaker: Next question.

Q682/2023

**Eastside project –
Commencement and completion dates of deliverables**

700 **Clerk:** Question 682. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of the commencement and completion dates of each of the deliverables of the Eastside project.

705 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the timings and phasing of the Eastside project, including the dates for the commencement of the deliverables, are a matter for the developer to define. The ability by them to start constructing the deliverables is tied to them obtaining full planning permission for the various phases of the Eastside project under which these will be built. It is, therefore, not possible to provide the information requested.

Hon. D J Bossino: Madam Speaker, the reason why I ask this question ... He may recognise it as, basically, a legacy, in two respects: one is because it was a question which I phrased, perhaps, wrongly in the May meeting of Parliament when I was talking about the various completion dates of the phases of the Eastside project; and secondly, it is a legacy because it was posed at the time of the June meeting, but then he decided to dissolve the House, so it is basically the same question.

If I can remind him of what he told me back on 25th May, he said:

Second, as I have indicated to him, there are timings which are relevant to the deliverables, so he cannot be barking up the wrong tree because he is asking me the thing that I told him was actually delivered against the timetable. I do not actually have here the exact timetable, which I can share with him if he wishes to write to me or if he wishes to ask the question next time, but the provision of the affordable housing and other aspects of the deliverables need to be provided within a particular period of time.

720 I said I would ask the question at the next session, and he said that he would be happy to provide the answers should I do so. So can I simply try once again: whether he can provide the information now, as he indeed promised he was going to do in the May meeting of the House?

725 **Hon. Chief Minister:** I am grateful for that clarification from the hon. Gentleman, Madam Speaker, because the question he has asked today is about the commencement and completion dates for the deliverables, and I think I have made very clear – and he has, in fact, reflected in what he has said – that I told him that that could not be provided. I cannot give him a commencement date because that requires me to know a date, which requires me to give him a month and a year, at least. What I told him was that there is a timeline.

730 What I think he wants, which is what I am going to give him, is the following. The agreement states that the developer will use reasonable endeavours to stick to timelines which originate from full planning being granted. The apartments have to be delivered within 36 months of the granting of full planning permission and obtention of the building permit, the application for which must have been submitted within 12 months of the grant of the first full planning permission and building permit. The berths will be completed no later than 48 months from the grant of first full planning permission. There is no specific mention on the timing of the 500 parking spaces, but the commitment is to provide 250 spaces for public use at all times during the construction of the whole project.

740 **Hon. D J Bossino:** In relation to that last point, I think he has already provided that answer to this House, albeit in the previous Parliament, in relation to the commitment by the developer to provide continuously throughout the development the 250 parking spaces that he talks about.

745 May I ask him where he is reading that from? Is this the contractual arrangement which the Government has entered into?

Hon. Chief Minister: It is in the contractual arrangements that we have entered into, but I am reading it from the note that has been, very helpfully, prepared for me by the Parliament team.

Madam Speaker: Next question.

Q683/2023
Gibraltar Bus Company Ltd –
Industrial claim

750 **Clerk:** Question 683. The Hon. the Leader of the Opposition.

Madam Speaker: Take this question first, and then, the next time, you can go back.

755 **Hon. Dr K Azopardi:** Madam Speaker, how have the industrial claims made by employees of the Gibraltar Bus Company been compromised?

Clerk: Answer, the Hon. the Chief Minister.

760 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Gibraltar Bus Company Ltd claim for drivers has been resolved by applying the parity principle, as the Government had originally proposed to the union.

765 **Hon. Dr K Azopardi:** Can the Chief Minister explain how that translates in relation to the pay claim that they had put forward? What does it mean in terms of the hourly rate that they were being paid? What does it mean, in terms of an increase?

770 **Hon. Chief Minister:** Madam Speaker, I do not have the exact detail here to do that analysis, but we have moved away from a 10-point scale, we provide a three-point scale now, and we looked at parity based on UK bus driver salaries using appropriate comparators given Gibraltar's size and demographics and were able to agree that with the union.

Hon. Dr K Azopardi: Does he have information as to the percentage increase it represents to the salaries of the bus drivers?

775 **Hon. Chief Minister:** I do not have it here, Madam Speaker, but it is a fraction of what was sought.

Hon. Dr K Azopardi: May I ask when that agreement was entered into?

780 **Hon. Chief Minister:** I do not think it has been entered into yet. I think it may just have been signed in the past week or so, from memory.

Madam Speaker: Next question.

Q684-85/2023

Borders and Coastguard Agency, Gibraltar Health Authority, Civil Service departments – Number of vacant posts

785 **Clerk:** Question 684. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, how many vacant posts were there in the following authorities or agencies at 1st November 2023: Borders and Coastguard Agency; and Gibraltar Health Authority?

790 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, I will answer with Question 685.

795 **Clerk:** Question 685. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many vacant posts were there in the Civil Service departments at 1st November 2023, giving a breakdown by department and by clerical or technical grade for the vacancies for each department?

800 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, as at 1st November 2023, the Borders and Coastguard Agency had a vacant position for a facilities officer. Since the filing of this question, this vacancy has now been filled.

805 Within the GHA, there were 126 full-time vacancies and 13 part-time vacancies. I now hand over a schedule with the information requested in Question 685.

Answer to Question 685/2023

DEPARTMENT	GRADE	NUMBER OF VACANT POSTS
Treasury	Senior Executive Officer	1
	Higher Executive Officer	2
	Administrative Officer	2
	Administrative Assistant	9
	Accountant General	1
Treasury - Central Arrears Unit	Administrative Assistant	1
No.6 Convent Place	Senior Officer	1
	Higher Executive Officer	1
	Executive Officer	2
	Administrative Assistant	3
HM Customs	Administrative Officer	1
Income Tax Office	Senior Executive Officer	2
	Higher Executive Officer	2
	Administrative Officer	3
	Administrative Assistant	11
	Clerk/Word Processor	1
Parliament	Usher (Administrative Officer)	1
Human Resources	Executive Officer	1
	Administrative Assistant	8
Immigration & Civil Status	Senior Officer	1
	Higher Executive Officer	1
	Administrative Officer	2
	Administrative Assistant	1
Financial Secretary's Office	Higher Executive Officer	2
Office Of The Deputy Chief Minister	Administrative Assistant	1
Environment	Higher Executive Officer	1
Education	Administrative Assistant	1
Driver And Vehicle Licensing	Executive Officer	1
Technical Services	Senior Professional & Technology Officer	1
	Higher Professional & Technology Officer	4
	Professional & Technology Officer	3
	Technical Grade 1	3
Social Security	Higher Executive Officer	1
	Administrative Officer	2
	Administrative Assistant	5
Statistics Office	Administrative Assistant	1
Economic Development	Executive Officer	1
	Administrative Assistant	1
	Instructional Officer (Assessor)	1
Procurement Office	Higher Executive Officer	1
	Administrative Assistant	1
Justice	Higher Executive Officer	1
	Administrative Assistant	1
Gibraltar Law Courts	Executive Officer	1
	Administrative Officer	1
	Administrative Assistant	2
	Clerk/Word Processor	1

DEPARTMENT	GRADE	NUMBER OF VACANT POSTS
Policing	Higher Executive Officer	1
	Executive Officer	1
	Administrative Officer	1
	Administrative Assistant	2
	Clerk/Word Processor	1
	Typist	1
Equality	Senior Executive Officer	1
Town Planning & Building Control	Professional & Technology Officer	1
	Technical Grade 1	1
Housing	Administrative Officer	1
	Administrative Assistant	2
Employment	Health & Safety Officer IV	3
	Executive Officer	2
	Administrative Assistant	3
Sport and Leisure	Administrative Officer	1
	Administrative Assistant	1
Digital Services	Executive Officer	1
	Personal Secretary	1
Gambling Division	Higher Executive Officer	1
Business	Higher Executive Officer	1
Tourism	Administrative Officer	1
Postal Services	Executive Officer	1
Policing	Higher Executive Officer	1
	Executive Officer	1
	Administrative Officer	1
	Administrative Assistant	2
	Clerk/Word Processor	1
	Typist	1
Equality	Senior Executive Officer	1
Town Planning & Building Control	Professional & Technology Officer	1
	Technical Grade 1	1
Housing	Administrative Officer	1
	Administrative Assistant	2
Employment	Health & Safety Officer IV	3
	Executive Officer	2
	Administrative Assistant	3
Sport and Leisure	Administrative Officer	1
	Administrative Assistant	1
Digital Services	Executive Officer	1
	Personal Secretary	1
Gambling Division	Higher Executive Officer	1
Business	Higher Executive Officer	1
Tourism	Administrative Officer	1
Postal Services	Executive Officer	1

Madam Speaker: Giving the Hon. the Leader of the Opposition time to consider that schedule, I propose we revert to Question 670, which was from the Hon. R M Clinton.

Q670/2023
Consolidated Fund –
Supplementary questions

810 **Hon. R M Clinton:** Thank you, Madam Speaker. I have had time to have a quick perusal of the schedule, and I have two questions. The first one is: my original Question 670 specifically referred to the presentation in the Estimates Book on pages 13 and 14, and where it does follow the heads there is a little footnote which applies to quite a few numbers, which says 'Includes Agency and Authority expenditure to date.' However, that would mean that this is an exact same presentation in terms of the way the numbers are put together in the Estimates Book, and I wonder whether
815 the Chief Minister has this schedule without the numbers which have an asterisks next to them, so as to provide the numbers that will be comparable to the Estimates Book.

Chief Minister (Hon. F R Picardo): No, ma'am.

820 **Hon. R M Clinton:** I thank the hon. Member for his very brief answer.
Madam Speaker, given that this is the only information that we have in terms of the six-month outturn of expenditure, would the Chief Minister care to comment on what would appear to be a £25 million excess on departmental expenditure at the half-year mark?

825 **Madam Speaker:** I think rather than ask the Hon. the Chief Minister to comment, I would ask you to put a specific question, so he knows precisely what it is he needs to answer.

Hon. R M Clinton: Very well, Madam Speaker. Can I, perhaps, ask the Chief Minister to consider Head 46, Health and Social Care, which, according to the schedule he has provided to the House,
830 is at £83.2 million, and, as per the Estimates Book, at the half-year mark, if we divide it by two, should be about £62 million, and is, therefore, £21 million over the halfway mark? Can the Chief Minister advise the House as to why the Health and Social Care cost is, it would appear, £21 million higher than would have been expected?

835 **Hon. Chief Minister:** Madam Speaker, the provision of health services in Gibraltar is demand led. We have this debate at every Budget session. I am afraid the hon. Gentleman, in all the time that he has been here – I believe this might be the beginning of his ninth year in this House – has not yet accepted that it is not possible to see the Health Service, or the Gibraltar Electricity Authority in particular, where the cost of fuel fluctuates, perform in accordance with whatever
840 estimates we may wish to impose as strictures. We, of course, seek that all Departments come in on budget. The Health Authority, because of the nature of the work that it does, and the Electricity Authority, because of issues relating to the price of fuel, are often unable, despite the best efforts of the professionals in each of those areas, to come in on budget.

I would say that the obvious answer to the hon. Gentleman is because we have had to provide
845 that amount in order to ensure that the Health Service can continue to provide the service that it provides. Additionally, it is, of course, not necessarily the case that increases will continue over the period of the next five months until the end of March, but they may, and they may get larger or they may get smaller, and therefore we do not know what the final outturn is going to be until the end of the year. That is why we have the Budget debate once a year, not twice a year.

850 **Hon. R M Clinton:** Madam Speaker, it is precisely because of what the hon. Member said about the Health Service being demand led that we pointed out that we thought that the Estimates Book was unrealistic when it came to the Health Service budget. Does the Chief Minister now accept that the Health Service budget was unrealistic?

855 **Hon. Chief Minister:** No, Madam Speaker, I do not accept that. A question must not be a
pretext for a debate, and I am not going to pretend to debate the hon. Gentleman's question, but
let's be very clear: if we were to make £200 million available to the Gibraltar Health Authority,
would the hon. Gentleman be happy if the Health Authority then came in at a cost of £150 million,
860 or would he accuse us of overproviding? If we ensured, by dint of miracle, as it would be, that we
offered at the time – those of us who vote in favour of the Budget in this House; that is to say
those of us on this side of the House – to support the Health Authority with £148 million and,
miraculously, the Health Authority were to come in at £148 million, would the hon. Gentleman
accuse us of not having tightened down enough to try to bring the cost of health down to ensure
better value for money?

865 All of these issues arise. We do the job that we are advised is best done by ensuring that we
seek value for money by giving the figure that is considered to be advisable in discussions between
the Treasury, the Financial Secretary's office, my office and each of the Departments. In the
context of health, it is brutally difficult to bring in a Health Department on budget. I did the
exercise – Madam Speaker, although you were not here, you might ... Given the question the hon.
870 Gentleman has asked, I did the exercise of going back to the time hon. Members were in
government and was able to show that the greatest overspend in any financial year in the GHA
happened on their watch. Were *they* making not sufficient provision for health services in
Gibraltar at the time? I am sure they were not. They were doing the best possible job against an
estimate, trying to ensure value for money. That is what we are doing and that is what we will
875 continue doing.

It is not worth having this debate at the six-month mark. At the six-month mark, we can have
a view in Government of what we need to do to ensure that expenditure comes in on all the
Departments as the House voted, but we cannot make final determinations as to how a
Department is going to have to continue spending. For example, there may be a need to frontload
880 spending in the purchase of some medicines which we might fear and hon. Members will have
read could become short-supplied in the next few months, so we may have bought more insulin
this month. I am just giving an example, nobody should worry about insulin, but we might have
bought more insulin this month than we will in the next five months, so the cost of insulin will not
necessarily continue to increase for coming months. Does that mean that the Health Authority
885 will be on budget at the end of the financial year? Does it mean it will be over budget? Does it
mean it will be below budget? No, ma'am. None of those things will lead us to any of those
conclusions in any way that is safe. So it is best to allow the whole year's expenditure to come
through, and to then rely on the forecast outturn published in the Book, to make the judgement
the hon. Gentleman wants to make or to make another judgement. But I am sure that if the Health
890 Authority were miraculously to come in, this year, £10 million under budget, the accusation would
be that we had overprovided for them.

Madam Speaker: One very brief question, because this is becoming a debate on funding and
expenditure, which is better made at Budget time, so one brief comeback.
895

Hon. R M Clinton: Yes, Madam Speaker, but I think it is of public interest.

Madam Speaker: One brief comeback. I do not need an explanation.

900 **Hon. R M Clinton:** Fair enough. Is the Chief Minister, then, confident that he will achieve his
£2½ million projected surplus? Thank you, Madam Speaker.

Hon. Chief Minister: Madam Speaker, I do not think I am required to express an opinion, given
what the rules on questions require, and therefore what I will do is ensure that at Budget time I
905 am, of course, ready to undertake the analysis, that the House requires when I move the
Appropriation Bill, on how each Department has performed against its budget in what we have

delivered to the people of Gibraltar, whether that is or is not value for money in the view of the Government, and then we will look forward to hearing the contributions that hon. Members make.

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Madam Speaker: Next question.

Q686/2023

**Treaty on future relationship with the EU –
New round of talks**

Clerk: Question 686. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, is a new round of post-Brexit talks on a possible new treaty on a future relationship for Gibraltar with the EU fixed?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, a new round of formal UK-EU talks has not yet been fixed.

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Hon. Dr K Azopardi: Given that we now have a new Spanish government – or, at least, a new Spanish Prime Minister, who happens to be the old one, recently sworn in – and there is continuity in Spain, has the Chief Minister been in contact with the British government, and indeed the Spanish government, through this period to try to get a sense of whether the talks would be reignited quickly on the investiture of a new Spanish government?

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Hon. Chief Minister: Madam Speaker, yes.

Hon. Dr K Azopardi: While there has not been a new formal round set up, does he have an expectation of when that could occur, so that those talks can progress?

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Hon. Chief Minister: Yes, ma'am, I do.

Hon. Dr K Azopardi: Is he concerned, in the run up to that, given the length of time that these talks are taking, that there appear to be new restrictions at the border being faced by residents of Gibraltar?

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Hon. Chief Minister: Madam Speaker, I am concerned about that, but I have to put that in the context of the fact that we have debated this matter in this House before and the restrictions that the hon. Gentleman refers to are in keeping with the statements we have made of the representations made to us about what will happen at the Frontier. That is to say that red ID card holders will continue to be able to access Schengen during the course of the ongoing negotiations without having to comply with the requirements of the Schengen Border Code. The hon. Gentleman knows that although other residents were also benefiting from that – those who hold green, magenta, and blue ID cards – when the United Kingdom introduced controls for EU citizens to access the United Kingdom, the Spanish authorities and other Schengen authorities introduced controls affecting UK citizens, and that included UK citizens resident in Gibraltar who were not red ID card holders.

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The solution to that issue at the Frontier lies in finally agreeing a treaty between the United Kingdom and the European Union which permits a common travel area between Gibraltar and the

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Schengen space and which does away with those controls for all categories of Gibraltar citizens, and indeed any individuals who arrive at Gibraltar by air or by sea. Of course, the alternative, which we would not like to have to countenance but we will be prepared to deal with, if necessary, is that Gibraltar residents of Gibraltar – that is to say red ID card holders – might, if there is not a treaty, also be subjected to the same treatment that today is meted out to Gibraltar residents with different colours of identity cards.

Hon. Dr K Azopardi: Does the Chief Minister agree that we are getting somewhat contradictory signals from Spain? On the one hand, there are statements made about a political willingness to progress the talks, and indeed to conclude them, but on the other hand you have this backdrop of restrictions being faced by residents of Gibraltar, or at least some of them. While I understand the context that the Hon. the Chief Minister has spoken of, about these restrictions being in line with what has been advised could happen, the reality is that for some time this has not happened, and it is perceived, by some people at least, as a tightening of the screw. Hence the point that there are perceived to be contradictory signals from Spain. Does he agree that that is how it is being seen in Gibraltar?

Hon. Chief Minister: Madam Speaker, the hon. Gentleman has asked me a number of questions. He has asked me whether Spain is sending contradictory signals, and then he has asked me whether I agree that that is how it is being seen in Gibraltar. Those are two distinct questions. The first: certainly it is being seen that way by some people in Gibraltar. The second: I would say that Spain has been only sending contradictory signals for the past 70 years or so, so I would not necessarily consider that this is something new.

Nobody should ever think that I would get up here to become an apologist for any colour of Spanish government, but what I would say is that I am conscious that there are European issues in play here, there are Schengen issues in play here, not Spain issues in play here, and that these issues are not just affecting us, as British citizens at this Frontier with Schengen, they are manifesting themselves in different places and they are manifesting themselves to different degrees and in different ways.

I am very clear, and I am sure that I enjoy the support of the hon. Gentleman across the floor of the House and all hon. Members of this House: if anybody thinks that by putting pressure on the Gibraltar negotiating team or by putting pressure on the people of Gibraltar, resident or non-resident, they are going to advance their positions in any negotiation, they have another thing coming. We do not do blink. The more pressure you put on us the tougher we will be. That is very clear. It is the wrong tactic with the people of Gibraltar.

Hon. Dr K Azopardi: Madam Speaker, he certainly does have the support of the Members on this side of the House for that last statement, for taking the position that we are not going to bend to any pressure, and he knows that. Has he conveyed, though, to those contacts in the British government, and indeed the Spanish government with whom he is undertaking talks, the frustration about these contradictory signals and the pressure that people are facing at the border when that was not so before?

Hon. Chief Minister: Of course, ma'am, but the hon. Gentleman has to reflect on what I have said and how these controls were introduced. They were literally introduced when the United Kingdom introduced controls for EU citizens. That is the issue. He will understand that the representations we can make are curtailed by that reality. People in Gibraltar have often heard me say that immigration works on the basis of reciprocity, in most instances. We apply reciprocity at the Frontier. The hon. Gentleman will have seen a statement from Comisiones Obreras issued yesterday, or today, expressing the view to the Spanish government that it needs to explain why these queues are building now. What we have done is ensure that when it comes to Gibraltar we deal with issues in exactly the same way and we ensure that if the Spanish government is making

1005 people queue because they are non EU citizens, then we in Gibraltar are not going to operate a
non-EU/EU queue to facilitate that EU citizens should be able to just walk through into Spain and
have all non-EU citizens waiting in a queue on the Gibraltar side.

1010 So there are lots of angles to this particular puzzle. The hon. Gentleman has often criticised us
for not having resolved it earlier. At the same time, he asks us to ensure that we do not reach any
position which might mean that a concession has been made on any fundamental point and he
urges us to do a deal that is safe, secure and beneficial. We agree that the deal should be safe,
secure and beneficial, but to ensure it is safe, secure and beneficial, we have to go through all of
1015 those angles and ensure that we have covered every angle. It is not deliverable to have done this
sooner, not least because the negotiations started in October 2021, and after May 2023 the
negotiation stopped because there was a live electoral period in Spain – first the regional election
and then the general election. That is one quarter, if not more, of the negotiating period. All of
those things are relevant. Nonetheless, we remain confident that there is goodwill on all sides to
try to secure a UK-EU treaty as soon as possible, and I look forward to developments shortly.

Madam Speaker: Next question.

HEALTH, CARE AND BUSINESS

Q605-06/2023

Speech and language therapy – Numbers referred and numbers in receipt of GHA services

1020 **Clerk:** Questions to the Hon. the Minister for Health, Care and Business.
Question 605. The Hon. Mrs A Sanchez.

1025 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government provide a detailed breakdown
of the number of individuals who have been referred for speech and language therapy services
through the Gibraltar Health Authority in the following financial years: 2012-13, 2013-14,
2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-21, 2021-22, 2022-23 and 2023-24 to date so
far?

1030 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer
this question together with Question 606.

Clerk: Question 606. The Hon. Mrs A Sanchez.

1035 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government provide a detailed breakdown
of the number of individuals who have received speech and language therapy services through
the Gibraltar Health Authority in the following financial years: 2012-13, 2013-14, 2014-15,
2015-16, 2016-17, 2017-18, 2018-19, 2019-21, 2021-22, 2022-23 and 2023-24 to date so far?

1040 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, the information requested by the hon. Member is
contained in the schedule I now hand over.

Answer to Q605/2023

Speech & Language Service Referrals		
Financial Year	Paediatrics	Adult
12/13	-	-
13/14	-	-
14/15	-	-
15/16	-	231
16/17	-	247
17/18	-	183
18/19	-	369
19/20	156	407
20/21	208	288
21/22	233	288
22/23	186	307
23/24	125*	330*

*As at end of October 2023

Answer to Q606/2023

Speech & Language Service Patients Seen		
Financial Year	Paediatrics	Adult
12/13	-	-
13/14	-	-
14/15	-	-
15/16	-	-
16/17	352	-
17/18	447	-
18/19	472	-
19/20	538	-
20/21	563	-
21/22	661	331
22/23	663	348
23/24	508*	-

*As at end of October 2023

Madam Speaker: Would the hon. Member like some time to consider the schedule before putting any supplementaries? We will move on to the next question.

Q607/2023
Speech and language therapy –
Number of GHA therapists

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Clerk: Question 607. The Hon. Mrs A Sanchez.

1050 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government specify the number of speech and language therapists employed or contracted by the Gibraltar Health Authority for the following financial years, providing a breakdown by specialisation, for example paediatric, adult etc: 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-21, 2021-22, 2022-23 and 2023-24 to date so far?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1055 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I now hand over a schedule with the information requested.

Answer to Q607/2023

Speech and language therapists

ANSWER TO QUESTION 607

Speech & Language Therapists

	April (04)	March (3)	Extra Information if needed
Financial Year 2012/2013	3 Speech & Language Therapists and 1 Head Speech & Language Therapist	3 Speech & Language Therapists and 1 Head Speech & Language Therapist	
Financial Year 2013/2014	3 Speech & Language Therapists and 1 Head Speech & Language Therapist	4 Speech & Language Therapists and 1 Head Speech & Language Therapist	03/2014 - 1 officer was over complement
Financial Year 2014/2015	4 Speech & Language Therapists and 1 Head Speech & Language Therapist	5 Speech & Language Therapists	04/2014 - 1 officer over complement 03/2015 - 2 officers over complement
Financial Year 2015/2016	5 Speech & Language Therapists	5 Speech & Language Therapists	04/2015 - 2 officers over complement
Financial Year 2016/2017	5 Speech & Language Therapists	5 Speech & Language Therapists	
Financial Year 2017/2018	5 Speech & Language Therapists	1 Basic Grade Speech & Language Therapist, 2 General Speech & Language Therapists, 1 Speech & Language Therapist Adult Services, 1 Head Speech & Language Therapist and 1 Head Speech & Language Therapist on an SLA	03/2018 - Basic Grade over complement
Financial Year 2018/2019	1 Basic Grade Speech & Language Therapist, 2 General Speech & Language Therapists, 1 Speech & Language Therapist Adult Service, 1 Speech & Language Therapist Paediatrics, 1 Head Speech & Language Therapist and 1 Head Speech & Language Therapist on SLA	1 Basic Grade Speech & Language Therapist, 4 General Speech & Language Therapists, 1 Speech & Language Therapist Adult Services, 1 Speech & Language Therapist Paediatric, 1 Head Speech & Language Therapist on SLA	04/2018 - Basic Grade over complement 03/2019 - 1 General SPL relief cover & 1 General SPL on SLA. Basic Grade over complement
Financial Year 2019/2020	1 Basic Grade Speech & Language Therapist, 4 General Speech & Language Therapists, 1 Speech & Language Therapist Adult Services, 1 Speech & Language Therapist Paediatric, 1 Head Speech & Language Therapist on SLA	1 Basic Grade Speech & Language Therapist, 2 General Speech & Language Therapist Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapists Sen I, 2 Speech & Language Therapists Adult Services Sen I and 1 Head Speech & Language Therapist	04/2019 - 1 General SPL relief cover & 1 General SPL on SLA. Basic Grade over complement 03/2020 - Basic Grade over complement, 1 General SPL Sen II is on SLA, 1 General SPL Sen I is on SLA

Cont...

CONTINUED ANSWER TO QUESTION 607

	April (04)	March (3)	Extra Information if needed
Financial Year 2020/2021	3 General Speech & Language Therapist Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapists Sen I, 2 Speech & Language Therapist Sen I Adult Services and 1 Head Speech & Language Therapist	1 Basic Grade Speech & Language Therapist, 3 General Speech & Language Therapist Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 1 General Speech & Language Therapist Sen I, 1 Speech & Language Therapist Sen I Adult Services, 1 Speech & Language Therapist Sen I Adult in Elderly Care & Dysphagia (ERS) and 1 Head Speech & Language Therapist	04/2020 - 1 General SPL Sen II over complement & 1 General SPL Sen II SLA. 03/2021 - 1 General SPL Sen II relief cover, basic grade over complement,
Financial Year 2021/2022	1 Basic Grade Speech & Language Therapist, 3 General Speech & Language Therapist Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 1 General Speech & Language Therapist Sen I, 1 Speech & Language Therapist Sen I Adult Services, 1 Speech & Language Therapist Sen I Adult in Elderly Care & Dysphagia (ERS) and 1 Head Speech & Language Therapist	1 Basic Grade Speech & Language, 1 General Speech & Language Therapist Sen II, 1 Speech and Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapist Sen I, 1 Speech & Language Therapist Sen I Adult Services and 1 Head Speech & Language Therapist	04/2021 - 1 General SPL Sen II relief cover, Basic Grade over complement. 03/2022 - 1 General SPL Sen II relief cover
Financial Year 2022/2023	1 Basic Grade Speech & Language, 2 General Speech & Language Therapists Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapist Sen I, 1 Speech & Language Therapist Sen I Adult Services and 1 Head Speech & Language Therapist	2 General Speech & Language Therapist Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapists Sen I, 1 Speech & Language Therapist Sen I Adult Services	04/2022 - 1 General SPL Sen II relief cover & Basic Grade over complement
Financial Year 2023/2024	2 General Speech & Language Therapists Sen II, 1 Speech & Language Therapist Sen II Paediatrics, 2 General Speech & Language Therapist Sen I and 1 Chief Speech & Language Therapist		03/2023 - 1 Speech & Language Therapist Sen II Paediatrics

Madam Speaker: I presume the hon. Member would like some time to look at that second schedule as well.

Q685/2023
Civil Service departments –
Supplementary questions

Madam Speaker: Do we have an outstanding schedule from the Hon. the Leader of the Opposition's Question 685? Have we dealt with that?

1060 **Hon. Dr K Azopardi:** No, we have not, Madam Speaker.

Madam Speaker: Perhaps we could deal with that now, as it would finish that set of questions.

1065 **Hon. Dr K Azopardi:** A question, if I may, on that.

Madam Speaker: That is Question 685, for the avoidance of doubt.

1070 **Hon. Dr K Azopardi:** Question 685, yes. My very quick question was: there appear to be a lot of clerical vacancies in Treasury and the Income Tax Department. Can the Chief Minister explain whether those are being dealt with and perhaps give us a bit more information as to the reason why that is so? At any given point in time, there just seem to be a lot of vacancies there.

1075 **Chief Minister (Hon. FR Picardo):** Madam Speaker, I understand that those will probably already have been dealt with or are in the process of being dealt with.

Hon. Dr K Azopardi: Can he comment on why that happened, given the numbers of vacancies in those two departments in particular?

1080 **Hon. Chief Minister:** Madam Speaker, for the simple reason that the majority of them are in the AA grade, which requires the external AA recruitment.

Madam Speaker: Next question.

Q608/2023

Care Agency respite facilities – Plans to expand

Clerk: Question 608. The Hon. Mrs A Sanchez.

1085 **Madam Speaker:** Question 608. We will come back to your supplementaries on the schedules in a moment.

1090 **Hon. Mrs A Sanchez:** Madam Speaker, could the Government provide details on any plans to expand both the day and overnight respite facilities for the service users of the Care Agency and their families?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1095 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, since 2011, the Government has offered a considerable number of respite hours to service users and their families. The Learning Disability Service is committed to providing the highest standard of care and can confirm that there are plans to expand the services as the demand for both day and night respite remains.

1100 **Hon. Mrs A Sanchez:** Madam Speaker, I am grateful for the answer. Does the hon. Member envision enhanced respite services through larger and better-equipped facilities for the Care Agency? From people who come to speak to me, I hear various concerns about the current size of the facilities that are being used, problems with the venues being too warm during the summer

1105 and perhaps flooding during the winter. I would like to know if the hon. Member has any plans for improving these resources and creating better facilities for the Care Agency and for respite users.

Hon. G Arias-Vasquez: The services have dramatically improved recently, and yes, we are looking at business plans to improve those facilities.

1110 **Hon. Dr K Azopardi:** Can I just ask in what way services have dramatically improved? Can we have a bit more information as to the improvements that have been made?

1115 **Hon. G Arias-Vasquez:** Yes. The number of children with learning disabilities using the facilities has increased dramatically. The Community Learning Disability team has 23 carers working in new facilities. The majority of respite is actually held at the Boathouse, which takes place between three and seven. Those facilities have been offered recently and have massively improved.

1120 **Hon. Dr K Azopardi:** Does the Minister have the number of children who are benefiting from that service now? She has spoken about an increase: does she have numbers on that?

Hon. G Arias-Vasquez: I do not have the previous figures, but I know there are 20 children currently benefiting from that facility.

Q606-07/2023

Speech and language therapy – Supplementary questions

1125 **Madam Speaker:** Perhaps we can return to Questions 606 and 607, if the Hon. Mrs A Sanchez has any supplementaries.

1130 **Hon. Mrs A Sanchez:** Madam Speaker, in relation to Question 607, is the hon. Member satisfied that the current complement of speech and language therapists is sufficient to meet the demand and the needs of this service, or does she feel that it might fall short at the moment to meet the needs of all those who require speech and language therapy, and it will continue to fall short?

1135 **Hon. G Arias-Vasquez:** Madam Speaker, I took the liberty of requesting the figures for 2009-10 and 2010-11 and the number of speech therapists that we had at that moment in time. In 2009-10 we had four speech and language therapists, and in 2010-11 we had four speech and language therapists. We have increased those figures to six speech and language therapists. As I said throughout the campaign, I think there is always room for improvement, but I think the service at the moment is quite good.

1140 **Hon. Mrs A Sanchez:** Madam Speaker, is the hon. Member not aware that there are a lot of issues with speech and language therapy on the ground and that there are a lot of children, particularly, who are not receiving the amount of speech and language therapy that they need? Evidently there is still a shortage of speech and language therapy provision. I understand the position of the Government, in the sense that it is a shortage profession around the world, not just here in Gibraltar, but I would like to hear, in you being able to recruit more speech and language therapists, what solutions the Government have to ensure that effective communication strategies and support are put in place instead of speech and language therapy?

1145

Hon. G Arias-Vasquez: I am pleased to be able to confirm that we are actually recruiting speech and language therapy assistants at present.

1150 **Hon. Dr K Azopardi:** Madam Speaker, may I just ask the Minister, just to understand, why is it that the Government is not able to provide numbers on the referrals in certain years? In the schedule, we have certain numbers but not numbers for other financial years.

Madam Speaker: Are you on Question 606 now? Are you looking at that schedule?

1155 **Hon. Dr K Azopardi:** Questions 605 and 606, yes.

Hon. G Arias-Vasquez: Madam Speaker, the information is unavailable for some financial years because the systems were paper based.

1160 **Madam Speaker:** Could you repeat that? I think there was a mumbling here, which is making it difficult for your colleague and myself to hear.

Hon. G Arias-Vasquez: Apologies. (*Interjection*) Apologies, Madam Speaker. Information is unavailable for some financial years due to systems being paper based.

1165

Hon. Dr K Azopardi: It makes it difficult, presumably, to collate that information because of that. I see. I understand.

1170 I am just inviting the Minister, if she may, to comment. I can see that paediatric referrals seem to have been increasing almost year upon year between the years 2016-17 and 2023-24. Noting what she said about the increase in resources, does she consider that despite an increase in resources in the last 12 years, it now needs to be reviewed again, given that there appear to be year-upon-year increases in referrals?

1175 **Hon. G Arias-Vasquez:** Madam Speaker, as I confirmed a moment ago, we are looking at increasing the service and we have actually recruited speech and language therapy assistants.

Madam Speaker: The Hon. Mr Bossino.

1180 **Hon. D J Bossino:** I am grateful, Madam Speaker. In relation to Question 607, did the hon. Member give a number as to the vacancies which she says are being opened up in relation to the recruitment of further speech and language therapists?

1185 If I may, because this question is very much interlinked with that one, she makes almost a general comment that there is always room for improvement, but at the same time I am slightly concerned because she says that she is satisfied with the level of cover. I just want to marry those two things. Does she have any more specifics as to where the improvements should lie, or is it just a general comment that she makes that there is always room for improvement in anything in life?

Hon. G Arias-Vasquez: Madam Speaker, in relation to the hon. Gentleman's first question, I said that there were two speech and language assistants being recruited.

1190 In relation to his second question, I am satisfied that the services provided at the moment are good. We are looking to extend the services provided, and hence the need for further recruitment.

Madam Speaker: Next question.

Q609/2023

**Care Agency care worker posts –
Criteria for applying and details of trainee course**

Clerk: Question 609. The Hon. Mrs A Sanchez.

1195

Hon. Mrs A Sanchez: Madam Speaker, could the Government provide clarification on the standard criteria for individuals applying for the position of care worker in the Care Agency, along with detailed information regarding the duration and specifications of the trainee care worker course managed by the Care Agency?

1200

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, an individual wishing to apply for the position of care worker within the Care Agency requires a minimum of two GCSEs, or equivalent or higher qualifications.

1205

As of 30th October 2023, new trainee care workers have embarked on a Care Certificate induction programme. This induction programme is designed by Skills for Care and has theoretical and practical assessment opportunities. It is envisaged that the trainee care workers will take approximately six months to complete the certification.

1210

Madam Speaker: Next question.

Q610/2023

**St Bernadette's Centre –
Anticipated new entrants**

Clerk: Question 610. The Hon. Mrs A Sanchez.

1215

Hon. Mrs A Sanchez: Madam Speaker, could the Government share whether a study has been conducted projecting the anticipated number of new entrants into St Bernadette's Centre within the next five to 10 years? If so, could the Government provide the relevant figures?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1220

Hon. G Arias-Vasquez: A detailed view is maintained of the persons expected to become new entrants to St Bernadette's Centre in the next 10 years. The information requested by the hon. Member is contained in the schedule which I now hand over.

Additional work is being done on how St Bernadette's may need to adapt and change going forward.

Answer to Question 610/2023

Predicted number of Adults with Learning Disabilities Requiring Services

Young people leaving St Martin's School over the next 11 years:

YEAR	Number of Pupils leaving SMS
2021/22	3
2022/23	4
2023/24	3
2024/25	5
2025/26	3
2026/27	2
2027/28	6
2028/29	4
2029/30	6
2030/31	3
2031/32	10
2032/33	15

1225 **Madam Speaker:** Does the hon. Member who put the question want to put a question? Yes. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: May I ask who has done that study?

1230 **Hon. G Arias-Vasquez:** It is not a study. I did not say it was a study. I said a detailed view is maintained on the number of persons, Madam Speaker, and that has been prepared by the Care Agency.

1235 **Hon. D J Bossino:** May I ask the hon. Member, in terms of the schedule: we have, here, a year-on-year ... from 2021 all the way through to the academic year, presumably, 2032-33, and in the next column we have the number of pupils leaving 'SMS', which must mean St Martin's School. Is that based on the number of pupils in that year and you simply make the analysis as to when those children will be 16, which is when they transition from St Martin's School to St Bernadette's? Is it as rudimentary – if I can put it in those terms – as that? It is possible that you may have a young child in St Martin's School, in one of the earlier years now, who may not necessarily make it – if I can put it in those terms again – to St Bernadette's because there is an improvement and he goes into mainstream schooling? I wanted to understand a bit more the basis and the premise of this analysis.

1240

1245 **Hon. G Arias-Vasquez:** Madam Speaker, I would not say it is as rudimentary as that; I would say it is as accurate as that. It is based on the current figures, yes. People may need St Martin's now who may not move to St Bernadette's. Equally, people may not be in St Martin's now who might need to move St Bernadette's. So yes, it is a projection.

1250 **Hon. D J Bossino:** If I can ask the hon. Member to be more specific in terms of the adaptation and change which she is considering in the context of St Bernadette's and the service that it provides. We have had, across the floor of the House, quite alarming figures in terms of the new entrants to St Martin's over the last couple of academic years, and obviously those children, when they become young adults, will need to be serviced, not necessarily all of them in St Bernadette's. So there will be a higher demand. I think we are talking about an average of – and I say this from personal experience – two or three children transitioning currently from St Martin's School to St Bernadette's, but in the future we are looking at very high numbers of 10 to 15.

1255
1260 **Hon. G Arias-Vasquez:** Madam Speaker, the Learning Disability Service has developed a short-, medium- and long-term plan of exactly what the projections are and where it thinks the service needs to go.

Madam Speaker: Next question.

Q611/2023
Subcontracted care workers –
Responsibility for vetting

Clerk: Question 611. The Hon. Mrs A Sanchez.

1265 **Hon. Mrs A Sanchez:** Madam Speaker, in relation to subcontracted care and the delivery of this care to the service users of the Care Agency and the ERS, can the Government confirm which entity would be responsible for the vetting of these subcontracted carers?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1270
1275 **Hon. G Arias-Vasquez:** Madam Speaker, each subcontracted company would be responsible for the vetting of these subcontracted carers. Copies of these vetting forms are sent to the Care Agency Human Resources Department for their records. This is an essential requirement and no carer would commence work unless the vetting form had been received. The subcontracted companies are also responsible for supplying the Care Agency with up-to-date vetting forms for each carer on a yearly basis.

Madam Speaker: Next question.

Q612/2023
Ecotherapy –
Definition

Clerk: Question 612. The Hon. G. Origo.

1280
Hon. G Origo: Madam Speaker, can the Government explain what it means by its wish to develop an ecotherapy approach within healthcare, with green prescribing forming a core part of solutions and interventions offered by healthcare professionals?

1285 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

1290 **Hon. G Arias-Vasquez:** Madam Speaker, ecotherapy is a formal type of therapeutic treatment which involves doing outdoor activities in nature. There is not one single definition of ecotherapy, but it is often used to describe a regular, structured activity that is led by trained professionals, sometimes therapists, who are there to support you, focuses on doing an activity rather than on your health, takes place in a green environment, is related to exploring and appreciating the natural world, and involves spending time with other people, although you can always choose to interact at your own pace.

1295 Green social prescribing includes both what are known as green and blue activities. At Ocean Views, these include a variety of social interventions such as our recently established walking therapy, meditation and yoga in the garden area and open water swimming in summer on an individual needs basis. We offer paddle boarding during summer through a charity, picnic mornings out in nature and attending community outdoor events. Future projects include re-establishing animal therapy and gardening through supported employment.

1300 All person-centred activities are assessed on a case-by-case basis and adequately risk assessed and administered.

1305 **Hon. G Origo:** Madam Speaker, given that the Government has identified ecotherapy and green prescribing as suitable in forming part of the solutions and interventions by healthcare providers, could the hon. Member please indicate if she has an idea of how many patients the GHA believes would be suitable for such interventions, given that they have identified these practices as being suitable for such patients?

1310 **Hon. G Arias-Vasquez:** Unfortunately, Madam Speaker, I do not have that information to hand, but I can provide it at a later date.

Madam Speaker: Next question.

Q613-14/2023
Attention deficit hyperactivity disorder –
GHA pathway for diagnosis of children and adults

Clerk: Question 613. The Hon. Mrs J Ladislaus.

1315 **Hon. Mrs J Ladislaus:** Madam Speaker, what is the current pathway within the GHA for seeking a diagnosis for a child who is suspected of having attention deficit hyperactivity disorder (ADHD)?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1320 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 614.

Clerk: Question 614. The Hon. Mrs J Ladislaus.

1325 **Hon. Mrs J Ladislaus:** Madam Speaker, what is the current pathway within the GHA for seeking a diagnosis for an adult who is suspected of having attention deficit hyperactivity disorder (ADHD)?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1330 **Hon. G Arias-Vasquez:** Madam Speaker, the current pathway for children suspected of having
ADHD is a referral to Paediatrics after seeing a GP with the concerns. ADHD is one of several
1335 neurodevelopmental disorders, including autism spectrum disorder (ASD), specific learning
disabilities and other related conditions. The diagnosis of ADHD is made by a multi-disciplinary
team, including paediatricians, mental health professionals and, most importantly, the education
1340 service. Children who are suspected of suffering with ADHD can be referred through to the ADHD
assessment and management service, which is currently operated within the GHA as a
collaboration between Mental Health and Paediatrics. We are in the process of setting up a
pathway for assessment and management of children with ADHD. We need input from
educational psychologists and, ideally, we need more input from the education services to provide
1345 a comprehensive wraparound service for these children and their families. The GHA does not
currently have a pathway for diagnosis of ADHD. This requires a review by a psychiatrist, privately,
who will perform the recommended assessment and advise medication, as required. Referral to
GHA Mental Health Services can occur following these initial steps in the private sector. Entitled
patients can then access the service, be monitored and obtain medication via the Community
Mental Health Service.

ADHD affects three to four in 100 adults. A vast majority of these individuals function relatively
well in society; they hold down jobs and they are in stable relationships. ADHD in this setting is
not generally considered a severe mental illness. In the GHA we assess and treat ADHD only where
it is co-morbid with a severe and enduring mental illness such as schizophrenia, bi-polar affective
1350 disorder, addictions, etc. The GHA does not currently offer a service for adults who are otherwise
well and seeking a diagnosis of ADHD. If individuals receive a diagnosis of ADHD and are
established on medication in the private sector, the Mental Health Service in the GHA will review
the diagnosis and treatment plan. Where appropriate, these patients will then be offered the
same medication through the GHA and then their care will be transferred to primary care
1355 physicians in the GHA.

Hon. Mrs J Ladislaus: Madam Speaker, I assume that the Hon. Minister is aware of the GHA
constitution and what it sets out. I refer to one of the eight key principles within the GHA
constitution, which states that access to the GHA is based on clinical need and not on an
1360 individual's ability to pay. How does the Hon. Minister suppose that an individual who is financially
unable to seek a diagnosis will do so?

Hon. G Arias-Vasquez: Madam Speaker, this is dealt with in exactly the way it has always been
dealt with. A diagnosis of ADHD has never been treated differently. This is the way that it has been
1365 dealt with over the past 30 years.

Hon. Mrs J Ladislaus: Madam Speaker, I assume also that the Hon. Minister is aware of the
second part of the GHA constitution, which sets out the rights of an individual to access GHA
services that are appropriate to their medical needs. Would the Hon. Minister, therefore, agree
1370 with me that this is a blatant breach of that constitution?

Hon. G Arias-Vasquez: Madam Speaker, no.

Hon. Dr K Azopardi: Madam Speaker, without, of course, doubting what the Hon. Minister has
said about that being the practice for many years – certainly I was not aware that that was the
1375 case, but if that is the case – does the Minister agree that perhaps that practice needs to change
because there will be people who cannot afford to go to private practice first, to then be able to
be transferred to the public stream? There will be people who fall between those stools because
they are simply unable to pay, so perhaps that practice should change. Does she agree?

1380 **Hon. G Arias-Vasquez:** No, I do not. The pathways are being reviewed currently, but in any event, a diagnosis of ADHD is very difficult to come to. It is not a simple diagnosis which is arrived at easily. I would refer to the discussion that was previously had in this Chamber, Madam Speaker, about the limits of the GHA budget and exceeding the budget. Given the difficulties of the diagnosis of ADHD, that is a consideration which we have to bear in mind.

1385 **Madam Speaker:** Next question.

**Q615-18/2023
GHA psychiatry –**

Total number of psychiatrists and number of psychiatrists qualified to treat children permanently employed; average waiting times for adults and children

Clerk: Question 615. The Hon. Mrs J Ladislaus.

1390 **Hon. Mrs J Ladislaus:** Madam Speaker, how many psychiatrists are currently permanently employed by the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1395 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Questions 616 to 618.

Clerk: Question 616. The Hon. Mrs J Ladislaus.

1400 **Hon. Mrs J Ladislaus:** Madam Speaker, how many psychiatrists who are qualified to treat children are currently permanently employed by the GHA?

Clerk: Question 617. The Hon. Mrs J Ladislaus.

1405 **Hon. Mrs J Ladislaus:** Madam Speaker, what are the current average waiting times for a child to see a psychiatrist at the GHA?

Clerk: Question 618. The Hon. Mrs J Ladislaus.

1410 **Hon. Mrs J Ladislaus:** Madam Speaker, what are the current average waiting times for an adult to see a psychiatrist at the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1415 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 615, there are currently five substantive posts as follows. Three are full time on indefinite contracts. One of these posts is presently covered by a locum psychiatrist, due to long-term sickness, and the contract is ending on 30th April 2024. There are two part time on indefinite contracts.

1420 **Madam Speaker:** I am just going to stop the Hon. Minister there. It might help the other side – well, yes, if the microphone was on, but also, if you are giving statistics, if you just go slightly slower, because I can see them all scurrying to make a note.

Hon. G Arias-Vasquez: Apologies. I will take that from the beginning then, Madam Speaker.

1425 In answer to Question 615, there are currently five substantive posts, and these are as follows.
There are three psychiatrists on full-time indefinite contracts. One of these posts is presently covered by a locum psychiatrist due to long-term sickness. That contract is coming to an end on 30th April 2024. There are two part-time psychiatrists on indefinite contracts. In addition, we have a locum psychiatrist for Child and Adolescent Services. That is one full-time contract ending in July this year.

1430 In answer to Question 616, psychiatry has 11 sub-specialities. These include adult psychiatry, old age psychiatry, child and adolescent psychiatry, forensic psychiatry, psychiatry of intellectual disabilities, psychotherapy, addiction psychiatry, liaison psychiatry, neuropsychiatry, perinatal psychiatry and rehabilitation psychiatry. The Government has advised that for a small jurisdiction such as Gibraltar, it does not make sense to employ a specialist in each of these 11 subspecialties.
1435 The solution in Gibraltar and in other similar-sized jurisdictions – such as Bermuda, Jersey and the Isle of Man – is as follows. The core team of general psychiatrists work across the age range and span of conditions, and, where required, seek advice and input from professionals in the UK. In Gibraltar, two of the general psychiatrists devote four sessions each week to children and adolescents with mental health needs. These two psychiatrists and the entire multidisciplinary team in Gibraltar are supported by a UK-based specialist in child psychiatry. The UK-based specialist works remotely for the GHA for four hours each week – that is two sessions of two hours each – and he visits Gibraltar for a week once every three months. During the course of that week, he offers face-to-face consultations to children and their families.

1440 In answer to Questions 617 and 618, the average waiting time is between three and four weeks. A consultant psychiatrist is available on call 24/7. This is to ensure that children or adults who present a psychiatric emergency or crisis due to an issue with their mental health can be reviewed by a consultant psychiatrist on the same day, often within one or two hours.

1450 **Hon. Mrs J Ladislaus:** Madam Speaker, we have received various reports from service users that the current arrangements in respect of psychiatric treatment, particularly for children, is not satisfactory. Would the Hon. Minister agree that that is the case?

Hon. G Arias-Vasquez: Madam Speaker, no, ma'am.

1455 **Hon. Mrs J Ladislaus:** Madam Speaker, in respect of the contract ending on 30th April, have explorations begun to replace that individual, or will that contract be extended?

1460 **Hon. G Arias-Vasquez:** We are reviewing that position, Madam Speaker, and we are looking for an alternative.

Hon. Mrs J Ladislaus: Madam Speaker, is the Hon. Minister aware – we are aware – that there are alternatives within a few kilometres of Gibraltar which would be a cheaper option, perhaps, than bringing over a consultant psychiatrist from the UK?

1465 **Hon. G Arias-Vasquez:** Madam Speaker, language is usually an issue in these circumstances.

1470 **Hon. Mrs J Ladislaus:** Madam Speaker, is the Hon. Minister aware that there are individuals, who do speak English also, within the few kilometres of Gibraltar, also practising within Gibraltar itself?

Hon. G Arias-Vasquez: Madam Speaker, I am sure the team at the GHA is exploring all options.

1475 **Hon. D J Bossino:** Madam Speaker, in relation to Question 616, which is the question specifically in relation to the treatment of children, whilst we appreciate on this side of the House that a jurisdiction of the size of Gibraltar is not going to be offering the whole panoply of different

specialities within this field, and linking also with her comment that she feels that the service currently provided is satisfactory, given the answer we have had in respect of St Martin's on the number of children who are requiring special needs – and many of those children will require to be treated from a psychiatric perspective in relation to medication and all the rest of it – I can tell her that the service currently is simply not up to scratch, certainly from the experience that many of us have on this side of the House from speaking to people, and some of us have direct experience of that.

Can I ask her, please, to consider whether it is within the realms of possibilities, in terms of adaptation of government policy and attitude that she has demonstrated across the floor of the House today, to accept that it is not satisfactory, and to consider, please, the possibility of providing this service specifically for children in the context not just of direct experience that many of us have, but also based on the statistics?

Hon. G Arias-Vasquez: Madam Speaker, we have a breakdown of exactly where all the psychiatrists are at the moment. That breakdown is provided by the Mental Health Service in Gibraltar. But yes, I can confirm that if we feel there is a need, we will look into expanding that service.

Hon. D J Bossino: Madam Speaker, if I may, the hon. Member, when she says 'if we feel there is a need', can I ask her, please, to consider the possibility of conducting a study in relation to this? I do not think it necessarily is going to take that long, but I think she will soon find out that this is a very pressing issue, and I would urge her, please, to consider this with some urgency.

Hon. G Arias-Vasquez: Madam Speaker, we note the hon. Member's appreciation of studies. We will carry out a study in this respect, and we will carry it out as a matter of urgency.

Madam Speaker: All right. Next question.

**Q619-20/2023
Cataract surgery –
Average waiting times**

Clerk: Question 619. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, what is the current average waiting time at the GHA for cataract surgery to take place, once a patient has been referred for that procedure?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 620.

Clerk: Question 620. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, in cases where cataract surgery is needed on both eyes by a patient, what is the average waiting time at the GHA between surgery taking place on the first eye and surgery taking place on the second eye?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1520 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 619, currently, the average waiting time is three months from being referred for a cataract procedure to the procedure date; that is to say a shorter period than is the average in the UK at the moment.

In answer to Question 620, the current average waiting time from the surgery taking place on the first eye to the surgery taking place on the second eye, is two months.

1525

Hon. Chief Minister: Next question.

Q621/2023

**St Bernard's Hospital Theatre 4 –
Whether yet in use**

Clerk: Question 621. The Hon. Mrs J Ladislaus.

1530 **Hon. Mrs J Ladislaus:** Madam Speaker, has the fourth surgical theatre within St Bernard's Hospital been used to carry out surgery yet?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1535 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, Theatre 4 has been in use since early September and has been used for a combination of elective and emergency operations. Theatre 4 was designed predominantly as a trauma and emergency theatre, and by being available for such cases has allowed additional elective operations to occur in the other elective theatres, which are theatres 1, 2 and 3, including surgery by visiting specialists from UK tertiary centres. Regular operating sessions for trauma cases will be scheduled in Theatre 4 as of early December.

1540

Hon. Mrs J Ladislaus: Madam Speaker, does the Hon. Minister have, perhaps, a breakdown of the number of procedures that have taken place within Theatre 4?

1545 **Hon. G Arias-Vasquez:** Not here, no, sorry.

Madam Speaker: Would the hon. Member like to ask another question?
Next question.

Q622-23/2023

**GHA dental services –
Number of dentists employed and types of contract**

Clerk: Question 622. The Hon. Mrs J Ladislaus.

1550

Hon. Mrs J Ladislaus: Madam Speaker, how many dentists are currently contracted by the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1555

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 623.

Clerk: Question 623. The Hon. Mrs J Ladislaus.

1560 **Hon. Mrs J Ladislaus:** Madam Speaker, what types of contracts are the cohort of GHA dentists employed under?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1565 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 622, there are currently five dental officers and two senior dental officers.

In answer to Question 623, at the time of this question being filed, the GHA is in advanced stages of negotiations with dental officers and their union representatives regarding their employment contracts. It would, therefore, not be prudent to comment further on this matter at this time. I will be happy to provide further information when the negotiations are completed.

Hon. Chief Minister: Next question.

Q624/2023
GHA dental services –
Children’s check-up waiting list

Clerk: Question 624. The Hon. Mrs J Ladislaus.

1575 **Hon. Mrs J Ladislaus:** Madam Speaker, is it still the expectation that the GHA’s dental services waiting list will address the backlog for check-ups for children by the end of January 2024?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1580 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the waiting list initiative is now being tackled by a GHA dentist due to operational constraints at the Children’s Health Centre but allows for continuity of care and quality assures the treatment is received. The expectation is that it will take approximately 60 days longer than the end of January to clear this backlog. The current plan is to have reviewed all patients who have opted in by March 2024.

1585 **Madam Speaker:** Next question.

Q625/2023
Telephone CPR –
Whether practised in Gibraltar

Clerk: Question 625. The Hon. Mrs J Ladislaus.

1590 **Hon. Mrs J Ladislaus:** Madam Speaker, is phone resuscitation, whereby the emergency operator will counsel a caller as to steps being taken to resuscitate an individual, practised in Gibraltar?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1595 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, telephone CPR has been practised in Gibraltar through 190 since 2019 and 111 since 2020.

Madam Speaker: Next question.

Q626-33/2023
Ambulance Service –
Average number of calls and where received;
sufficiency of paramedics and ambulances available;
fleet condition and maintenance, retrieval of breakdowns, plan for replacement

Clerk: Question 626. The Hon. Mrs J Ladislaus.

1600

Hon. Mrs J Ladislaus: How many calls on average per month are received by the GHA Ambulance Service?

Clerk: Answer, the Hon. the Minister for Healthcare and Business.

1605

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 627 to 633.

Clerk: Question 627. The Hon. Mrs J Ladislaus.

1610

Hon. Mrs J Ladislaus: Madam Speaker, where are the calls made to the Ambulance Service received?

Clerk: Questions 628. The Hon. Mrs J Ladislaus.

1615

Hon. Mrs J Ladislaus: Madam Speaker, are there currently enough paramedics available at any given time to operate enough ambulances to appropriately service Gibraltar's needs?

Clerk: Question 629. The Hon. Mrs J Ladislaus.

1620

Hon. Mrs J Ladislaus: Madam Speaker, are there currently enough ambulances available to appropriately service Gibraltar's needs?

Clerk: Question 630. The Hon. Mrs J Ladislaus.

1625

Hon. Mrs J Ladislaus: Madam Speaker, is the entire GHA ambulance fleet currently deemed safe and in good working condition to be on the road?

Clerk: Question 631. The Hon. Mrs J Ladislaus.

1630

Hon. Mrs J Ladislaus: Madam Speaker, is there a maintenance programme in place in respect of the ambulance fleet, and can this be outlined?

Clerk: Question 632. The Hon. Mrs J Ladislaus.

1635

Hon. Mrs J Ladislaus: Madam Speaker, in the event that an ambulance breaks down out of normal business hours, what plans are in place for its retrieval?

Clerk: Question 633. The Hon. Mrs J. Ladislaus.

1640 **Hon. Mrs J Ladislaus:** Madam Speaker, is there a fleet plan for the replacement of ambulances?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1645 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 626, there are 600 to 650 calls a month received by the GHA's Ambulance Service.

In answer to Question 627, currently all calls are received as follows: 190 by the Fire Control Officer for ambulance and fire dispatch, and 111 by GHA staff with clinical adviser support.

In answer to Question 628, yes, the present ambulance skill set model used by the GHA provides 24/7 paramedic capability and contingency planning to provide resilience.

1650 In answer to Question 629, the current single ambulance model used to respond to the dynamic call volume within our community is satisfactory and is being reviewed together with the implementation of the 2024 999 Emergency Project.

1655 In answer to Question 630, the entire fleet is currently under review. However, all active ambulances are roadworthy and operational as blue light responders and have operational capacity to respond and manage any type of emergency.

In answer to Question 631, currently there are no fixed contractual agreements in respect of maintenance in place. However, all ambulances are fast tracked and maintained through a local provider when required.

1660 In answer to Question 632, in the event that an ambulance breaks down out of normal business hours, the present arrangement is to call a local provider who operates on a 24/7 basis, and they manage the retrieval of the ambulance, be it in Gibraltar or across the border.

In answer to Question 633, yes, the fleet plan includes a phased implementation of both emergency and transport ambulances, which commenced in 2021.

1665 **Hon. Mrs J Ladislaus:** Madam Speaker, perhaps the Hon. Minister could clarify the reason why calls made to the Ambulance Service at 190 go through to the Fire Control Officer.

Hon. G Arias-Vasquez: Madam Speaker, this has always been the case, and that is why we are moving away from that system now.

1670

Hon. Mrs J Ladislaus: Madam Speaker, we have just heard the Hon. Minister state that they are moving away from that system now. Could the Hon. Minister perhaps clarify what she means by moving away: moving away to what system?

1675 **Hon. G Arias-Vasquez:** Madam Speaker, we are moving to a system of 111, where all calls made to 111 go directly to the Ambulance Room. This phased approach is being implemented by 2024. That is the 2024 Emergency Project.

1680 **Hon. Mrs J Ladislaus:** Madam Speaker, we heard that in the event that an ambulance breaks down out of normal business hours, there is a call to a local provider. Could the Hon. Minister shed some light as to whether there is just one provider and whether there is a specific contract or retainer in place for that?

1685 **Hon. G Arias-Vasquez:** Madam Speaker, to my understanding there is just one local provider, but there is no fixed contract in place.

Hon. Mrs J Ladislaus: Madam Speaker, could the hon. Lady confirm who the provider is?

1690 **Hon. G Arias-Vasquez:** Madam Speaker, unfortunately I cannot provide that information, but I will look into it and get back to her.

Hon. Chief Minister: Next question.

Q634-37/2023

Ambulances –

Date of last purchase; number of new ambulances ordered, cost and delivery date

Clerk: Question 634. The Hon. Mrs J Ladislaus.

1695 **Hon. Mrs J Ladislaus:** Madam Speaker, when was the last time an ambulance was purchased by the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1700 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Questions 635 to 637.

Clerk: Question 635. The Hon. Mrs J Ladislaus.

1705 **Hon. Mrs J Ladislaus:** Madam Speaker, how many new ambulances have been ordered?

Clerk: Question 636. The Hon. Mrs J Ladislaus.

1710 **Hon. Mrs J Ladislaus:** Madam Speaker, what is the total cost of the new ambulances that have been ordered?

Clerk: Question 637. The Hon. Mrs J Ladislaus.

1715 **Hon. Mrs J Ladislaus:** Madam Speaker, when does the GHA expect to take delivery of the new ambulances ordered?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1720 **Hon. G Arias-Vasquez:** Madam Speaker, on 17th December 2021, two ambulances were purchased, an emergency and a transport ambulance. A further High Dependency Unit (HDU) ambulance was ordered in October 2023 for delivery in 2024. We are proceeding to purchase a further four emergency frontline ambulances, which will include all necessary conversion works. The GHA's plan is to have two of these ambulances operational by 2024 and the remaining two ready in 2025.

1725 HDU ambulance funds are ring-fenced under the Works and Equipment I&DF financial year 2023-24 budget. A 10% deposit on the Renault vehicle has been paid to the value of £3,500. Between the vehicle and the conversion, we are estimating the total to be circa £100,000.

1730 The new HDU ambulance has been ordered within this financial year. The manufacturers have estimated four to six months to obtain the vehicle, and the conversion timeframe is approximately eight to 12 weeks.

Hon. Mrs J Ladislaus: Madam Speaker, in a press release on 27th October 2023, the Hon. Minister stated:

The process of ordering new ambulances was already occurring prior to this week's incident. We will commence to see the arrival of these ambulances in the next few weeks.

1735 We are now four weeks on and we have not seen the arrival of any new ambulances. Could the Hon. Minister give an indication as to when those first ambulances are due to arrive?

1740 **Hon. G Arias-Vasquez:** Madam Speaker, as I have just indicated, the two ambulances were ordered in September 2021 and have already arrived, and a further ambulance was ordered in October 2023. As I also indicated in my answer, the estimated delivery time from the manufacturers is four to six months to obtain the vehicle, and the conversion timeframe is approximately eight to 12 weeks.

1745 **Hon. Dr K Azopardi:** So when they said, on 27th October 2023, that they were going to be here within weeks, that was not so. Is that right?

Hon. G Arias-Vasquez: The ambulances have been ordered and they will be arriving in the next couple of months.

1750 **Hon. Dr K Azopardi:** Well, they are going to arrive, but given the information that the Hon. Minister has given, they then need to be converted for them to be functional in the way that they would be when the conversion is over. Does she not agree? And, if that is so, did she not give a different impression when she issued that press release on 27th October?

1755 **Hon. G Arias-Vasquez:** I do not believe so, Madam Speaker. The two ambulances which were ordered in 2021 arrived, and the further ambulance, the HDU, was ordered imminently.

Madam Speaker: Next question.

Q638-39/2023

**St Bernard's Hospital A&E department –
Minimum staff safety level; number of staff usually on shift**

Clerk: Question 638. The Hon. Mrs J Ladislaus.

1760 **Hon. Mrs J Ladislaus:** Madam Speaker, what is the minimum staff safety level necessary within the A&E department at St Bernard's Hospital?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1765 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 639.

Clerk: Question 639. The Hon. Mrs J Ladislaus.

1770 **Hon. Mrs J Ladislaus:** Madam Speaker, how many staff are currently on shift at any given time within the A&E department of St Bernard's Hospital?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1775 **Hon. G Arias-Vasquez:** Madam Speaker, the information for Question 638 can be broken under two title headings, and these would be as follows.

1780 Nursing: the GHA follows the RCN BEST tool recommendations. Evidence supported by the National Institute for Health and Care Excellence (NICE) and the Royal College of Nursing (RCN) suggests best use of resources in a fluctuating patient load such as an ED department is to staff at 80% of predicted maximum whilst maintaining baseline par levels to ensure safe allocation for high or total dependency patients.

1785 Doctors: we use data that compares hospitals with a similar yearly attendance rate. Documents such as the Royal College of Emergency Medicine (RCEM) Medical Workforce Guidelines for Remote, Rural and Smaller Emergency Departments recommend manning levels such as those in the Isle of Man to support safe staffing of A&E.

I will now hand over a schedule with the information requested.

ANSWER TO QUESTION 639

Answer to Question 638

Nursing

Hours	RCN Recommendations for safe manning levels in an ED	Calculated at 80%
08:00-20:00	X12 Staff Nurses Including Charge Nurse. 2-3 HCA.	X 10 Staff Nurses including Charge Nurse. 1-2 HCA.
20:00-08:00	X 12 Staff Nurses Including Charge Nurse. 1 HCA	X 6 Staff Nurses including Charge Nurse , 1 HCA - less than 80% considering reduction of demand throughout the night and minimum manning levels.

Doctors

	Isle of Man	Jersey	SBH, GHA
ED attendances/annum	31,500	35,600	30,000
Medical staff			
Consultants (wte)	3	4+2	1
Speciality doctors (wte)	10	8	9
FY2 equivalent	10	12	0

Answer to Question 639

Nursing

Hours	Staffing Levels
08:00- 20:00	X 8 SN including Charge Nurse. 1-2 HCA
20:00-08:00	X4 SN including Charge Nurse, 1 HCA. X 3 SN are supplied for A&E complement, backed up by night pool.

Doctors

Hours	Staffing Levels
Mon – Fri 09:00 - 21:00	3 Doctors
21:00 – 00:00	2 Doctors
00:00 – 08:00	1 Doctor
Sat/ Sun 11:00 – 00:00	2 Doctors
00:00 – 11:00	1 Doctor

Madam Speaker: I will allow you some time to consider the schedule, and we will move on to the next question in the meantime.

Q640-41/2023

**Patient transfers from St Bernard's Hospital to Spain –
Current protocol; contingency plans re no deal Brexit**

1790 **Clerk:** Question 640. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, what is the current protocol for transporting a patient under the care of St Bernard's Hospital to a hospital in Spain?

1795 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 641.

1800 **Clerk:** Question 641. The Hon. Mrs J Ladislaus.

Hon. Mrs J Ladislaus: Madam Speaker, what contingency plans are in place in respect of the transfer of patients from St Bernard's Hospital to hospitals in Spain in the event of a no deal Brexit?

1805 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, as the hon. Member may appreciate, these arrangements are actively being considered as part of the treaty negotiations. I would be more than happy to appraise the hon. Member in private of the present arrangements.

1810 In the case of a no deal Brexit, the current working practices would continue.

Hon. Mrs J Ladislaus: Could the hon. Member just clarify what the current working practices are?

1815 **Hon. G Arias-Vasquez:** Madam Speaker, I am happy to brief the hon. Member in private on these arrangements.

Madam Speaker: Next question.

Q642/2023

**Gibraltar Electricity Authority –
Total number of vehicles owned and number operational**

1820 **Clerk:** Question 642. The Hon. C Sacarello.

Hon. C Sacarello: Madam Speaker, would the hon. Member please confirm the total number of vehicles owned or used by the GEA as part of its fleet, and the total number actually operational or in a serviceable condition.

1825 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GEA fleet is comprised of 58 vehicles, of which three are currently under repair.

1830 **Hon. C Sacarello:** Madam Speaker, over a month ago, we were informed that in a particular department only nine out of 11 vehicles were deemed to be serviceable and roadworthy and that these vehicles were sometimes leftovers given to them from other departments, not really fit for purpose. Does the Government intend to properly invest in the GEA, including its fleet, or will it continue to leave it to muddle on?

1835 **Hon. G Arias-Vasquez:** Madam Speaker, we have, we do and we will.

Q638-39/2023
St Bernard's Hospital A&E department –
Supplementary questions

Madam Speaker: Is the Hon. Mrs J Ladislaus in a position to ask any supplementaries she may wish to, in relation to Questions 638 and 639?

1840 **Hon. Mrs J Ladislaus:** Madam Speaker, could the Hon. Minister clarify whether the numbers provided account for sickness leave within the A&E contingent of staff?

Hon. G Arias-Vasquez: Madam Speaker, I believe that those are the numbers present at A&E, on the ward, at the time.

1845 **Hon. Mrs J Ladislaus:** Madam Speaker, can the Hon. Minister state whether she believes that these levels are satisfactory or whether there is any truth in stating that the A&E department is currently understaffed?

1850 **Hon. G Arias-Vasquez:** Madam Speaker, I am advised by the clinicians that these numbers are satisfactory.

Madam Speaker: Next question.

Q643/2023
Unallocated

Q644/2023
Gibraltar Electricity Authority –
Number of vacant posts

Clerk: Question 644. The Hon. C Sacarello.

1855 **Hon. C Sacarello:** Would the hon. Member please confirm the number of unfilled job vacancies within the GEA by section?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1860 **Hon. G Arias-Vasquez:** Madam Speaker, there are currently: one vacancy in Finance and Administration, two vacancies in the Consumer Services section, seven in the Electrical Business Services section, four in the Electrical Network section, one in the Electrotechnical section, one vacancy in the Generation (Day) section, seven vacancies in the Generation (Shift) section and seven in the Technomedical section.

1865 **Hon. C Sacarello:** Thank you for the answer.
Madam Speaker, would the hon. Member be able to inform us when these vacancies are expected to be filled, as some have been outstanding for a while?

1870 **Hon. G Arias-Vasquez:** Madam Speaker, these numbers I have just provided are inclusive of the 12 jobs advertised and the interviews that are currently being held, so there is, currently, a process to fulfil 12 of those vacancies.

Madam Speaker: Next question.

Q645/2023
Gibraltar Electricity Authority grid capacity –
Ability to cope with EV charging points

1875 **Clerk:** Question 645. The Hon. C Sacarello.

Hon. C Sacarello: What is the GEA's capacity within the grid to cope with the total load demand if every estate were to offer EV charge points?

1880 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, like most utilities in Europe, the GEA will not be immune to the demand that is fast approaching with the advent of the take-up of electric vehicles by the population in general.

1885 The GEA has sufficient power capacity to supply electrical vehicle charge points in estates. Some estates are better prepared to absorb the demand than others. However, like other utilities, the GEA is recommending that intelligent systems are deployed to manage EV charging points in order that the capacity available at different locations is shared among vehicles on charge. This would ensure an optimum and efficient uptake of electricity when charging EVs.

1890 **Hon. C Sacarello:** Madam Speaker, I was hoping to glean the actual power output requirement, but obviously it is not forthcoming. In the light of that, perhaps I will specify the question a little bit more carefully next time.

1895 We have heard from some estates that they are applying and encountering difficulties – insofar as they have been rejected – with the idea of installing them because there is not the power in the grid, or there is not enough power to supply them all, and there are delays in this. In light of our commitment to a more sustainable future, does the Government know when this will be available for all estates, private estates included, should they wish to proceed this way?

1900 **Hon. G Arias-Vasquez:** Madam Speaker, there are estates where it will be easier to deploy EV charging points than in others, namely the ones that have allocated parking spaces for their tenants. For the remaining estates, i.e. those that do not have allocated parking spaces within a building, the power capacity is still available, albeit infrastructure works will be necessary to

ensure that allocated or zoned parking spaces have access to a corresponding charging point. I do not have information available as to when that will be done.

1905

Madam Speaker: Next question.

Q646/2023

**Gibraltar Electricity Authority –
Number of subcontracted companies engaged**

Clerk: Question 646. The Hon. C Sacarello.

1910

Hon. C Sacarello: Would the hon. Member please confirm the number of subcontracted companies the GEA has engaged with in the last financial year, and also in the financial year 2017-18?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1915

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in the last financial year, the number of subcontracted companies engaged by the GEA was 12. In the financial year 2017-18, the number of subcontracted companies engaged by the GEA was five.

1920

Hon. C Sacarello: Madam Speaker, I would like to ask the hon. Member if this would actually be a case of being an exercise in cost reduction; and, if so, what are the savings to the taxpayer with this move towards subcontractation?

Hon. G Arias-Vasquez: Madam Speaker, I do not have that information available, but I can provide it.

1925

Hon. C Sacarello: Madam Speaker, I would like to ask the hon. Member if she is aware that repairs to works originally carried out by private companies are being conducted by the GEA, whereas the responsibility ought to lie with the private entity, as in the case, by way of example, of street lighting, as this obviously offers an unnecessary added cost to the taxpayer.

1930

Hon. G Arias-Vasquez: Madam Speaker, I am not sure how that question arises from the previous question.

1935

Hon. C Sacarello: It is completely relevant. It is to do with the subcontractation of the services which the GEA are paying for and actually carrying out as part of the service themselves.

Madam Speaker: Yes, I am going to allow that supplementary.

1940

Hon. G Arias-Vasquez: Madam Speaker, I need notice of the question in order to confirm that that is, indeed, the case.

Hon. C Sacarello: Unrelated. Thank you, Madam Speaker.

1945

We have received reports from the GEA of a lack of investment in training – at least a notable difference from how it was in the past: no courses are being offered in certain areas; certificates of competence, worryingly, have expired; and staff are being asked to attend courses in their own time, due to high workloads and insufficient staffing levels. Is this part of a drive to decrease the dependency on government-employed workers in favour of subcontracting to the private sector?

1950 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I am surprised the hon. Gentleman has said he has received reports from the GEA. The GEA reports to the Government, not to the Opposition.

Hon. C Sacarello: Okay, Madam Speaker, perhaps read 'people within the GEA, but not actual GEA officially'.

1955 **Hon. Chief Minister:** I see, Madam Speaker. Well, people within the GEA have signed the Official Secrets Act, so I am surprised that they are going to the Opposition.

1960 **Hon. Dr K Azopardi:** Can I just ask: do we have the entities that were subcontracted? The Minister mentioned five. Does she have who those were?

Hon. G Arias-Vasquez: Madam Speaker, I am happy to provide that information behind the Speaker's Chair.

1965 **Hon. Dr K Azopardi:** Can I understand why?

Hon. Chief Minister: Madam Speaker, because the practice of this House for generations has been that we do not share names of companies across the floor of the House. We give them in a schedule and usually behind the Speaker's Chair, but we do not give them across the floor of the House.

1970 **Hon. Dr K Azopardi:** Madam Speaker, I am not sure that that is actually the case. We have specifically asked for the names of subcontractors. If the Government wants to provide it in a schedule because it is extensive information, yes, there is a schedule, but when we are simply asking – when they have mentioned it as being two or three, or, in this case, five – 'Well, who is it?' the information is provided.

1975 **Hon. Chief Minister:** Madam Speaker, if the hon. Gentleman gives notice of the question, he can have it in a schedule, but we cannot give it to him in a schedule now, because we have not got it in a schedule now.

1980 **Hon. Dr K Azopardi:** If I may, the question is does he have the information with him today, and if he has the information today, will he provide it to us today?

1985 **Hon. Chief Minister:** Madam Speaker, we have the information we have indicated on the basis of which we will give it today.

Hon. Dr K Azopardi: So to clarify, he has the information but he is not prepared to say so orally; he will provide it, but not orally, in answer to my question?

1990 **Hon. Chief Minister:** Madam Speaker, we were not asked for this information in the first answer; we have been asked for this information in supplementaries. We have not considered whether it is appropriate to give all of this information across the floor of the House. We are ready to give it to the hon. Member behind the Speaker's Chair, and if he asks a question next time, he can then have it across the floor of the House, if he wishes.

1995 **Madam Speaker:** All right, next question.

Q647/2023

**Northumbrian Water –
Cost of share purchase and funding method**

Clerk: Question 647. The Hon. C Sacarello.

2000 **Hon. C Sacarello:** How much will the purchase of the Northumbrian Water shares cost, and how will it be funded?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

2005 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, HM Government of Gibraltar is continuing its negotiations with Northumbrian Water to finalise the purchase of their AquaGib shares. For this reason, HMGoG has yet to determine how the purchase will be structured and funded. This will be determined once all pending issues are cleared and a final figure is determined and agreed. In this regard, HMGoG is keeping all of its options open.

2010

Hon. Dr K Azopardi: Can the Minister perhaps give us a bit more information as to the likely timeframe for those negotiations? Does she envisage some kind of conclusion within the next few months or so?

2015

Chief Minister (Hon. F R Picardo): Madam Speaker, I gave an answer to this question before the General Election, in this House, and I said that setting a timeline would only enable those who are negotiating on the other side of this transaction to hold us to something which would give them a negotiating advantage. For that reason, we did not give a timeline before the General Election. We will not change our position on giving a timeline, because all it does is put pressure on the people of Gibraltar to do a worse deal. It makes no sense to negotiate in that way, whether it is this or a treaty.

2020

Madam Speaker: Next question.

Q648/2023

**New development plan –
Publication date**

Clerk: Question 648. The Hon. D J Bossino.

2025

Hon. D J Bossino: Please provide an update as to when the new development plan will be published.

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

2030

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government has been out to tender and has received responses from tenderers for the preparation of a new development plan. Procurement is currently in the process of organising a presentation board for tenderers, with a view to awarding the tender early next year for the preparation of a new development plan. It is anticipated that it would likely take between 18 and 24 months from the start of the work to the stage where a finally adopted plan could be published.

2035

2040 **Hon. D J Bossino:** Madam Speaker, this is a matter in respect of which I have been asking a variety of different individuals who have held the hon. Member's current portfolio over the years. I wish not to bore the House with the rather colourful chronology in relation to the delivery of this particular area of government activity, but certainly, as it stands now, we are already four years late, as I am sure the hon. Member will fully appreciate and be aware of.

2045 Is she able to tell this House how many tenderers are currently being considered? And can I ask her to confirm that we are talking about a period of between 18 and 24 months starting from January 2024? I really want, during the course of this House, to pin her down on this, because we need this delivered as soon as possible.

2050 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I am very surprised that the hon. Gentleman is being really quite so open about what he is trying to do. The Government will be equally open about its view. We believe this is important, but we will not be pinned down by the Opposition on *any* issue.

2055 **Hon. D J Bossino:** Madam Speaker, I will continue to ask Members opposite, and I will continue to pin them down on timings as I wish.

2060 The hon. Minister has not answered the question. There was a very specific question which I posed, which was the number of tenderers which are being considered by the Government. I also asked her to confirm that we are talking about a time period of between 18 and 24 months from January 2024.

2065 **Hon. G Arias-Vasquez:** Madam Speaker, unfortunately, I do not have the number of tenderers available with me today. In relation to the timing, I refer to the answer that the Hon. Chief Minister gave a moment ago.

2070 **Hon. D J Bossino:** Madam Speaker, let's try to make some progress, shall we? Can she at least provide an indication as to whether the tenderers, whatever number they may be, are local tenderers or are from outside, or a mix of both?

2075 **Hon. G Arias-Vasquez:** Madam Speaker, I do not have that information and neither should I have it. It is being done by an independent board and I do not have that information available.

2080 **Hon. D J Bossino:** Madam Speaker, if I may press her on that, is it that she is not willing to provide that information if I ask a question again, or simply that she does not have it currently available?

2085 **Hon. G Arias-Vasquez:** Madam Speaker, as I have said, I do not have the information today. If you ask me the question, I will provide you with the information that you have requested.

Madam Speaker: Last intervention.

2090 **Hon. D J Bossino:** Madam Speaker, can she make any comment, please, in relation to the last answer I had on this subject, which was on 15th March and provided by Miss Sacramento? I will not quote the whole reply, but she was telling her Department and those who were looking into it:

we need to go full speed ahead because we are in the final stages of what we are doing,

She finalised the answer by saying:

I am assured that we are almost there.

2085 This was in March 2023. Can she make a comment in relation to that? It seems that this particular issue is going to be the subject of much further delay.

Hon. G Arias-Vasquez: Madam Speaker, my only comment is that it was obviously accurate because we are already at the tender stage.

2090

Madam Speaker: All right. Next question.

Q649/2023

**Development and Planning Commission –
Expected completion date of review**

Clerk: Question 649. The Hon. D J Bossino.

2095 **Hon. D J Bossino:** When will the review of the workings of the Development and Planning Commission be expected to be completed?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

2100 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the review of the workings of the Development and Planning Commission is a commitment outlined in the manifesto for the current government term and has not commenced yet.

2105 **Hon. D J Bossino:** Another review, Madam Speaker – something that, as I have said before, they criticised us for having mentioned on so many occasions, according to them, in our manifesto. Well, they seem to have quite a few of those –

Madam Speaker: Is there a question coming?

2110 **Hon. D J Bossino:** Madam Speaker, I am allowed, I think, to introduce my question with a slight comment.

Madam Speaker: Switch on your microphone, or we cannot hear you.

2115 **Hon. D J Bossino:** Sorry. I was going to say, Madam Speaker, I think I am allowed to introduce my question with a very small preamble. It was not going to be long.

2120 **Madam Speaker:** We can get into a discussion on that, but my view is that the preamble has to be connected to the question that is coming, so that the question can be made sense of with the preamble. I was not sure you were going there, but there we go.

Hon. D J Bossino: Madam Speaker, it was very much, I accept, a politically charged question, given that we have just contested a General Election and that was very much the subject matter of the contest between the various political parties.

2125 The Hon. Minister talks about the review not having commenced. Can she give us an idea as to when it is likely to commence, and can she also provide the House with a further indication of which areas she is minded to review?

2130 **Chief Minister (Hon. F R Picardo):** I refer the hon. Gentleman to the answer I gave about the commencement of projects in the GSLP Liberal manifesto which do not contain a specific timeline. I did not think of putting this one also in that answer, but the answer applies.

Hon. D J Bossino: Madam Speaker, as unhelpful as always, I am afraid.
Can I press the Minister on the second limb of the question I posed, which is which areas she is thinking of reviewing in respect of the workings of the DPC?

2135 **Madam Speaker:** Press the Minister, but I would urge you, in the future, not to comment on conduct with such words as ‘unhelpful’. I suspect you are going to get an answer. It is in the process of materialising, I think.

2140 **Hon. Chief Minister:** Madam Speaker, one of the characteristics of Opposition Members is that, having no policies of their own, having no vision of their own, they are reduced to being timekeepers of the time that it takes to deliver the government projects, often projects which, if they were in office, would not be built or entered into at all. What is the logic of keeping time on our execution of them, I wonder, Madam Speaker?

2145 **Hon. D J Bossino:** Madam Speaker, we have moved on, and the Hon. the Chief Minister has missed the point. I am asking the Minister to answer the second limb of the question. The first limb had to do with timings, and the hon. Member has responded. What I am asking of the Hon. the Minister who has responsibility for this area of government policy is if she can please tell me what areas she is considering reviewing in terms of the workings of the DPC. The Hon. Chief Minister has got it wrong.

2155 **Hon. Chief Minister:** Madam Speaker, with respect to the hon. Gentleman, he started his supplementary by saying that we had been unhelpful because of the answer we had given, so I thought I should read him exactly what the person that he stood for election with in 2011 had said to us in 2008 about the type of question that they are now asking. The difference is that we accepted it and we said, ‘Well, fair enough, we won’t be timekeepers for those projects.’ Everything which I have been told is unhelpful, the things that I am told miss the mark, are the things that we were told by the GSD. This is a direct quote from *Hansard* of what Sir Peter Caruana, then leader of the GSD, said to us when we used to ask them, ‘What is this project going to be about and when are you going to start it?’

2160 I wonder whether the hon. Gentleman would like to reconsider whether he thinks that the Government is being unhelpful in taking the same attitude that he used to say to us was a golden legacy to Gibraltar, the legacy of what the GSD had done in office. I accept that he then moved on to another limb, which the hon. Member might want to take now if he wants to repeat that supplementary, but he started by saying that what I said was unhelpful. What I said was much less politically charged than what we used to be told by them when they were in office, and in much tamer terms.

2170 **Madam Speaker:** Can we move on to the specific supplementary you asked? Would you care to repeat it, perhaps, so that we have it fresh in our minds?

Hon. D J Bossino: Of course. I am grateful to oblige, Madam Speaker.
The hon. Member continues to impart his barbed political comments and nothing will change the character of the man. As I have told the hon. Member, we have moved on from the issue of timings. I am willing to make a value judgement on the way he has chosen to answer it. I still say, and I am entitled to say, that it is totally and utterly unhelpful – and this is a ‘New Dawn’ Government, although it is wearing thin now after 12 years in office.

2180 The specific question, Madam Speaker, is simply the question of the review. The second limb of the question, so that we can see whether this review is real: what areas are they now willing to consider – because they have done so many wonderful things in relation to the workings of the DPC, according to them – reviewing to make the workings of the DPC more effective, more efficient, even more open?

2185 **Hon. Chief Minister:** Madam Speaker, I think you invited the hon. Gentleman to ask the question so it was fresh in our minds. Instead, the hon. Gentleman just embarked on a preamble which was politically barbed, calling me some sort of animal that made politically barbed statements. Well, I suppose that the animal that he is calling me is Caruana-esque, because what I did was read him what the man they say was the greatest Gibraltarian of all time said to me when
2190 I was sitting over there. He can make whatever value judgement he likes, that is the reality, but the people of Gibraltar have made a final judgement in respect of the 2021 –

Hon. D J Bossino: Madam Speaker, I wish to make a point of order, and that point of order –
(*Interjection*) No, I have asked a question on three –

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Madam Speaker: Just a minute. Yes.

Hon. D J Bossino: I am grateful. I have asked a question now on three separate occasions in respect of the second limb of my supplementary question. The hon. Members – not just the Hon.
2200 Chief Minister, the entirety of the Government – are there to answer questions. We are here to elicit information from them. Can whoever please answer the question in respect of the review of the DPC?

Madam Speaker: All right. The hon. Member has raised a point of order.

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Hon. Chief Minister: Madam Speaker, will you hear me on the point of order as well, please?

Madam Speaker: Yes.

2210 **Hon. Chief Minister:** The hon. Member has got up and delivered a statement, a small part of which was, finally, the question. That statement was fully charged, politically. He cannot expect, and neither do the rules say, that the Government has to sit here, listen to a party political soliloquy on behalf of Members opposite and then just limit ourselves to answering the question.
2215 Hon. Members can make whatever statements they wish and are permitted by the Chair to make in respect of the preambular part of their questions, and the Government can decide how it answers.

If the hon. Member had just asked the question, he would have got the answer. Because he delivered a party political statement, he is going to continue to get the answer which delivers the answer to what he said. (*Interjection by Hon. D J Bossino*)

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Madam Speaker: Hon. D J Bossino, please could you not comment from a sedentary position?

The position, as I see it, is very simple. I agree that there is a question to be answered and I will, in a moment, ask the Minister to answer the question, but what I was going to say before the Hon. the Chief Minister rose was that the purpose of preambles in a question is to make the
2225 question better understood. It is not to make a statement – a political statement; we are in a political forum. If the hon. Member makes a political statement and the Chair gives him some leeway to do that, he must expect some political statement in return from the other side of the House, and that then cannot be the subject of complaint.

Perhaps it is my fault for not restricting the preamble better to the nexus of the question, and
2230 I shall attempt to do that as we go forward, but if political preambles are made, then they are

going to be answered, and then Question Times are going to become somewhat of a debate, which the rules specifically prohibit.

I am going to resolve this by inviting the hon. Member only to ask the question, and then I will invite the Minister to answer it, if she so wishes.

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Hon. D J Bossino: Madam Speaker, will the Hon. the Minister please tell this House what she is considering by way of review of the workings of the Development and Planning Commission?

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Hon. G Arias-Vasquez: Madam Speaker, we have not commenced the ambit of the review, so I am unable to answer that question.

Madam Speaker: Next question.

Q650/2023
Mount Alvernia –
New process re residents' wishes to move to Rooke facility

Clerk: Question 650. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Madam Speaker, will the Government or ERS be organising a new process by which residents of Mount Alvernia are asked to express their views as to whether they would like to stay at Mount Alvernia or move to the new Rooke residential home?

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Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as the hon. Member may be aware, during the election campaign a letter was disseminated reflecting our assurance to Mount Alvernia residents and staff. Within this letter, a commitment was given that no resident would be required to move to the Rooke facility.

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Hon. Dr K Azopardi: Well, with all due respect to the Hon. Minister, I am not sure that that answers the question. I appreciate that there may have been an assurance given that no resident would be required to move. That assurance has been given by the person sitting to her left on a number of occasions. I was not asking that. The question does not ask whether there is going to be an assurance that they are not required to leave. The question asks will there be a new process by which residents are asked to express their views.

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For context, last year – I think it was last year; the weeks and months go by and I am not even sure if it was last year, but last year, I think – there was a process run by ERS, we subsequently discovered, by which residents were asked to express a view, and only five residents expressed the view that they wished to move. I am now asking, months on – maybe a year on or maybe six months on – whether there is going to be a new process run by ERS or the Government.

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Hon. G Arias-Vasquez: Madam Speaker, we do not envisage such a process.

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Hon. Dr K Azopardi: If the Hon. Minister does not envisage the process and they are not going to require anyone to leave, how are they going to find out who wants to go there?

Chief Minister (Hon. F R Picardo): Madam Speaker, I hesitate to rise again but we are being asked questions by the Leader of the Opposition, not by the shadow, in respect of these matters,

2275 so I think it is entirely appropriate that I should get up, given that I was also here in the last Parliament and the hon. Member was not.

We do not understand what logical position the hon. Gentleman is trying to put. The process that he is trying to suggest we engage in is one where we go back to what is alleged happened sometime during the course of last year and people are asked whether they think they might want
2280 to move, and if we do not do that, then we will not know who will want to move to Rooke. But of course, Rooke is not going to be a government facility, as we have already indicated. People will be asked if they want to move to Rooke in certain circumstances, and it does not require the sort of questionnaire that the hon. Gentleman is suggesting we need.

This only seems to be failing at the hurdle of logic in the hon. Gentleman's view. It is not failing
2285 in our logical view of how we will ensure that no one goes to Rooke who does not want to go to Rooke who is currently at Mount Alvernia.

Hon. Dr K Azopardi: I am afraid to say that I think the failure of logic is in the inconsistent answers we have received, because on the one hand the Hon. Minister says they are not going to
2290 run a process, but the Hon. Chief Minister has just got up to say they are going to be asked. That is what the Hon. Chief Minister just said a few seconds ago.

So let me just try to get clarity. I am not asking them to run the process again; I am asking them whether they are going to do it. It is not a process that was *allegedly* carried out: it *was* carried out, because it was a subject of questions in this House and we were told that five residents had
2295 expressed a desire to go, but nobody else had.

There is no illogical leap. My question is: if you are not running the process, which is what the Hon. Minister said, then how do you know whether people want to go there? The Hon. Chief Minister, I think, has now clarified – so I give him the opportunity to do so again – that they are going to ask them. The form of the asking is not something that I have a view on. What I am asking
2300 is whether they are going to be asked.

Hon. Chief Minister: But that is not the running of a process, Madam Speaker. It is completely different. If the Government makes the decision, once the facility is open and run by a private sector provider, that some people fitting some characteristics at Mount Alvernia should be offered
2305 the opportunity to move, if they want, that is completely different to running a process where you questionnaire everyone at Mount Alvernia. That is what we think is different in the way that they see it to the way that we see it. I hope that makes it sufficiently clear to him, so that his concerns are assuaged.

Hon. Dr K Azopardi: Now that we understand that it appears that the residents will be consulted, in some shape or form asked – (**Hon. Chief Minister:** No.) He is saying no from a sedentary position. I am not trying to put words in his mouth. I am not saying that they are going to put a questionnaire in front of people, but clearly the answers he has given suggest that there is going to be some kind of discussion – let me put it no higher than that – so that they understand
2315 whether someone might want to go there. He is shaking his head. He will get up to answer the question and clarify the position, but I was going to ask him – so I will give him the opportunity to do that when he does get up – whether there was a timescale in relation to that, because when we found out about the process that was last followed, which was some months ago, the residential home was in the process of construction. Clearly, many months have now gone by and
2320 it will be close to completion, I guess, so it would be sensible, I imagine, that if people are going to have a discussion on it, it would happen relatively soon, would it?

Hon. Chief Minister: Madam Speaker, the whole issue between us is that I think the hon. Gentleman is still postulating this as a process that he seems to think – whether he calls it a process or a consultation – happens in respect of all of Mount Alvernia, but that is not the position that
2325 we are looking at, at all. There will be some people who potentially might fit the characteristics of

2330 those who might want to go to Rooke, and those people might be asked if they want to go to
Rooke if the circumstances are right. There is a lot still to happen in respect of whether or not that
occurs, but it is not a process in Mount Alvernia affecting everybody who is resident in Mount
Alvernia who is given the choice to go or not to go. We do not envisage that, and I hope I have
made it sufficiently clear to him and that he understands what it is that might happen, which is
2335 that a number of people who are in Mount Alvernia might fit the characteristics of those who
might be more comfortable at Rooke, and they will not be *required* to go to Rooke, they will be
offered the opportunity to go to Rooke, which is not to run a process or a questionnaire. That is
the first thing.

The second thing is the question of the timeline. Again, I do not think it is appropriate to give
a timeline, first of all because the Rooke facility is not yet completed and because we do not want
to put the Government in the position that it would be in if we give a timeframe. Then we would
be embarrassed if we did not meet it and we might have to negotiate against that timeline, so we
2340 do not want to give the timeline at this stage. It is not sufficiently clear yet to be able to say a date
by when this is likely to happen.

Hon. Dr K Azopardi: Just a final question, if I may. I understand that they will be asking certain
individuals who may fulfil certain characteristics. I assume that that will be based on some kind of
2345 guidance from ERS staff in relation to whether they are independent or not. Is that the kind of
guidance and protocol that will be devised? Can the Chief Minister confirm that that is something
that the ERS staff will run, in terms of the assessment of those individuals?

Hon. Chief Minister: Madam Speaker, the way that we see it is that it will be a choice that will
2350 be given to some people who fit a certain set of characteristics, and those characteristics will be
determined not just by ERS staff but also by the GHA. ERS staff are employees of the GHA, but
there will also be GHA equities in respect of who should or should not go to Rooke. When you put
all that package together, some people will be given the choice of whether or not they are able to
go to Rooke, or wish to go to Rooke.

2355 **Madam Speaker:** Next question.

Hon. Chief Minister: Madam Speaker, is this a convenient moment to offer to recess for
15 minutes before we move on?

2360 **Madam Speaker:** As far as I am concerned, it is very convenient, yes. Thank you.
The House will now recess until 10 past six.

The House recessed at 5.55 p.m. and resumed at 6.17 p.m.

INWARD INVESTMENT AND THE SAVINGS BANK

Q651/2023
Public debt –
Figures for 2023

Q652/2023
General Sinking Fund –
Balance

Q653/2023
Gibraltar Community Initiatives Ltd –
Companies owned or controlled

Q654/2023
Gibraltar Savings Bank Economic Development Registered Debentures –
Amount of money raised

Q655/2023
National Economic Plan –
Projects sponsored and money spent

Q656/2023
Eastern Beach –
Purchaser of land, price and terms

Clerk: Questions to the Hon. the Minister for Inward Investment and the Savings Bank.
Question 651. The Hon. R M Clinton.

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Hon. R M Clinton: Madam 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 May 2023, 1st June 2023, 1st July 2023, 1st August 2023, 1st September 2023 and 1st October 2023?

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Clerk: Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I shall answer this question together with Questions 652 to 656.

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Clerk: Question 652. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st May 2023, 1st June 2023, 1st July 2023, 1st August 2023, 1st September 2023 and 1st October 2023?

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Clerk: Question 653. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government please provide a list of companies that are owned or controlled by Gibraltar Community Initiatives Ltd as at 30th September 2023?

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Clerk: Question 654. The Hon. R M Clinton.

2390 **Hon. R M Clinton:** Can the Government advise the amount of money raised as at 30th September 2023 for each issue of the Gibraltar Savings Bank Economic Development Registered Debentures, namely one year 6%, three years 5.5% and five years 5%?

Clerk: Question 655. The Hon. R M Clinton.

2395 **Hon. R M Clinton:** Can the Government provide a list of projects sponsored under its National Economic Plan and the amount of money expended against each as at 30th March 2023 and 30th September 2023?

Clerk: Question 656. The Hon. R M Clinton.

2400 **Hon. R M Clinton:** To whom has the Government sold the Eastern Beach land upon which the beach sheds are being built, and for what price and on what terms?

Clerk: Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

2405 **Hon. Sir J J Bossano:** Madam Speaker, the General Sinking Fund gross debt and aggregate debt from May to October were all at the same level in April 2023.

The cash reserves and the net debt figures were as follows: May, £123.4 million and £71.7million; June, £114.1 million and £731 million; July, £96.8 million and £748.3 million; August, £68.3 million and £776.8 million; September, £66.6 million and £778.8 million; October, £62.3 million and £782.8 million.

In respect of the Gibraltar Community Initiatives question, I have passed the hon. Member's request to the company to deal with.

2415 The amount of money invested as at 30th September 2023 in the Gibraltar Savings Bank Economic Development Registered Debentures was: one year, 6%, £9,000,900; three years, 5.5%, £1,011,000; five years, 5%, £1,257,300.

2420 The list of projects sponsored under the National Economic Plan as at 31st March 2023 was as follows: Etioca Holding (Gibraltar) Ltd, Rooke Residential Home, Victoria Stadium redevelopment, Elderly Home Ownership Scheme, Eastern Beach sheds, and shooting range. The list of projects sponsored under the National Economic Plan as at 30th September 2023 was as follows: Etioca Holding (Gibraltar) Ltd, Rooke Residential Home, Elderly Home Ownership Scheme, Eastern Beach sheds, and Jewish Home extension. No funding or government expenditure was incurred in any these.

The land at Eastern Beach has not yet been sold.

2425 **Hon. R M Clinton:** Madam Speaker, if I may ask for an indulgence: Joe tends to lump all his answers together, and I need to unpack them according to the questions I have asked. They are quite diverse and quite detailed from a financial point of view. I will try my best to expedite matters, but I would beg your indulgence.

2430 If I may direct the Minister to his answer to my Question 651 in relation to the debt levels, I see, from what the Minister has said, that the aggregate gross debt ... I take it, from the numbers he has given us, that there has been no new borrowing. If he could just confirm that question, please.

2435 **Hon. Sir J J Bossano:** Correct.

2440 **Hon. R M Clinton:** I am thankful to the Minister for that simple answer. I noticed that the cash reserve numbers, certainly as at October, are at £62 million, and obviously since April, at £123 million, it has come down by half. Does the Minister have any concern about the trend of these cash reserves?

Hon. Sir J J Bossano: I think he will find, Madam Speaker, that if he looks at the answer to this same question in previous years, the trend has been the same. It tends to go down in the first six months of the year, and then it tends to come up as we get closer to the close of the financial year. It happens every year.

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Hon. R M Clinton: Madam Speaker, I have all the numbers here, going back more than 50 months, and the trend is not that clear. When it goes up, it is because there has been new borrowing, and, as the Minister has confirmed, there has not been any new borrowing.

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If I can move on to his answer to Question 653, I think he said he had asked the company, but doesn't the Minister accept that, if this is the entity or group of entities that are driving his National Economic Plan, he should know what entities are involved? He is effectively the mastermind of the National Economic Plan, unless he wants to deny it, in which case, is he telling the House that he has no knowledge whatsoever as to who are the entities involved in the National Economic Plan? There is at least one new entity, which was even mentioned in his own manifesto. Is he unable to come to the House with any answer as to who the entities are that are delivering his National Economic Plan?

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Hon. Sir J J Bossano: I have been the mastermind of the National Economic Plan for the last 52 years, because nobody else produces one. However, Madam Speaker, the fact is that he did not ask me that question; he asked me about the subsidiaries that the entity has. I do not need to know the subsidiaries in order to sponsor a project. Whether the project is in one subsidiary or another subsidiary, or in the holding company, it does not affect the sponsorship. We are not sponsoring the entity that is delivering the project. They can deliver projects which we might not think meet the criteria in the National Economic Plan, and then it would not get sponsored. Etioca is being sponsored and it has nothing to do with Community Initiatives. Had the original sponsorship of the stadium continued, for which, as I mentioned at the time, we were willing to provide the sponsorship and, in that case, provide funding, which was not required because other people came forward ... As I said at the time, we would be happy, if somebody else was willing to take on the responsibility of seeing that the resources to deliver it were there ... we would simply be glad to pull out and get on with other things. So the answer is that he is asking for information which I do not think I have to provide because it is not a government-owned entity, but they may be quite happy to give it to him directly, or they may be quite happy that it should be made public, but it is a matter for the entity that has the subsidiaries, not a matter for me, to take that decision.

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The fact that there are projects that may be being delivered by one subsidiary or another subsidiary is not relevant. That is to say it would not make any difference to the support that we give, which is help in making it happen, help in taking it to the planning stage and help in trying to smooth any problems they have with technical support, but not with money. Therefore, it is the project that matters, because it is a project that has to be identified as meeting something that is required in Gibraltar, like one of the projects that I mentioned, which is the Elderly Persons' Home Ownership Scheme. That was something that we identified was needed because, by the criteria that they used in government and we continue to use, people who are homeowners are not entitled to put their name down on a waiting list for government housing. The people who became homeowners with the original 1988 scheme of the GSLP are now pensioners, sometimes living in apartments that are bigger than they need, and they cannot go into a rented government pensioner flat. I was approached by a number of people in that category who asked couldn't something be done that would enable people to sell a bigger home and buy a smaller flat, and therefore release some of the equity they have, because their family has now shrunk and the children and grandchildren now have their own family homes. I thought it was something that was needed, I thought it was something that was worth supporting, but it was not something for which the Government would take on the responsibility of borrowing money. However, it is attractive from an investor's point of view, because the people who will buy these flats do not have to get a mortgage, so they are able to sell something for a higher price. Therefore, the not-for-profit entity

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2495 that is doing this came up with this scheme where they guarantee that the property will be sold
very near cost price, which means below the open market price, but there will be a restriction, so
that anybody who buys one of these pensioner co-ownership apartments will not be permitted to
resell it into the private sector and make a capital gain. They will have to sell it back. That will
mean that we will be creating pensioner homeowner apartments where the number of
apartments in that category will always be increasing because as pensioners maybe finish up going
to Mount Alvernia or somewhere else, they can only release it back for the benefit of another
2500 pensioner. It is important because our demographic, like everybody else's, is that we have an
increasing ageing population and an increasing number of homeowners. If there is one category
of home ownership that we can guarantee will never go down and only go up, it is this one, and
therefore we have given the support, but not the money, as the Government, and the Department
is supporting that entity. There is a specific company for that. I do not know how many other
2505 companies there are because there is no reason why I should know, but if the hon. Member is
interested, I have already communicated his interest to the company and I am sure that if they
have no problem with it being public or with giving it to him confidentially, they will reply to him.

Hon. R M Clinton: Madam Speaker, I am always grateful to the Hon. Minister for his
2510 explanations, but if I may ask him this: how does this group of companies under a charity,
independently of himself, come up with the identical plan that he has just laid out to us in this
House, of its own volition? How do these ideas get communicated to this charity if it is not a
government project? It is in his manifesto, and, in fact, the entity that will be doing it is listed in
his manifesto, so he knows about the name of at least this subsidiary.

2515 I find it hard to understand how this is the entity delivering his National Economic Plan, and it
seems to adopt his ideas, and yet he has no information to bring to this House about any of these
entities. If he could explain to the House: how does a group of companies come up with ideas
which are identical to his? Is he a shadow director of this group?

2520 **Hon. Sir J J Bossano:** I do not know why the hon. Member feels he has to finish up with a nasty
remark. I have given him a very detailed explanation, so I am not trying to keep any information
from him. I have told him the fact that I know that this company is doing this is because, whether
he realises it or not, I am the Minister for Economic Development. I am constantly talking to people
about developments and about bringing in money, and I suggest things to the people I talk to, if
2525 they do not suggest them to me. I work constantly with people in the private sector in doing this.

He asked me for a structure of all the subsidiaries. That was his original question. I have given
an answer to that original question to get him the information, and I have gone further than his
original question to explain to him how this is operating. If that is not enough to satisfy him, that
is as much as he is going to get, Madam Speaker.

2530 **Madam Speaker:** Another question?

Hon. R M Clinton: Sorry, Madam Speaker, I have, obviously, a whole list of questions to get
through. I accept the Hon. Minister's answer that he gives us in this House, as he has done before.

2535 If I can move on to the next question, Question 654, where he has given an amount of
£9 million for the one-year Economic Development Register Debentures, £1 million for the three-
year and £1 million for the five-year: that comes to about £11 million in the round. Can I ask the
Minister how he is managing this money? Is he ring-fencing it, somehow, in the Savings Bank?
Given the stated objectives of these debentures, how is that money only being invested in that
2540 way?

Hon. Sir J J Bossano: The reason for creating this category is the fact that there are now
competing rates for similar lengths of loans in the market, which we in the Savings Bank can only
offer if we are able to reinvest that money at a profit. Clearly, if somebody is going to be getting

2545 6% for one year, we are not going to do what the GSD did, which was to reinvest money at a lower
rate and incur a loss, which is not the way we wish to be running the Gibraltar Savings Bank. We
want the Gibraltar Savings Bank, as he knows, to be running at a profit. Therefore, the funding
that we provide for entities that are delivering things that are commercial – for example, the
pensioner home – would be based on something that we know is a safe investment that will be
2550 able, if we are paying say 6%, to pay the Savings Bank 6.25% or 6.5%. This is the rationale of this
category of entity. It means that the people who might otherwise put their money in another bank
because the rate is higher than the traditional vehicles that we have, will be given an opportunity
to do this, but of course it can only be done if we have an outlet that will pay us more in the
Savings Bank than we are paying the depositor.

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Hon. R M Clinton: Madam Speaker, I am grateful to the Minister, but he will, of course, recall
that Community Supplies and Services is borrowing at 4%, so it is hardly going to provide the
return he just described.

2560 The Minister has explained the rationale for creating this class in order to compete, but he has
not answered the question in terms of how he is ring-fencing this money to meet his objectives.
Has he set up a sub-fund of sorts within the Savings Bank, in which this money can only be used
for specific projects?

2565 **Hon. Sir J J Bossano:** *[Inaudible]* ... ring-fencing it. The fact is that the money, at the moment,
that has come in has been deposited with the other £200 million we have in cash in Gibraltar. The
cash of the Savings Bank – as he knows, because I give him the figures – is about £500 million, so
this £9 million is a very small part of that £500 million. We would look to balancing the volume, so
that we are getting this kind of return to match the returns that we are paying on those deposits.
At the moment, it is a very small part – out of £1.5 billion, you have £9 million in these debentures
2570 – but it may grow, and to the extent that it grows, we will match it, but not by ring-fencing or
separating it; we will match it in terms of monitoring the two streams, the stream that comes in
and the stream that goes out.

2575 **Hon. R M Clinton:** I thank the Minister for that explanation. If I may just move on to the second-
to-last question, Question 655, he has given us a list of projects as at March and September. Can
he explain to us what happened to the shooting range? That seems to have dropped off. And then,
secondly, I did ask about any money expended against each, on which we have no information.

2580 **Hon. Sir J J Bossano:** It is not being sponsored anymore because it is complete. When a project
is complete, it does not require sponsoring, because it is no longer there. Anything that was in
March and is not in September is not in September because it is not ongoing, so it does not require
any support or help from the Ministry. The project is over, so it is not there anymore.

2585 **Hon. R M Clinton:** Yes, Madam Speaker, I understand that, but again, on the question of money
expended, we have not had an answer. May I just ask him: what sort of support did the shooting
range require? What sort of economic return is there to Gibraltar?

2590 **Hon. Sir J J Bossano:** Madam Speaker, the original question asked what money was expended,
and the answer was that there was no funding or government expenditure incurred in any of
them. If the shooting range borrows money from NatWest, we are helping the shooting range get
off the ground. We were helping it in the context where there was a project that originally was
being conducted by the Government, which did not happen but was planned as a government
project, initially. The materials were there. They had been there for three or four years, lying idle
without being used. It was originally being done by JBS three or four years ago, and, for a variety
2595 of reasons, it did not happen and it did not have a high priority for the Government in terms of
government funding from the I&D. We had some people who were interested in finishing the

project, and therefore we helped them by arranging for them to have the continuity of what had been done already, and therefore the project finished and is no longer sponsored by us.

2600 **Hon. R M Clinton:** Madam Speaker, I really must beg your indulgence. You might see this as slightly tangential, but is he saying that the ...? This is, again, following on from the previous Parliament, in which Sir Joe explained the funding structure from the Savings Bank all the way down to, for example, the Rooke nursing home through GSBA. So when he says there is no money expended, just for the sake of the House and the Members who were not here before, what he means is not expended by the Government, but it is money that has been channelled from the Savings Bank towards these projects. Sir Joe can correct me if I am wrong here. Is he saying that the shooting range was a beneficiary of the same scheme as Rooke, in that it effectively borrowed from GSBA to finish a government project, or what had started as a government project? Is that what he is saying?

2610 **Hon. Sir J J Bossano:** If they actually needed to borrow anything, because this was done with some people from the private sector actually wanting this to happen because they were direct beneficiaries of it in the sense that the parking areas and so on were connected to where their business was, and in fact they were going to be benefiting in terms of the facilities that their business would get by this thing being finished, and we, as the Government, were not in a position to finish what we started. In fact, I think one of the not-for-profit companies came in, but I am not sure whether they actually required any funding or not from the Savings Bank, or if the money was 100% from the private businesses in that area. I do not have that kind of detail, but the bulk was done by the business people, who could not get it done on their own without some co-operation from us, because it was half completed. In fact, I think it would have been a pity not to finish it because the materials, frankly, had cost quite a lot of money and were simply rotting because nobody was in a position to get it done. We managed to get some people together in the private sector and that group predominantly were the funders.

2625 **Hon. R M Clinton:** I will move on to my last supplementary question. If I can take the Minister on to Question 656, in terms of the land on which the Eastern Beach sheds are being built, he tells the House that they have not yet been sold, but as the Minister will be aware, certainly before the summer there was a company called EBS Ltd, which issued a statement saying it was owned by Community Initiatives Ltd, part of that group, and they were inviting expressions of interest for the sheds. May I ask the Minister on what basis they were able to do that, if the land had not yet been sold and the land was effectively still owned by the Government?

2635 **Hon. Sir J J Bossano:** The fact that the Government owns the land means precisely that the Government can give people permission without needing to sell them the land. I can give permission to somebody to develop a project on government land, even though I have not sold the land to them, if I am sponsoring the project because I am persuaded that it is a project worth sponsoring, because it is meeting a need for which there is a demand. At the moment, no sale has yet taken place of that land. It is still Crown land. That is the question and that is the answer.

2640 **Madam Speaker:** Next question.

Q657/2023
Eastern Beach promenade and storage facility project –
Cost

Clerk: Question 657. The Hon. D J Bossino.

Hon. D J Bossino: Please state what the cost of the Eastern Beach promenade and storage facility project is.

2645 **Clerk:** Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, there has been no cost to Government in respect of the beach, promenade and storage facilities.

2650 **Hon. D J Bossino:** Madam Speaker, we have been here before, but we live in hope. The question was not the costs specifically to the Government. The hon. Member sits here as the architect of the National Economic Plan. He, himself, in answer to questions that we have just heard from my hon. Friend Mr. Clinton, has said that the construction of the Eastern Beach sheds forms part of that National Economic Plan. He also has, as I understand it, ministerial responsibility
2655 in relation to the Savings Bank, which he wishes makes a profit. In that context, simply to make this political comment: that we find it difficult to understand this blurring of the lines between what is something governmental and ought to be here, before the House, and then he says that ...

I anticipate that part of the reply is going to be that he cannot answer questions in relation to the cost because it has nothing to do with him, but I am going to try to persuade him otherwise in
2660 formulating this question, perhaps, in a different way. Given the introduction, by way of preamble, that I have just given him for the question, can he reconsider and provide us with the answer as to the cost to date of that particular project?

Hon. Sir J J Bossano: *[Inaudible]*

2665

Hon. D J Bossino: Okay, Madam Speaker, can I ask the hon. Member for the rationalisation of that reply? It has come through as a negative, it is a no: can I ask him why that is the case.

Hon. Sir J J Bossano: Well, it is quite simple, Madam Speaker. I will answer any question that
2670 has to do with the spending of government money which has been voted by this House. If I have a product that I am sponsoring, in the way that I have already explained, without providing any money from the Government Estimates of Expenditure, which is the money that is approved by this House that the Government can spend, and the entity that is carrying out the project gets funding from the International Bank, TSN or NatWest – (**Hon. Chief Minister:** TNG.) TNG, sorry! –
2675 I do not think the Member opposite would be asking me for details. It is only because, if there is funding from the Savings Bank, he thinks that, in the case uniquely of the Savings Bank but which is not true of the Gibraltar International Bank, the Savings Bank has to say how much money it lends to a customer and how the customer has spent that money. I do not know of any bank on the planet that does this.

2680 The Gibraltar Savings Bank produces a detailed account of every penny of £1.5 billion, every month, which has never happened before in the history of this House – it used to happen once a year – and that is not enough information. They want to know what money is actually invested in a company that is carrying out a project, if it happens to be a company in Gibraltar. There are 20,
2685 30 or 40 companies which issue loans that the Saving Bank buys, but they are in the UK. So the ones in the UK can spend the money on whatever they want, and that is nothing to do with this Parliament and the Parliament is not interested, but if the customer happens to be in Gibraltar, then there is something wrong and nebulous about me not telling him what the customer spends.

What I do not understand is why they think there is something wrong in providing funding from a Savings Bank that has a direct impact on the economic growth of Gibraltar, but it is perfectly all
2690 right and no explanations are necessary if we do it to entities that are quoted on the London Stock Exchange that can be worth a lot of money one day and next to nothing the following day. That is their position. In the long list that I produced in the written answer of all the people who are

borrowing millions from the Savings Bank – we have £200 million invested there – they never ask, ‘Can I have a breakdown of what the borrower is using that money for?’

2695 I do not accept that there is a logic, rationale or entitlement to that information about somebody who is here, spending the money in our economy, when it does not apply if there are people in another economy and when it does not apply to the other state-owned bank, which is the Gibraltar International Bank. It is a position they do not have to agree with, but that is my position and that is the explanation.

2700 **Hon. D J Bossino:** Madam Speaker, the hon. Member has been candid, I am sure, in his responses. There is absolutely no doubt about that on this side of the House, and he is absolutely right in the concluding remarks that there is a clear blue line between their position in relation to this and our position in relation to this for the reasons that I briefly cited in the context of the preamble to my previous supplementary question. There is still, in our view, despite the length of his responses, a lack of clarity in many of the details, and I am sure that this view would be shared by the Hon. Mr Clinton when he asks for the detail of these things. We get very nervous on this side of the House, as we are concerned as to how this money is being spent, and we think we are entitled to ask these questions.

2710 Let me ask him this. When he was talking about ... I think it was the pensioners’ flats ... he said that he – presumably as the Minister responsible for economic development, and possibly also as the Minister responsible for the Savings Bank – thought that that was a project which he thought was worthwhile to sponsor. I think that was the word he used. In this case, let’s remind ourselves that Eastern Beach sheds ... From this side of the House, on the basis of the limited information that we have – because we have asked for costs – we simply do not understand what the economic benefit is in this project. So may I ask him this: what attractiveness is there, as far as this particular project is concerned, to investors? It is certainly not clear to us.

2720 **Hon. Sir J J Bossano:** Madam Speaker, if the hon. Member opposite is asking what was there in this project for who to invest, the Government has not invested a penny in anything. The Savings Bank has provided funding, and therefore the Savings Bank is concerned only with the ability to get the interest on the funds and to get the repayment of those funds. If there is an economic benefit, or not, it will have no impact on the return because the return has to be paid whether there is a profit or not. The return is not a share of the profitability, and anyway, the entities that are engaged in this are not entities with shareholders who have to be paid dividends. The projects that are being carried out at a minimal margin over cost are things where there has been an element of demand identified, which demand will not be met by the Government because the Government is not in a position to say, ‘We will divert government money to doing this’, when in fact there are more urgent and more important things in need of that money.

2730 If they are concerned about the Savings Bank, I cannot imagine what their feelings would have been if he had been a Member of this House when the Savings Bank had cash deposits and nothing else, but that is what they want to go back to. They actually said in their manifesto that they would go back to what was there before, which is a Savings Bank that would not have £1.5 billion and would not have accumulated £67 million of profits, it would have £1,444 and £200 million or 2735 £300 million where the money was being deposited in local banks at a cost to the Government of £9 million a year in 2010 and £9 million a year in 2011. I do not understand their policy and they clearly do not understand mine. If they ever get back into government, they will have the opportunity to get rid of the Savings Bank and leave it with £1,444, but while I am responsible for the Savings Bank, the Savings Bank will keep on growing like it did between 1988 and 1996, when 2740 the same policy that is being implemented today was first implemented.

It is good that at least there is one area where we have diametrically opposed policies: if the people prefer to have their kind of Savings Bank instead of our kind of Savings Bank, then the people make the choice.

2745 **Chief Minister (Hon. F R Picardo):** And they just did.

Madam Speaker: I will allow one more supplementary, but no more; otherwise, this is going to become a debate.

2750 **Hon. D J Bossino:** Of course, Madam Speaker.

The Hon. the Chief Minister said from a sedentary position, 'And they just did', in terms of re-electing them into office – but by a whisker, by very few votes.

2755 **Madam Speaker:** What is said from a sedentary position need not be answered, so next question. (*Interjection*)

2760 **Hon. D J Bossino:** Madam Speaker, the hon. Member has given us a bit of a history lesson. I have always said that it is always a joy to listen to him, even though we ... Certainly I disagree with many of the things he said, and his policy positions, and certainly in respect of this area, but it is a pity ... If I can just say, by way of a slight preamble, that at least if we were given more information by way, for example, of structure charts and all the rest of it, with the detail which I think the Hon. Mr Clinton asks for on many occasions – and he is more than entitled to ask ... If he was more explicit in his responses, maybe it would calm our nerves on this side of the House, and who knows, we may even be persuaded by what the hon. Member says, but it seems that we can only properly understand what the government policy is in relation to this area if we go into Sir Joe Bossano's brain, and then we will have, set out with full splendour, every single detail, so that then we can say actually –

2770 **Madam Speaker:** Question?

Hon. D J Bossino: The response has been very lengthy. I know he is the Father of the House, and I am sure that –

2775 **Madam Speaker:** I am happy for you to give a lengthier preamble if it is connected to your question.

2780 **Hon. D J Bossino:** Madam Speaker, it is connected to the question. It certainly is connected to the response that we have just had from the hon. Member. The specific question is this, because it goes to the core of not just the National Economic Plan but also the safety of the funds of the Gibraltar Savings Bank: in relation to this specific and particular project, the Eastern Beach sheds, can he say whether the loan/sponsoring of that particular project by the Savings Bank has been fully repaid?

2785 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman's preamble dealt with a number of points which require my response. The first is this question of whether we won by a whisker. Well, we won by a whisker like they won by a whisker in 2007, but the whisker is bigger today than in 2007, and in 2011 –

2790 **Madam Speaker:** I am going to ask the Hon. the Chief Minister to direct himself to answering the question, if that is what he intends to do; otherwise, this really does become a debate.

2795 **Hon. Chief Minister:** I am grateful, Madam Speaker, but the hon. Gentleman has, in his preamble, not asked a question; the hon. Gentleman, in his preamble, has made party political points. If party political points are allowed in the preamble, I have no doubt that you will want to have the full picture put before the people of Gibraltar and have the party political points answered. Otherwise, the Opposition has the opportunity to attack the Government, ask a

question on a small issue, and the Government, in its answer, in respect of which there are no rules other than it should not be excessively long, is not able to deal with the party political points. That will put the Government, in this Parliament, at a disadvantage at which governments are not in any parliament in the world. And so, in dealing with those points which the hon. Gentleman has made, I would remind him that although we won by half a whisker in 2011, we governed for four years because half a whisker, or one goal, is enough to win a match.

Finally, Madam Speaker, the hon. Gentleman says that we would have to get into Sir Joe Bossano's brain to understand these issues. Well, I do not think, even if we were in Sir Joe Bossano's brain, we would have Sir Joe Bossano's capacity to understand things. The hon. Gentleman says to us, 'If you gave us structure charts, we might get comfortable, we might be able to support this.' The hon. Gentleman seems to have forgotten that we gave them structure charts on a transaction that we did on an investment in Gibraltar. We took them through all of the rationale. They came to my office at my invitation –

2810 **Hon. R M Clinton:** Madam Speaker, a point of order.

2815 **Hon. Chief Minister:** No, Madam Speaker, if the hon. Member is going to make a point of order, he is required to point to which part of the Standing Orders he is saying that we are making a point –

Madam Speaker: I am aware of that, thank you.
Yes?

2820 **Hon. Chief Minister:** Get up and say into the mic what you are saying.

Hon. R M Clinton: Madam Speaker, he is misdirecting the House.

2825 **Hon. Chief Minister:** I am not.

Hon. R M Clinton: What he is saying about a structure chart is something that happened years ago and nothing to do with what Sir Joe is talking about.

2830 **Hon. Chief Minister:** Exactly the point I am making, Madam Speaker. That is, first of all, not a point of order. That is just that the hon. Gentleman does not like what I am saying.

2835 Second, they said a moment ago, in the preamble that Mr Bossino was putting, 'If they gave us structure charts, we would get comfortable' – talking about the Savings Bank. My point is that we gave them structure charts, not in relation to the Savings Bank but in relation to another transaction, and they did not just not get comfortable, they used the explanations that we gave them to attack them, therefore rendering the idea that we could deal with the Opposition as if they were *loyal* enough to understand the point, and then, because they understood it, defend it, totally otiose, and we cannot rely on them for that.

2840 **Hon. R M Clinton:** The Opposition... (Unparliamentary language used).

Hon. Chief Minister: Madam Speaker, I have never heard anybody use unparliamentary language of the sort that the hon. Gentleman has used today. He has said, from a sedentary position, audibly across the floor of the House –

2845 **Madam Speaker:** I would ask the Hon. Mr Clinton not to comment from a sedentary position.

Hon. Chief Minister: Madam Speaker, that is the sort of language that makes it difficult to deal with hon. Members in a way that is convivial and collegiate, which is how the Government would

2850 like to deal with matters in this House. I must say the hon. Gentleman has really let himself down.
I will say nothing else, other than that, Madam Speaker.

2855 **Madam Speaker:** May I direct myself to the hon. Member? Is there something you want to say, because I heard that remark as well. There is no doubt in my mind that that is unparliamentary, and it was really quite inexcusable, so is there anything the hon. Member wishes to say from a standing position?

Hon. R M Clinton: Yes, Madam Speaker – in the heat of the moment – I apologise for that remark.

2860 **Madam Speaker:** Do you withdraw that remark?

Hon. R M Clinton: Yes, unreservedly.

2865 **Hon. Chief Minister:** I am grateful to the hon. Gentleman, and it honours him that he has done so, because I think it was probably the lowest moment of my 20 years in this House.

2870 **Madam Speaker:** In that case, I am going to take no further action. I accept that the House accepts your apology and your withdrawal, and I am going to say this is a very effective place now for us to move on. There is a question pending. Would the Hon. Minister like to answer that question?

Hon. Chief Minister: The answer is what we have said, Madam Speaker. The answer has dealt with the preamble, and that is all we intend to say.

2875 **Madam Speaker:** Next question.

Q658/2023
2023 census –
Expected publication date

Q659/2023
Population numbers for 2022 and 2023 –
Breakdown by nationality

Clerk: Question 658. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, when is the 2022 census expected to be published?

2880 **Clerk:** Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I will answer this question together with Question 659.

2885 **Clerk:** Question 659. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: What is the current estimate of the 2022 and 2023 population of Gibraltar, broken down by nationality?

2890 **Clerk:** Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

Hon. Sir J J Bossano: Madam Speaker, I am informed by the Statistics Department that the 2022 census is expected to be published in the first half of 2024.

2895 I am also informed by the Statistics Department that the current preliminary estimate of the 2022 population of Gibraltar provided by the Census Office stands at 38,000. This estimate is broken down by nationality as follows: British Gibraltar 28,717; UK British, 5,911; Spanish, 891; Moroccan, 261; other nationalities, 2,220. The population data for 2023 will be accessible after 31st December 2023, as the methodology covers all births and deaths within the year, with the census serving as a baseline.

2900 The Gibraltar Central Data Repository, which is funded by the Ministry for Economic Development, has produced an estimate for the current year as follows: Gibraltar population, 34,863 with a nationality breakdown as follows – British citizens 28,400; nationality not stated, 3,556; Spanish, 563; Portuguese, 178; Irish, 175; Polish, 159; Israeli, 134, Filipino, 130; Moroccan, 122; German, 114; French, 101; Indian, 94; Italian, 84; Swedish, 73; Romanian, 71; 2905 Dutch, 59; Danish, 54; Swiss, 53; Malaysian, 50; American, 46; Bulgarian, 38; Canadian, 37; Brazilian, 36; Hungarian, 34; Austrian 29; Chinese, 29; Russian, 29; Slovakian, 29; Lithuanian, 28; Greek, 24; Belgian, 20; Czech, 19; Ukrainian, 15; Argentinian, 13; Finnish, 13; Estonian, 12; Hong Kong, 11; Latvian, 11; Nigerian, 11; and Australian, 10.

2910 The estimated population of Gibraltar, available online on Worldometer, based on UN sources for 2022 and 2023, is as follows: 2022, 32,649; and 2023, 32,688.

The hon. Member can take his pick of which of those three sources he believes.

Hon. Dr K Azopardi: I thank the hon. Member, but I would rather take the pick of the local statistics office rather than Worldometer; I am not sure who is staffing that operation.

2915 He said that the figure for 2023 is not available until after 31st December 2023, but then he gave a figure of 34,800. That is not a locally compiled figure – is that right? I did not catch whose was the figure of 34,800.

2920 **Hon. Sir J J Bossano:** The explanation for the first part is obvious. That is to say they take the census figures as accurate and then they simply add what has happened with the population in terms of births and deaths and make that adjustment. That would, obviously, only be possible after the close of the year, because it is done on a calendar year basis.

2925 The other is the figure that is produced by the Gibraltar Central Data Depository, which has, as a source, all the government institutions that collect data. The data for immigration, the data for schools, the data for people registered for the GHA and the data for people paying tax and Social Insurance are all collated, and those figures are the ones that produce the very detailed breakdown of nationalities that is not available from the census, which has only four categories, and the figure which is, in fact, different from the one from the census. The census is the result of individuals putting an accurate figure in the returns, so the accuracy of the census figure is 2930 dependent on the accuracy of the people filling in the census.

2935 The other figure is a reflection of putting together, in a program, the population if you look at it from the records of the Employment Service, the tax record, the people entitled to healthcare, the people who pay Social Insurance and the immigration figures. The one that we normally rely on is the census, but we have had the problem for as long as I have been here that we always get, for example, three different figures about the size of the working population because the Employment Service will tell you the people who are in employment, but that generally is incorrect at any point in time because of the delay of terminations being registered. Employers normally register employees straight away when they start work – otherwise, they are committing an offence, and, if they are found with a worker who is not registered, they are then using illegal labour and they are fined – but they do not do it as quickly in terms of informing who has been 2940 terminated. There is always a lack of time between the date when somebody is terminated and

2945 the date when the termination is registered, so that source will probably be incorrect, having more people registered as being here than actually exist. I am giving that as an example. Since that is one of the sources that the computer program uses, it may be that there is duplication in the different sources, and that is why the figure will be different.

Hon. Dr K Azopardi: Can I just understand the Hon. Minister? The figure of 38,000 that he gave for the population in 2022 is drawn from the preliminary information of the census – or not? That is a different figure?

2950 Can I just ask him a second, if I may, just to accelerate it? The Gibraltar Central Data Depository that he talks about – is that an entity? And who runs it? Is it the Statistics Department? Is it under the responsibility of the Statistician?

2955 **Hon. Sir J J Bossano:** A separate department. It is, in fact, people who are compiling information in the context of e-government and trying to rationalise the information that is held in different departments where I think there are difficulties in reconciling because the criteria sometimes are different. It is something that has been going on for a number of years, and because we have a census this year, we will be in a position to do a better job of reconciling the compilation of what everybody else has with what the response has been.

2960 When we get figures that are statistical pictures, the criteria that is used in the collection is not always the same everywhere. In fact, in the case of a census, it is the people who are present on a particular day in a particular year. If you were here the day before or the day after, you do not appear in the census. The others are people whose presence is recorded here for some aspect of their lives, and that is what has been put together in this program. This is something that is very useful, for example, because it also has a distribution of population for looking at traffic, it has a distribution of population for looking at schools and where people with young children are, and it was very useful at the time of COVID to see where there was a concentration of elderly people because it has information in terms of gender and age linked to residence. I just added the extra information to give the hon. Member the fullest picture that I could provide in terms of the information that he wanted. I have just limited myself to the census, but I thought I would give him as big a picture as I could.

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Madam Speaker: Can we move on now, please?

Questions for Written Answer

Clerk: Answers to Written Questions.

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Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to table the answers to Written Questions W52/2023 to W59/2023.

Order of the Day

Standing Order 19 suspended to proceed with Government Motions

Clerk: (ix) The Order of the Day – Government Motions. The Hon. the Chief Minister.

2980

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows:

I hereby give notice of motion, under Standing Order No. 59, to proceed with the suspension of Standing Order No. 19, in order to proceed with Government Motions.

Madam Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT MOTIONS

**Establishment of Select Committees –
Select Committees on Parliamentary Reform, on Constitutional Reform and on work re
departure from the European Union reconstituted –
Select Committees on the Environment and on People with Disabilities established –
Public Bills Committee established**

2985

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Agrees to reconstitute the Select Committee on Parliamentary Reform, the Select Committee on Constitutional Reform and the Select Committee on work related to our departure from the European Union (Brexit);

Resolves and establishes a Select Committee on the Environment which will be chaired jointly by the Chief Minister and the Leader of the Opposition, a Select Committee on People with Disabilities and a Public Bills Committee.

And further resolves that these Committees shall each consist of three Members nominated by the Chief Minister and two Members nominated by the Leader of the Opposition.

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Madam Speaker, I have given notice of this motion after having spoken to the Leader of the Opposition to ensure that the House re-establishes the Select Committees, which it has been working with for some sessions already. There is no need to establish the Standing Committee on Standards. That is one which we will populate but we do not have to establish.

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There is a new committee, the Public Bills Committee, which is a recommendation of the Canepa Commission on Parliamentary Reform that there should be such a committee in the event that there are particularly complex Bills that should be considered in committee before being dealt with by the House.

On that basis, Madam Speaker, I am moving this motion, and later I will move another motion, which will seek to populate these committees with Members of the House. I commend the motion to the House.

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Madam Speaker: I now propose the question in terms of the motion moved by the Hon. the Chief Minister.

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Hon. Dr K Azopardi: Madam Speaker, we will support this motion. We have long taken the view that of course there should be business run by parliamentary select committees. As the Chief Minister says, we have been in discussion as to the amendments that are required to populate these committees. I expressed the hope that going forward in this legislature, unlike the last one, the committees that are reconstituted then do meet. I know the Chief Minister has said that they will. I express the hope that, in fact, they will, and that we will make progress in some of these committees, because progress is needed in many of these areas.

3010

Madam Speaker: Does any other Member wish to speak? In that event, I call on the mover to reply.

3015

Hon. Chief Minister: Thank you, Madam Speaker.

I am grateful to the Hon. Leader of the Opposition for indicating support for this motion. I, too, express the hope that these committees will be able to meet, as they did not under the last Parliament, because I expressed the hope, as I expressed at the Ceremonial Opening, that there should not be another worldwide pandemic and that we might, hopefully, also be able to deal with issues relating to Brexit. I have already indicated, however, additionally, that some of these committees will meet before the end of December. It is for that reason I have wanted to ensure that the motion is moved at this first meeting, so that we can comply with that commitment I gave the House that certain of these committees should be constituted and meet during the course of the next calendar month.

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Madam Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Membership of Select Committees – Amended motion carried

Clerk: The Hon. the Chief Minister.

3030

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Agrees the composition of the Select Committees listed below as follows:

The Permanent Select Committee on Members' Interests:

The Hon. Dr J J Garcia

The Hon. Prof. J Cortes

Two Members nominated by the Leader of the Opposition

The Select Committee on Parliamentary Reform:

The Hon. Dr J J Garcia

The Hon. Prof. J Cortes

The Hon. G Arias-Vasquez

Two Members nominated by the Leader of the Opposition

The Select Committee on Constitutional Reform:

The Hon. F R Picardo

The Hon. Dr J J Garcia

The Hon. J J Bossano

Two Members nominated by the Leader of the Opposition

The Select Committee on work related to our departure from and future relationship with the European Union (Brexit):

The Hon. F R Picardo

The Hon. Dr J J Garcia

The Hon. N Feetham

Two Members nominated by the Leader of the Opposition

The Select Committee on the Environment:

The Hon. F R Picardo

The Hon. Dr J J Garcia

The Hon. Prof. J Cortes

Two Members nominated by the Leader of the Opposition

The Select Committee on People with Disabilities:

The Hon. C Santos

The Hon. G Arias-Vasquez

The Hon. J Cortes

Two Members nominated by the Leader of the Opposition

The Public Bills Committee:

The Hon. F R Picardo

The Hon. N Feetham

The Hon. G Arias-Vasquez

Two Members nominated by the Leader of the Opposition

3035 Madam Speaker, at the time that I consulted with the Leader of the Opposition, he wanted an opportunity to reflect on who should be the Members of the Opposition who should take up the nominated positions that the Leader of the Opposition and I agreed he should be able to nominate Members on. During the course of today, he and I have once again had an opportunity to confer. Hon. Members will have seen, circulated to them a few moments ago, a letter that I have sent you, seeking your leave to move an amendment during the course of this debate to the motion. The amendment would be, as hon. Members can see, to reflect in the body of the motion the names of the individuals that the Hon. the Leader of the Opposition has communicated to me
3040 would be the Opposition nominees for each of those committees. They are set out in the letter, Madam Speaker; I do not think it is necessary for me to read them out. The House has notice in writing, as is required when bringing an amendment to a motion, of who those individuals would be in respect of each of those committees.

3045 Madam Speaker, I therefore move the amendment to the motion as set out in my letter to you of today's date, with your leave, so that the motion would be amended as reflected by that

amendment. In moving the amendment at this stage, I would ask you to now seek the views of anybody else in the House on the amendment.

3050 **Madam Speaker:** I now propose the question in terms of the amendment moved by the Hon. the Chief Minister.

Hon. Dr K Azopardi: Madam Speaker, I only rise to confirm our support for the amendment and to confirm to the House that the names reflected in the letter of 23rd November to Madam Speaker from the Chief Minister accurately reflect the nominees by me.
3055

Madam Speaker: Thank you.

I now put the question in terms of the amendment moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

3060 What the House now has before it –

Hon. Chief Minister: Now, Madam Speaker, the substantive motion with those amendments is the motion that reflects my nominees to the Select Committees and the Leader of the Opposition's nominees to the Select Committees. It will now be a complete motion setting out the names of those Members of the House who will be on each committee, and I now move the motion in the terms as amended.
3065

Madam Speaker: I now propose the question in the terms of the motion as amended, moved by the Hon. the Chief Minister. If no other Member wishes to speak, do I need to call on the mover to reply?
3070

Hon. Chief Minister: Nothing else to add.

Madam Speaker: I now put the question in the terms of the amended motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.
3075

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, despite the fractious moment that we suffered a few moments ago, it is a pleasure to end the first meeting of this House with a unanimous vote in favour of a motion, even if it is a simple motion establishing Select Committees.

I am grateful to all new Members for the way that they have conducted themselves during the course of this first meeting, and I am very grateful to you, of course, Madam Speaker.
3080

I now move that the House should adjourn *sine die*.

Madam Speaker: I now propose the question, which is that this House 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.
3085

This House will now adjourn *sine die*.

The House adjourned at 7.32 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 7.03 p.m.

Gibraltar, Tuesday, 19th December 2023

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The Gibraltar Parliament

The Parliament met at 3 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

PRAYER

Madam Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 19th December 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the Second Meeting of the 15th Parliament, which was held on 22nd and 23rd November 2023.

5

Madam Speaker: May I sign the Minutes as correct?

Members: Aye.

10

Madam Speaker signed the Minutes.

ANNOUNCEMENTS

Pillar Two Qualified Domestic Minimum Top-Up Tax – Statement by the Minister for Justice, Trade and Industry

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Minister for Justice, Trade and Industry.

15

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I rise to make this Ministerial Statement to update our Parliament and our country on an important corporate tax reform.

20

In the Chief Minister's State of the Nation address to Parliament during the 2023 Budget debate, he spoke briefly about the importance of the OECD's Pillar Two Global Minimum Tax initiative, mentioning that this is a significant and important change in international tax. As an inclusive framework member, Gibraltar joined the consensus on these changes and remains firm in its commitment to this day. This demonstrates our priority in complying with international standards and collaborating with the global community in preventing tax avoidance through base erosion and profit shifting. Given the importance of Pillar Two, this Government has dedicated specific resources to the creation of a working group in order to ensure proper implementation domestically.

25

Our initial view on Gibraltar's Pillar Two implementation was that this was expected to apply to accounting periods in in-scope multinational enterprise groups commencing on or after 31st December 2024. This has now changed. The adoption of Pillar Two is a dynamic process, and its global implementation is anything but uniform. Since that parliamentary address, the uncertainty regarding the level of global implementation achievable by 31st December 2023 has continued. Some EU jurisdictions have still not enacted legislation in respect of the latest EU directive on a global minimum level of tax for multinational enterprise groups. Some have even published draft laws as late as November 2023.

We have considered the best implementation plan for Gibraltar. This is an approach all jurisdictions have taken: a roadmap which best suits their individual circumstances. The advice the Government has now received is that as part of its Pillar Two implementation, Gibraltar should first implement a Pillar Two compliant qualified domestic minimum top-up tax ahead of our original schedule, one that becomes effective for accounting periods commencing on or after 31st December 2023. This is not a change to the domestic tax system as we know it. This change will not affect the vast majority of taxpayers in Gibraltar. It will only affect Gibraltar-based subsidiaries and permanent establishments belonging to in-scope multinational enterprise groups that are parented outside Gibraltar and whose parent jurisdiction has adopted the Pillar Two rules.

In my capacity as Minister for Taxation, I am, therefore, announcing today that as early as possible in 2024, Gibraltar will enact the necessary legislation to bring into force this top-up tax, one that is compliant and consistent with the objectives and principles of Pillar Two, the OECD model rules and commentary and other guidance material issued up to and including 31st December 2023. This is one of the aims of the working group we have created. This group of professionals, working in conjunction with a wider pool of expertise in Gibraltar, are well placed to deliver what we need and when we need it by.

I understand that many who are listening may wonder why this is necessary and why the need to introduce it earlier than planned. The answer is simple: we have monitored global implementation, we have seen how this is developing and are taking the steps to ensure Gibraltar is among the early adopter group commencing with their Pillar Two implementation. This is not uncommon. Reforms in international tax are large-scale projects and timetables for jurisdictional implementation must be flexible. The introduction of a top-up tax in Gibraltar is a bridge to full Pillar Two implementation. We have seen how jurisdictions push for rapid implementation of these measures that best suit their individual circumstances. We need to, as well. This is, therefore, a strategic decision by the Government, one that protects our tax base by shielding profits of Gibraltar-based subsidiaries and permanent establishments, preserving our taxing right over these and, in so doing, raising additional and valuable tax revenues for Gibraltar. It effectively creates a safe harbour, allowing the required minimum effective tax rate to be achieved through a top-up tax paid in Gibraltar. Without this top-up tax in 2024, revenue from Gibraltar-based subsidiaries and permanent establishments of multinationals would be subject to the international adoption of Pillar Two outside Gibraltar. If we do not charge the tax, the jurisdiction where the parent company is based will collect it instead. The effect will, therefore, be practically neutral for those multinationals. It is an important and crucial step, a step towards our full implementation of Pillar Two, and one that has the approval from the OECD Secretariat Pillar Two team, cementing our participation in international efforts to address tax challenges whilst allowing Gibraltar the flexibility to continue to monitor how the international landscape in this space evolves. The Government will be releasing an official notice and press release on the introduction of this top-up tax and will continue to provide guidelines and a clear channel of communication for those affected as we continue with our implementation of Pillar Two. We emphasise this will have no effect at all but for the smallest number of Gibraltar entities.

Madam Speaker, a resilient economy depends on more than just our tax competitiveness, but also on ensuring we continue to raise tax revenues from large businesses in accordance with international tax rules to allow us to be able to pay for our high-quality public services and education, among other things, and support other areas of government expenditure. With a

limited labour pool, we must equally continue to invest in skills, especially digital skills development, and encourage our young people to join the lucrative financial sectors in Gibraltar.

80

In our commitment to alleviate the tax burden on our citizens, we aim to raise revenues from large corporations that thrive in Gibraltar, sharing in the benefits of our regulatory environment, business opportunities and unique lifestyle. This ensures a fair and balanced contribution to our community's prosperity. Over the last nine weeks, we have moved quickly in this regard because we believe it is vital for our economy.

85

I will not lie by saying that the pace we have set in the last nine weeks has been easy – the same pace the Chief Minister has set for his Government over the last 12 years. It has required working unsociable hours, including weekends, sometimes inundated by different and competing ministerial priorities. I therefore have to thank the Chief Minister for his unwavering support and guidance despite his own hugely demanding schedule, as well as the officials within my Ministry. In particular, I would like to thank the Commissioner of Income Tax, John Lester – not a week has passed without a meeting with him, often more than one, and countless exchanges; also, the Tax Working Group members for their expertise and time, as well as the advisers we have consulted and the stakeholders we have spoken to.

90

95

I am obliged, Madam Speaker.

Madam Speaker: Thank you.

I will explain, for the benefit of the newer Members of the Opposition, that following the making of a Ministerial Statement, Members of the Opposition may ask questions for the purposes of clarification on any aspects of the Statement made. However, whilst questions may be asked and very brief comments made, they should not be made the occasion for immediate debate.

100

Does anyone wish to ask a question? The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker.

105

May I start by thanking the Minister for an advance copy of his Ministerial Statement and, of course, for the making of the Ministerial Statement, something which I have long advocated in this House; it makes the business of this House a lot easier.

May I ask the Minister for various points of clarification without going into too much technical detail, because, as the Minister will be aware, this is not something that is Tax 101 but probably Advanced Tax, which is not to everybody's taste.

110

In terms of this working group, as far as I am aware, there has been no public consultation issued on this. If I am wrong, I am happy to be corrected. Could he provide some information as to the members of this working group and how they were identified? Also, given that they have had approval from the OECD –

115

Madam Speaker: Let's take one question at a time, so that we can keep our minds on that.

Hon. R M Clinton: As you wish, Madam Speaker.

120

Madam Speaker: Let the hon. Member answer that question, and then I will let you ask the second part of your question.

Hon. N Feetham: Thank you very much to the hon. Member opposite. Yes, the working group was set up by my predecessor, Albert Isola, in consultation with the Finance Centre Council, I believe, and certainly in consultation with the wider industry. It pre-dates my time in office.

125

I think you have also asked about the composition of the working group. I have the names here and I am very happy to disclose the membership of the working group. Apart from representatives of the Income Tax Office, they include Mr Vikram Khatwani, a tax partner at Deloitte; Adam Craig, who I understand works in the gaming industry in Gibraltar; and Neil Rumford, who is a practitioner at EY. I am absolutely assured – and need not obtain any assurance in relation to this

130

because I know these gentlemen myself professionally – that they are of the very highest standard in the area of taxation.

The working group has met in order to discuss the proposal that comprises the Statement that I have made to Parliament, and they have been very supportive of the Government's initiative.
135 We have also consulted other stakeholders and sought advice from third parties, Madam Speaker.

Madam Speaker: The Hon. Mr Clinton, you had a second question.

Hon. R M Clinton: Yes, Madam Speaker. I was going to roll them up because once I sit down,
140 normally I cannot stand up again, but as you wish.

Thank you very much to the Minister for identifying the members of the working group, and certainly I recognise those names, too, as being experts in the field of tax.

May I ask the Minister two separate questions – easy ones: is this working group remunerated at all; and when was the working group set up?
145

Hon. N Feetham: Madam Speaker, I do not know the exact date on which the working group was set up; all I know is that it was set up by my predecessor, Albert Isola. I understand it may have been a few months before the General Election.

I think you asked whether the working group is remunerated: my understanding is that the
150 working group is not remunerated.

Hon. R M Clinton: Madam Speaker, I am grateful to the Minister for his answer.

In terms of the work that has been done in assessing the top-up tax, does the Minister have any sense of the level of the top-up tax and how much potential tax revenue could be raised by
155 this top-up tax?

Hon. N Feetham: The level of top-up tax, Madam Speaker, will obviously depend on the application of the relevant rules. The OECD global rate of tax is 15%, so what is being proposed is that Gibraltar taxes the difference between the Gibraltar headline rate of tax of 12.5% through
160 the effective rate of tax in individual circumstances and the global rate of 15%. I emphasise the obvious point that if we were not to tax that difference, another jurisdiction outside Gibraltar would do so, and therefore we are putting Gibraltar in a position where we do not leave money on the table, so to speak.

You have asked whether we have assessed the level of revenues that we will raise. That is a
165 difficult question at this stage. What we have done is looked at individual circumstances, and from our consultation of stakeholders we believe that the *minimum* amount that will be raised is in the region of £6.5 million. That is the minimum. We expect that the actual amount will be significantly higher than that, but it depends on the level of profitability, clearly, and the number of companies that fall within the scope of the relevant Pillar Two rules.

170

Madam Speaker: Does any other hon. Member have any questions?

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the
175 Annual Report of the Gibraltar Police Authority for the year ended 31st March 2023.

Madam Speaker: Ordered to lie.

Questions for Oral Answer

INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT

Q687/2023

New fire station – Facilities for female firefighters

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Questions to the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.
180 **Question 687/2023. The Hon. J Ladislaus.**

Hon. J Ladislaus: Madam Speaker, will plans for a new fire station ensure the provision of facilities for female firefighters?

185 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, yes.

190 **Hon. J Ladislaus:** Madam Speaker, can the hon. Member give more specifics as to the exact facilities that will be included?

Hon. L M Bruzon: Madam Speaker, in relation to female officers or facilities in general?

195 **Hon. J Ladislaus:** My apologies, in relation to female officers.

Hon. L M Bruzon: Madam Speaker, all facilities generally – toilets, showers and sleeping facilities – will be for both men and women officers.

200 **Madam Speaker:** Next question.

Q688/2023

Lathbury Sports Complex – Plans for cafeteria facilities

Clerk: Question 688. The Hon. E J Reyes.

Hon. E J Reyes: Madam Speaker, does Government have any plans to provide cafeteria facilities at Lathbury Barracks Sports Complex?

205 **Clerk:** Answer, the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, yes.

210 **Hon. E J Reyes:** Madam Speaker, could the Minister enlighten us on what type of cafeteria facilities he envisages? I will help him along with the answer. It is outdoor sports facilities in the

main part, but there are some indoor facilities, like the swimming pool area and so on. Could the Minister enlighten us on what type of cafeteria facilities are on the drawing board at the moment?

215

Hon. L M Bruzon: Madam Speaker, at present, Government is exploring options, but there are definitely plans for cafeteria facilities within the sports complex.

220

Hon. E J Reyes: If I can home in a little bit, Madam Speaker, are they going to be indoor facilities or outdoor facilities? The weather there, unfortunately, can be quite chilly during the winter months.

Hon. L M Bruzon: Madam Speaker, definitely indoors. There is already an area assigned to that.

225

Madam Speaker: Next question.

Q689/2023

Bayside Sports Complex – Upgrade to hockey pitch and related facilities

Clerk: Question 689. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of its plans and expected completion dates in respect of an upgrade to the present hockey pitch and related facilities at Bayside Sports Centre?

230

Clerk: Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, at present, the GSLA are in discussions with the Gibraltar Hockey Association in relation to the type of surface to be installed given that there have been developments on the international stage. Once the preferred surface of choice is determined, the proper procurement process will be initiated.

235

Hon. E J Reyes: I am grateful for that answer, Madam Speaker.

240

The Minister has rightly said that he is in discussions with the Hockey Association in respect of the hockey pitch surface and so on, but my question said, 'present hockey pitch and related facilities'. Are there any plans envisaged for enhancement of changing room and showering facilities and so on?

245

Hon. L M Bruzon: Madam Speaker, at present, the request from the Hockey Association is for new turf.

Madam Speaker: Next question.

Q690/2023

GSLA accessible swimming pool – Cancellation of allocations

Clerk: Question 690. The Hon. E J Reyes.

250 **Hon. E J Reyes:** Can Government provide information on why it was necessary, from October 2023 to date, to cancel allocations at the GSLA's accessible swimming pool, with details of all dates when these cancellations were necessary, together with a breakdown of costs incurred?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

255 **Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon):** Madam Speaker, there was a malfunction with the lighting system at the accessible swimming pool. Only the evening sessions after 6.30 p.m. were affected. Full repairs were completed during the week beginning 4th December given that these had to be scheduled with other existing works. These
260 works were undertaken by the Gibraltar Electricity Authority at no extra cost, as they were undertaken during working hours. The pool is now fully functional.

Hon. E J Reyes: Thank you, Madam Speaker. I did ask for some sort of breakdown of costs related. Obviously, I take it as an expense that had to be met by the GSLA, and if carried out by
265 the Gibraltar Electricity Authority, an invoice must be forthcoming.

Hon. L M Bruzon: Madam Speaker, the information I have is that it was undertaken by the Gibraltar Electricity Authority during their working hours and therefore there was no cost to the
270 GSLA.

Hon. E J Reyes: I am grateful for that, Madam Speaker. Should the Minister find in the future that there were costs incurred, would he please update this House? My experience, having once held that portfolio, is that even though the repairs may be carried out during normal working hours, the Electricity Authority does tend to raise invoices. I know they were forwarded in respect
275 of the Bayside Sports Complex. May I have an assurance from the Minister that they will update the House as and when he gets an invoice?

Hon. L M Bruzon: Madam Speaker, yes, of course.

280 **Madam Speaker:** Thank you.
Next question.

HOUSING AND THE UNIVERSITY OF GIBRALTAR

Q691/2023

Elliot's Battery –

Refurbishment completion date

Clerk: Questions to the Minister for Housing and the University of Gibraltar.
Question 691. The Hon. the Leader of the Opposition.

285 **Hon. Dr K Azopardi:** Madam Speaker, when will the refurbishment of Block 20 of Elliot's Battery be completed?

Clerk: Answer, the Hon. the Minister for Housing and the University of Gibraltar.

290 **Minister for Housing and the University of Gibraltar (Hon. P A Orfila):** Madam Speaker, Block 20 of Elliot's Battery is a private estate and, as such, falls outside the remit of the

Government Housing Department. It is respectfully suggested that the hon. Member direct his question to the relevant management company.

Thank you.

295

Hon. Dr K Azopardi: Madam Speaker, I note what the hon. Member says, but even so, it was, she will know, part of their manifesto in the 2019 election. It was said that the Government had assisted the management company in upgrading and refurbishing the estate. It was said as a political statement and a political commitment. Therefore, I am asking, given that there was that statement made in their political manifesto in 2019, why it is that, of all the blocks, our information is that Block 20's works are unfinished. Given that they had made a political statement and a commitment, one would have thought that they would have sought to find out whether the works had been finished to the satisfaction of all the blocks.

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305

Chief Minister (Hon. F R Picardo): Madam Speaker, the question relates to a time when the hon. Lady was not a Member of this House. The commitment of the GSLP Liberals in the 2019 General Election was to fund the works but not to run them, so in this instance we are not dealing with the refurbishment of a government estate which is run by the Government, we are dealing with the assistance of the management company in the refurbishment of a private estate. That refurbishment is run by the management company of the estate. The funding is provided by the Government on terms. In other words, it is a soft loan if there are improvements which are in keeping with the Government's policy, which there were, and we are working with the management company of Elliot's Battery.

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315

There are other issues outstanding in respect of Elliot's Battery that are ongoing, but the extent of the finished works, whether there is something still outstanding to be done, is not something that is in the purview of the Government, even in the context of the manifesto commitment that we acquired in 2019, spent four years delivering on and will continue to deliver on in respect of the lifetime of this Parliament if there is still anything outstanding to be done, which would come to us from the management company.

320

Hon. Dr K Azopardi: Madam Speaker, their manifesto commitment in 2019 actually reads:

We have assisted the management company to refurbish the estate and will continue to work with them in upgrading Government infrastructure in the area. The estate now looks much more modern and attractive than it used to and this will have added great value to the properties in this area.

325

I fully appreciate that this is a private estate, but given that the Government stated that they will continue to work with the management company and had assisted in funding the refurbishment, did the Government not show an interest in continuing to work with the management company in finding out whether the works had been carried out to all the blocks, as was envisaged? Given that the information that we have received on this side of the House is that the works to Block 20 are unfinished, will the Government now work with the management company and find out whether those works have been completed in accordance with, presumably, the funding that the Government provided?

330

Hon. Chief Minister: Madam Speaker, I am delighted to go back five years, to 2019, to debate with the hon. Gentleman what the extent of that manifesto commitment was, but I will gently remind him that we won the election of 2019 on the basis of that commitment and we won the election of 2023, too.

335

The commitment that he has read out is that the Government will continue to work with the management company on the upgrading of the government infrastructure there, and yet his question is about Block 20 in Elliot's Battery. His supplementary, however, ends by asking me whether we will take an interest now in quizzing the management company as to why they have

not finished the refurbishment of Block 20. Well, the commitment is very clear. When the
340 management company comes to us and says, ‘We have finished the refurbishment of Block 20.
There is still an amount to be paid under the terms of the soft loan: will you provide the soft loan
funding?’ we will, of course, provide it, but we are not running the refurbishment of Elliot’s Battery
Estate because it is not a government estate. The management company has to run it. What we
say in what he read that we would continue to do is deal with the government infrastructure, and,
345 as far as I understand, the government infrastructure aspect has been dealt with and completed;
I have been there on a number of occasions to interest myself in how that government
infrastructure has been laid and completed.

If the hon. Gentleman thinks that the Government should, in 2023, in exercise of a manifesto
commitment of 2019, now go and police the people we have been working with – who have done
350 a magnificent job in the refurbishment of Elliot’s Battery, which looks completely different to what
it used to look like and value has, therefore, been added to those properties – he is a much more
interventionist Chief Minister than I ever have been.

Madam Speaker: One last question and we are done with this subject.
355

Hon. Dr K Azopardi: Madam Speaker, it is not about going back five years. Five years on we are
receiving information that the projected refurbishment of one of the blocks of Elliot’s Battery has
not been finished. Given that the Government announced that it had provided financial assistance
for the carrying out of works to Elliot’s Battery and promoted how great the work was, what we
360 are asking is for the Government to take an interest, given that they provided funding and public
moneys were used for that purpose, to ensure that the works were all carried out. Will he do that?

Hon. Chief Minister: Madam Speaker, the point I am trying to make to the hon. Gentleman is
this: we have provided funding for the works that the management company has wanted to carry
365 out. We are not saying that the management company should do A, B, C or D, or Block 20 or Block
21. We are saying if the works comply with certain criteria, then they are eligible for funding ...
Well, not funding, it is a low-cost loan. It is paid back on the basis of the service charges, but it is
paid back. Therefore, the point I am trying to make to the hon. Gentleman about the manifesto
commitment – not of this administration but of the one that has already ended – is that it was to
370 assist the management company to do that which *they* believed should be done when *they*
believed it should be done. We have done that.

I have continuing discussions with Elliot’s Battery management company on other aspects. If
there is anything still to be dealt with in the context of the refurbishment, I am sure they will bring
it to our attention, but it is not for us to bring it to their attention, as the hon. Gentleman is
375 proposing. I am perfectly satisfied that the works that have been done have been in keeping with
the obligations that the management company acquired with the Government at the time that
we agreed to provide the assisted funding, and I believe that the people in Elliot’s Battery
management company are responsible people who have wanted to do the best by all of the
tenants, and the evidence is there to be seen.

380
Madam Speaker: Next question.

EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

**Q692/2023
Bruce's Farm –
Waiting time**

Clerk: Questions to the Hon. the Minister for Equality, Employment, Culture and Tourism.
Question 692. The Hon. A Sanchez.

385 **Hon. A Sanchez:** Can the Government clarify whether there is a current waiting time for individuals intending to commence the programme at Bruce's Farm; and, if there is a waiting period, could the Government furnish details regarding the duration of this waiting time?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

390

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the waiting list for individuals awaiting entry into Bruce's Farm is currently one to seven weeks. The waiting time is only pertinent for those service users who, following assessment, require treatment to start with detox under strict medical supervision. There are no waiting lists for entry into Bruce's Farm for service users who do not require the medical detox first. There is also no waiting list for service users who undertake their rehabilitation under the same therapeutic programme in the community.

395

Hon. A Sanchez: Madam Speaker, I am grateful for that answer. Could the hon. Member clarify what they are doing to reduce the waiting times for access to the detox programme? We are receiving concerns from individuals and their families as to the number of weeks that they have to wait to access Bruce's Farm. The delay is actually not with direct entry into Bruce's Farm but, as he has clarified, with access to the detox period and beds in Ocean Views, so could he expand further on what they plan to do to reduce this waiting time?

400

Hon. C P Santos: Madam Speaker, by 8th January the five people on the waiting list will be seen to, at least in a preliminary meeting with the multidisciplinary team. Currently, we are looking for an expansion of availability of beds in order to go into the detox programme before Bruce's Farm.

405

Hon. Dr K Azopardi: May I ask what is the capacity of beds there?

410

Hon. C P Santos: There is no set number of beds at the moment. We have one available. We are trying to access two extra ones, but we are finding plans to move the people who are in the beds into other programmes.

415

Madam Speaker: Next question.

**Q693-94 and 702/2023
Supported Employment Scheme –
Adherence to UK supported employment model; inclusive apprenticeships/internships;
number of individuals assisted**

Clerk: Question 693. The Hon. A Sanchez.

420 **Hon. A Sanchez:** Does Supported Employment Company Ltd adhere to the supported employment model practised in the UK?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

425 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, I will answer this question together with Questions 694 and 702.

Clerk: Question 694. The Hon. A Sanchez.

430 **Hon. A Sanchez:** Are there locally facilitated inclusive apprenticeships and supported internships; and, if so, could the Government provide the figures for the number of individuals currently participating and the date of commencement of their said apprenticeship/internship?

Clerk: Question 702. The Hon. the Leader of the Opposition.

435 **Hon. Dr K Azopardi:** Madam Speaker, how many different individuals have been assisted under the Supported Employment Scheme from 1st January 2012 to 1st January 2023?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

440 **Hon. C P Santos:** Madam Speaker, in answer to Question 693, Supported Employment Company Ltd is modelled on the UK model of supported employment, though some of our protocols differ due to size, population, culture and employability opportunities.

445 In answer to Question 694, Supported Employment Company Ltd currently employs 65 persons with supported needs throughout our community. They do not specifically follow internships and/or apprenticeship programmes, but instead are learning on the job.

In answer to Question 702, I can confirm that 97 individuals have been assisted by the Supported Employment Scheme in this period.

450 **Hon. A Sanchez:** In relation to supported employment and the model that it follows, would the hon. Member have any information about how many trained and qualified job coaches are employed under Supported Employment Company, what qualifications and training they have received and where they have acquired these?

455 **Hon. C P Santos:** There are five steps to follow in the UK model. We follow four. We are in the process of training our job coaches. This is a process that started from when I came into office in October.

460 **Hon. A Sanchez:** Just to clarify, the hon. Member is stating that the job coaches are being trained now?

Hon. C P Santos: Madam Speaker, no, they are not being trained now. We are finalising what the processes are. We have identified some members of our staff who will be getting training for this, but the training of the job coaches is not taking place right now.

465 **Hon. A Sanchez:** If the hon. Member could answer my question, perhaps: how many job coaches are there who are actually trained and qualified as job coaches in the Supported Employment Company? What is the complement of actual trained and qualified job coaches?

470 **Hon. C P Santos:** Currently, we do not have any trained job coaches. We have a team of four who are assisting with the supported employment programme, but as I mentioned, we have

identified two new members of staff whom we want to train to continue this job, as we are now securing following the supported employment model of the UK.

475 **Hon. A Sanchez:** Just to clarify, you have a Supported Employment Company that has been running for several years, but you have, currently, no trained and qualified job coaches and you are now training them – that is the position?

480 **Hon. C P Santos:** You mentioned how does it run now. Right now, since I came into office, we have started to follow the model. We have run Supported Employment Company differently. I am now looking at a different model to continue, seeing as the needs seem to be expanding, and as a succession plan and seeing what numbers we are hopefully going to have to cater for. We are looking at remodelling how we are going to continue working with the Supported Employment Company.

485 **Hon. A Sanchez:** Since the model is being reviewed and you are changing the way that it works, do you have any plans to publish any guidelines, such as the ones that exist in the UK, to give the general public some more information in relation to the process, the model that is being followed, the criteria, etc?

490 **Hon. C P Santos:** Yes.

Hon. Dr K Azopardi: Madam Speaker, in my question, which is Question 702 – just to be clear, so that we are not talking at cross purposes and the Minister has answered the precise question that I was looking for – I asked for different individuals. He has given the answer 97, so these are 495 97 different individuals throughout the 12-year period? That is correct, isn't it?

Hon. C P Santos: Madam Speaker, that is correct.

500 **Madam Speaker:** Next question.

Q695-97/2023

Morocco –

Actions to secure tourism and business opportunities/air and sea link services

Clerk: Question 695. The Hon. G Origo.

505 **Hon. G Origo:** Madam Speaker, what specifically is the Minister for Tourism doing to secure tourism and business opportunities with Morocco?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I will answer this question together with Questions 696 and 697.

510 **Clerk:** Question 696. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government confirm whether it has received any proposals yet from private entities for the provision of links by air and sea to Morocco?

515 **Clerk:** Question 697. The Hon. G Origo.

Hon. G Origo: Can the Government explain how it proposes to entice air and sea links to Morocco? How would the Government ensure that the continuous running of such a service is maintained, given that these have been available in the past, albeit unsuccessfully?

520

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

Hon. C P Santos: Madam Speaker, in answer to Question 695, I am working with the Minister with responsibility for developing relations with Morocco in order to organise trade missions, both locally and abroad, to further our relationship with Morocco.

525

In answer to Question 696, the re-establishment of air links is something that we are currently pursuing. We have received an initial proposal for air links, but it is still in the early stages and under consideration.

In answer to Question 697, once we established these links to Morocco, we would not leave any stone unturned to ensure the continuous running of such services.

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Hon. Dr K Azopardi: Is the Minister willing to reveal from which airline he has received a proposal?

535

Hon. C P Santos: Not at this stage. It is very early stages.

Hon. Dr K Azopardi: In relation to these trade missions that he has discussed with his colleague Minister, can he elaborate a bit more on the kind of timescale that he intends to launch these trade missions in?

540

Hon. C P Santos: Currently, we are planning on this taking place in the first quarter of the New Year.

Madam Speaker: Next question.

Q698/2023
Shared parental leave –
Timescale re drafting of Bill

545

Clerk: Question 698. The Hon. G Origo.

Hon. G Origo: Madam Speaker, by when does the Government think it will have drafted a Bill with the legislation amendments necessary to allow parental leave to be shared equally between parents of a newborn?

550

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the Government remains fully committed to the introduction of parental leave. There have been a number of operational and logistical issues that have made the process of co-ordinating this challenging. The Government will, nonetheless, fulfil this manifesto commitment as soon as it is feasibly possible.

555

Madam Speaker: Next question.

Q699/2023

**Disability champions –
Plans for introduction throughout the public sector**

560 **Clerk:** Question 699. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government explain its plans on how it proposes to introduce disability champions throughout the public sector for the purpose of ensuring adherence to the responsibilities contained in the Disability Act? Will such responsibilities be further remunerated? If remunerated, what would be the expected cost to Government for the introduction of disability champions to the public sector?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

570 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, training on the Disability Act will be delivered to all departments, so that everyone understands the Disability Act. It is then up to the head of department to liaise with their team and assign a disability champion. All disability champions will then have a meeting with the Supported Needs and Disability Office, whereby they will receive training on how to be a disability champion. Documents are currently being developed to support those in this role. Champions will then have regular meetings with the Supported Needs and Disability Office, as well as direct access to them should they require it.

575 This responsibility will not be remunerated. For example, every department has their own fire marshal, IT liaison officer, first aider, health and safety officer, etc., which are not separately remunerated either. Those with these responsibilities do have protected time within their established work schedule to tend to these issues. In the same way, the disability champions will have specific time assigned to them during working hours, and this time will be protected so as to ensure that this role is being conducted properly.

585 **Hon. Dr K Azopardi:** The Minister mentioned in his answer that documents were being prepared. Can he perhaps elaborate on that? Are these internal guidance documents to civil servants that are being prepared; and, if so, are they going to be also made public, or are they just internal Civil Service documents?

590 **Hon. C P Santos:** Madam Speaker, the documents are intended to be given to those who will become disability champions – guidelines on the Disability Act and how to continue the job in a beneficial way.

Madam Speaker: Next question.

Q700/2023

**Flight service interruptions –
Number and causes**

595 **Clerk:** Question 700. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government provide details as to the number of flights that experienced service interruptions, together with a breakdown of the causes of those interruptions?

600 **Clerk:** Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, yes, I will now provide the hon. Member with a handout of the breakdown requested since my time in office from 12th October 2023, given there have been no specific dates requested.

Answer to Question 700/2023

Period	Diversions	Cause
From 12th October - 31st October	11 diversions (10 Malaga/1 Sevilla)	All due South Westerly winds (crosswinds/turbulence).
From 12th October — 31st October	1 diversion (Malaga)	Inbound flight delayed so late that GIB ATC had already closed for the night as per laid down operating hours.
From 12th October — 31st October	1 diversion (Malaga)	Operating flight crew not certified to operate to GIB.
November	5 diversions (Malaga)	4 due to South Westerly winds (crosswinds/turbulence) and 1 due to mist
1st December — 13th Dec 23	2 diversions (Malaga)	Both due to poor visibility

605 **Madam Speaker:** Perhaps we can move on to Question 701, and when you have had a chance to look at the tables, I will let you ask any supplementaries.

Q701/2023
UK-GIB Tourism Association –
Next meeting date

Clerk: Question 701. The Hon. G Origo.

610 **Hon. G Origo:** Madam Speaker, can the Government confirm whether the UK-GIB Tourism Association has set its next meeting date yet?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

615 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, the UKGTA no longer exists in its original format. We commenced a consultation process and met all relevant stakeholders to establish the relevance of the previous format of the UKGTA and its relevance in today's world, to discuss how to proceed from now on.

620 **Hon. G Origo:** Madam Speaker, if I may just push a little further, there was a manifesto commitment in the hon. Members' manifesto in 2019 which stated that the UKGTA would meet within the first 60 days of the GSLP being elected into office. Can the hon. Member please confirm that there will be no body made up to take over what the UK-GB Tourism Association used to work towards?

625 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the only Members of the Government who contested the 2019 General Election who remain in this House are the Hon. John Cortes, the Hon. Deputy Chief Minister, the Hon. Joe Bossano and myself, and none of us held the portfolio of tourism. We have, all of us together, defended the 2023 General Election manifesto, which, from memory – but I did write it – does not mention the UKGTA.

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Hon. G Origo: Madam Speaker, if I may be helpful to the hon. Member opposite, it is found at page 62 of their 2023 manifesto.

635 **Hon. Chief Minister:** Well, in that case, Madam Speaker, the UKGTA is, as the hon. Member said to him, under review.

Hon. Dr K Azopardi: Can I ask: under review by whom, and who is he discussing the matter with?

640 **Hon. C P Santos:** The UKGTA, as it was, no longer exists; most of the stakeholders are not even active right now. In the first 60 days, I have met all the relevant fields, which are the Hotel Association, all the different tour operators and people from the Airport, and we have decided – the way that tourism is working now, as opposed to 1991 when it was first formed – to hold meetings with all the individual stakeholders, so that we can plan ways moving forward using new technologies which are used now to promote tourism.

645

Hon. Dr K Azopardi: What is the timescale of this launch of a new-style body?

650 **Hon. C P Santos:** We have already met everybody, so now we are continuing meetings. I am meeting in January with the tour operators again, and I am meeting in the first quarter with the Hotel Association, whom I met last month. We are not creating a UKGTA because we found that the way that tourism works in Gibraltar now and the needs of the tourism industry locally are not what they were in 1991, which was a reaction to the Gulf War and that is why it was created. Now we are just moving forward with how social media, digital marketing and all different types of marketing and media are working in the world today.

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Hon. Dr K Azopardi: So, to be clear, there will not be a new body under any new nomenclature formed going forward – is that right?

660 **Hon. C P Santos:** We were in discussions to have representatives from all the different stakeholders in one association. I find it more beneficial to have every single voice heard and I have no issue in meeting all the different stakeholders, so I will just be having more regular meetings with hoteliers, tour operators and everyone, as opposed to having one voice representing a whole association in one organisation. This is my choice. It is a choice I have made that works better for me and the programme I want to continue moving on forward.

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Q700/2023

**Flight service interruptions –
Supplementary questions**

Madam Speaker: We will revert to Question 700. Would the Hon. Mr Origo have any supplementaries on that table, or anybody else on the Opposition bench?

670 **Hon. G Origo:** Madam Speaker, the only supplementary I will ask the hon. Member opposite at this stage is whether he would be minded to provide a copy of the breakdown of the same question but for the whole period of 2023. If he can give it to me written or by email, it would be fine. Thank you.

675 **Madam Speaker:** The answer?

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I have no issue whatsoever with that.

680 **Hon. Dr K Azopardi:** I have one question. In relation to the flights in the period 12th October to 31st October, it says, in the third entry, one diversion to Malaga because the operating flight crew was not certified to operate to Gibraltar. May I ask the Minister to give us a bit more detail about that, if he has the details; and, if he does not have those details, perhaps to take an interest in that issue? I find that entry a bit more surprising than the others. The reasons were the reasons, but to the extent that flights leave the UK when it is known that flight crew are not certified to
685 operate to Gibraltar is a bit more concerning, and perhaps the Minister would show an interest in that and take it up in his relevant discussions with whoever it needs to be.

Hon. C P Santos: Madam Speaker, I will, indeed. I have already made some inquiries about that. A lot of the time it is about the pilot and the certification, but I will find out more information and I will, no doubt, pass it on to you, because this is something to do with a private company and
690 nothing to do with the Government or the Airport but the actual operating company.

Hon. Dr K Azopardi: I appreciate he is taking an interest in the issue. Can I ask him, when he does that, to try to get to the bottom of whether the certification issues are due to specific rules that apply to our Airport – for example, it could be because of the length of the runway; I am not
695 sure, I am speculating – or other things? These issues must be known to the airline – presumably – so it would be helpful when he has those discussions ... I am not sure who he envisages having those discussions with, perhaps the airline or whoever, but it would be helpful if he did get to the bottom of that. Of course, weather issues people will understand, but if they are boarding a plane
700 which cannot land in Gibraltar for other reasons, I am sure that will lead to passenger frustration.

Hon. C P Santos: Madam Speaker, I will get that information and pass it on, but as I said, this has to do with the operating company and there is not necessarily anything that we can do. However, I can gather the information and I have absolutely no problem passing it on to the hon.
705 Member opposite.

Madam Speaker: The Hon. Mr Reyes, do you have a question or has it been answered?

710 **Hon. E J Reyes:** Thank you, ma'am. It was in very similar terms to that of the Leader of the Opposition.

Madam Speaker: So you do not need to answer it, if it is the same question.

715 **Hon. E J Reyes:** Sorry, I was trying to clarify, Madam Speaker, but I appreciate the Minister will answer in the future whether 'flight crew' refers just to the pilot and co-pilot, or the cabin staff.

Madam Speaker: I think that answer has been covered by the Hon. Minister, who will get back to you with all the details.
Next question.

EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE

Q703/2023

Mediterranean Steps and fortifications at top of the Rock – Government's plans and expected costs

720 **Clerk:** Questions to the Hon. the Minister for Education, the Environment and Climate Change. Question 703. The Hon. G Origo.

725 **Hon. G Origo:** Madam Speaker, what plans does the Government have for further improvements to the Mediterranean Steps and the fortifications at the top of the Rock? Can the Government confirm what would be the expected costs of such improvements?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

730 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Government plans to carry out numerous improvements along Mediterranean Steps and some of the fortifications at the top of the Rock. With regard to Mediterranean Steps, these improvements consist of repair works in areas of the path that have been eroded, as well as new balustrading. There are also plans to restore some of the military fortifications along the path and install interpretation panels showcasing the trail's rich natural and military heritage. A similar
735 approach will be adopted for the area known as Mount Misery, located near the Skywalk. This area will benefit from a soft intervention in keeping with its former use and the installation of a range of interpretation panels and visitor information displays.

The exact costs are currently being determined by the Department of the Environment.

740 **Hon. G Origo:** Madam Speaker, could I ask the hon. Gentleman opposite if he could please provide information as to when he would expect the repairs to the path at Mediterranean Steps and the banisters that he has just proposed be installed will be completed? This is an area that is frequently used by many people.

745 **Hon. Prof. J E Cortes:** Madam Speaker, the reason I mentioned the repairs and the balustrading first is because that is what is going to be given priority. The Department is looking at the costs. I would not be able to say exactly when this can be ready; I do not have that information. Obviously, I want it as soon as possible, too.

750 **Madam Speaker:** Next question.

Q704/2023

**Europa Point and Eastside –
Creation of new natural habitats**

Clerk: Question 704. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government provide more details of its plans to create a new natural habitat at Europa Point and the Eastside? Where are these natural habitats going to be created? Who will be contracted to develop them and at what cost?
755

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the new natural habitats at Europa Point will be created by planting native species in areas which are devoid of vegetation. An example of this can be found in the former Du Farol site, which has now become a prominent feature of Europa Point. In addition, new habitats will be created along Europa Advance Road by removing invasive species and thus providing sites for native species to flourish. Part of this work has already started and will continue in the months ahead. These works have been carried out and will continue to be carried out by the Department of the Environment's Nature Reserve and Maintenance teams – in other words, in house.
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765

In relation to the Eastside, plans are being developed to restore the area known as Blackstrap Cove, which now forms part of the Gibraltar National Trail Network. This area will benefit from the installation of a coastal trail, interpretation panels and the removal of construction rubble and invasive species.
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The exact costs of this work are presently being determined jointly by the Department of the Environment and the Technical Services Department. No contractor has been chosen to date.

Hon. G Origo: Madam Speaker, with regard to Blackstrap Cove, the area has been in that condition for a decade now. There are dangerous articles there – sharp, rusty, also asbestos. Will this be a priority for the Government, and will he be able to attach a timeframe to it?
775

Thank you.

Hon. Prof. J E Cortes: That forms part of the plans for the area. In other words, yes, Madam Speaker.
780

Madam Speaker: Next question.

Q705/2023

**Renewable energy –
Gibraltar share at December 2023**

Clerk: Question 705. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government state what is Gibraltar's share of renewable energy as of December 2023?
785

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will refer to the share of installed capacity in relation to the daily demand as follows:
790

average daily demand is 30 MW; installed capacity of photovoltaic cells (PVs) is 3.5 MW. If we take 30 MW as the benchmark, then we have increased to 11.7% installed capacity, up from 10% last year.

795 Of course, the amount of electricity generated by PVs varies due to several factors – amount of sunlight, state of PVs, angle of PVs – so that the actual amount generated will be less. The figures, Madam Speaker, are the installed capacity.

800 **Hon. G Origo:** Madam Speaker, I thank the hon. Gentleman for those figures. I would like to pick up on the fact that he referred a few times to ‘installed capacity’, which, to me, means that it may not be the average of the capacity that these renewable energy sources are actually producing, so is the hon. Member able to provide a figure for how much renewable energy was produced for the year 2023 and the amount of energy produced by non-renewable energy for the same period?

805

Hon. Prof. J E Cortes: I do not have those figures, Madam Speaker. I would be able to look for them, or if he wants to ask a specific question ... Normally we would measure this by means of installed capacity. I do not have the exact figures, but they will be made available.

810 **Hon. Dr K Azopardi:** Madam Speaker, the statistics the hon. Member has given on the 11.7%, which is the renewable energy ... that is produced, presumably, through solar energy, is that right?

Hon. Prof. J E Cortes: Yes, exclusively solar energy.

815 **Madam Speaker:** Next question.

Q705/2023

Private sector energy-efficient renovation – Plans to encourage

Clerk: Question 706. The Hon. G Origo.

820 **Hon. G Origo:** Madam Speaker, how is the Government proposing to encourage energy-efficient renovation in the private sector, which accords with the Government’s health and sustainable city goals?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

825 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the energy-efficient renovation of existing buildings is one of the biggest challenges that we face. Government has engaged with the Gibraltar Sustainable Buildings Group to help develop a strategy for the energy-efficient renovation of existing buildings, including those with heritage sensitivities. This will help to identify the most suitable techniques and technologies for Gibraltar’s different building types, not just in relation to our climate needs but also in respect of their cost effectiveness and their market availability. Barriers to adoption of these techniques and technologies will need to be identified and work done to overcome them. Undoubtedly costs and financing options will be one of these barriers and Government is currently reviewing the existing incentives in place for the improvement of a property’s Energy Performance Certificate (EPC) rating, as well as the installation of micro-renewables, to determine how these could be modified
830
835 to be greater drivers of change.

Madam Speaker: Next question.

Q707-08/2023

COP28 –

Details re trip; implementation of recommendations

Clerk: Question 707. The Hon. G Origo.

840 **Hon. G Origo:** Madam Speaker, could the Government please provide the following details relating to the recent visit to COP28: (1) who comprised the Government's delegation; (2) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (3) who the Minister or any member of the delegation met at each event; and (4) the duration of the trip?

845 **Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 708.

850 **Clerk:** Question 708. The Hon. G Origo.

Hon. G Origo: How will the Government respond or envisage implementing the recommendations emerging from COP28, and what impact will this have on its own 25-year environmental plan?

855

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Madam Speaker: Madam Speaker, the Government's delegation comprised me, as Minister for the Environment, Sustainability and Climate Change; Mr Guy Dumas from the Gibraltar London Office, who acted as my PA; and Ms Catherine Walsh, a Technical Scientific Officer from the Department of the Environment.

860

The costs can be broken down as follows: air travel, economy, £3,700; hotels, £4,150; and subsistence, approximately £1,240, depending on exchange rate used. There was no entertainment element, other than a small amount for one meal each for two Gibraltar teachers who were resident in Dubai and whom I hosted for dinner.

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We were fortunate to attend a number of events during my time at COP and to meet with a wide variety of people. It is impossible to make a list of each person in each event. However, some of the key people I met were: the Hon. Graham Stuart, Minister of State for Energy Security and Net Zero; the Hon. Mark Harper, Secretary of State for Transport; Therese Coffey, previous Secretary of State for Environment, Food and Rural Affairs; Lord Zac Goldsmith, former Minister for Overseas Territories, Commonwealth, Energy, Climate and Environment; Dr Enric Sala, Executive Director of the National Geographic Society; Dr Nicholas Hardman-Mountford, Head of Oceans and Natural Resources, Commonwealth Secretariat; Justin Mundy, Strategic Adviser to the World Resources Institute; Peter Thomson, the UN Secretary General's Representative for Oceans; Kristian Teleki, CEO of Fauna & Flora International; Karen Bearman, Head of Ambassadors and Fellows at WWF; Cynthia Barzuna, Director of Ocean Action 2030; James Shaw, co-leader of the New Zealand Green Party and former New Zealand Minister for Environment; Deputy Jonathan Renouf, Minister for the Environment, Jersey; Deputy Lindsay de Sausmarez, President of the Committee for Environment and Infrastructure, Guernsey; the Hon. Walter Roban, Deputy Premier of Bermuda; the Hon Quincia Gumbs-Marie, Minister of Sustainability, Innovation and the Environment, Anguilla; the Hon. Josephine Conolly, Minister for Tourism, Environment, Maritime, Heritage, Culture and Religious Affairs, Turks and Caicos; the Hon. Peter Biggs MLA, Environment and Public Infrastructure, Falklands; Minister Christine Scipio, Environment, Natural Resources and Planning, St Helena; Premier Natalio Wheatley, British Virgin Islands; the Hon. Crenston Buffonge, Minister of Agriculture, Lands, Housing and Environment, Montserrat; Conrad Jefferies

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and Felicity Morrison from the UK Negotiating Team; and Sarah Crudgington from the UK Pavilion Team.

890 Although as a full party state delegate – a member of the United Kingdom delegation – I was invited for the duration of the whole conference, I did not attend for the full period. The delegation left Gibraltar on Monday, 4th December and returned on Sunday, 12th December

895 In answer to Question 708, it is clear from the discussions held at COP28 and from the text of the deal now agreed that the world must transition away from fossil fuels if we are to stay within reach of the 1.5°C target. Gibraltar has already made commitments in this respect in the Climate Change Strategy, with fossil fuels for energy generation to reduce by 70% by 2045 and the accompanying electrification of the vehicle fleet. The draft 25-year plan also reflects these commitments. Indeed, the COP28 goals are very similar to those contained in our Climate Change Strategy and Climate Change Act, but we will tweak the strategy and amend the draft 25-year plan to reflect this. Gibraltar’s electricity network operates in island mode, and therefore, in order to achieve 100% fossil-fuel-free energy will be a challenge. Government will continue to explore possibilities in this respect.

900 Government will also step up adaptation planning as it becomes increasingly clear that some of the impacts of climate change cannot be avoided. Ensuring that our buildings and infrastructure are fit for purpose in a changing climate will be a key focus of this work – relevant, Madam Speaker, to the previous question.

905 Following, also, from COP28, and from the sessions we attended, we will be introducing a new section to the 25-year plan, on carbon literacy. I also signed up to a new initiative launched at COP28, the Global Initiative for the Decarbonisation of Waste, which commits countries to reduce the carbon footprint of waste. This will also be included in the 25-year plan.

910 **Madam Speaker:** That may go down as one of the most comprehensively answered questions. Next time, you may want to be more specific in terms of listing people who were met – but there we go. Anything that follows? Any supplementaries?

915 **Hon. Dr K Azopardi:** Yes, Madam Speaker. On the proposed amendments to the environmental plan, is the Minister, therefore, working on a new document that is going to be published; and, if so, what timescale would there be on that?

920 **Hon. Prof. J E Cortes:** Madam Speaker, the intention was to publish it during the course of this week as a full consultation draft. In view of the changes that we have to carry out to reflect COP28, I am expecting to publish it in January. It is now at final draft stage, so we will be publishing it, I suspect, in the first half of January. It is virtually ready but had to be tweaked, as I have explained.

925 **Hon. Dr K Azopardi:** And slightly outside the scope of this but related to that answer, what kind of timescale will be provided in the consultation period? At the end of the day, this is a 25-year plan, so I am sure the Minister will agree that there should be a substantial period for consultation.

Hon. Prof. J E Cortes: I am planning on an eight-week period, Madam Speaker. I think that is not too long, but it is not short either.

930 **Madam Speaker:** Does the hon. Member have a question?

935 **Hon. G Origo:** Yes, Madam Speaker, just a quick one. I noticed that the hon. Member opposite mentioned that during his visit to COP28, one of the things that they discussed and impacted on 25-year environmental plan was a commitment to move away from fossil fuels to a figure of around 70% by the year 2045. Given that only a few questions ago he confirmed that the renewable energy percentage share that we currently hold in Gibraltar can be no more than 11-point-something percent at its highest – because he gave me the best number it could possibly

940 have in terms of capacity – by when does the hon. Member opposite think, for instance, that we
would hit 20% renewable energy in Gibraltar, given that this is something that the Government
opposite has previously promised to attain but has not been able to do so despite having
committed to have attained these levels in the past?

945 **Hon. Prof. J E Cortes:** Madam Speaker, it is a huge challenge for the whole of Gibraltar. It is not
easy to do it for an island community, where our options are limited. It is a challenge that we will
have to do our best to achieve. There is, obviously, the alternative of carbon offset, which in itself
has been very controversial, particularly in this last COP, and the Climate Change Strategy does
take some account of that possibility in the long term.

950 I think the target is a little bit away, and, although it is very challenging and very difficult, we
can only do our best, but it will take a concerted effort from Gibraltar to achieve it. I do not shy
away from that challenge.

955 **Hon. R M Clinton:** Madam Speaker, if I could ask the Minister ... I think I heard him talk about
the impacts of climate change, especially in relation to infrastructure. Could he elaborate or give
an example of the impacts on infrastructure that may already have been identified?

960 **Hon. Prof. J E Cortes:** Madam Speaker, does the hon. Member mean the physical impact in
Gibraltar of climate change? This is actually spelt out in the Climate Change Strategy. It ranges
from more severe weather, with the effects that can have, from flooding to rockfalls, to actual
physical damage, to sea level change, and in fact the Climate Change Strategy shows the impact
of one-, two-, three-, four- and five-metre sea-level change. We are not expecting five metres, but
even two metres could have significant effects on places like the airfield or the North District,
where most of our residential areas are low level. So we can only do what we can. Clearly, as the
Hon. Sir Joe Bossano has said in this House, what we do will be an infinitesimal amount, but we
have a duty to do the best we can.

965 One of the things that I think I was able to do during my attendance at COP, together with
some representatives from other Overseas Territories and Crown Dependencies, is put pressure
on His Majesty's Government to use their influence to insist on the measures, many of which have
been carried out in COP. I think our influence is not just in what we can do in Gibraltar, but taking
the opportunities of the contact that we have been able to make with the national government in
970 the UK to put pressure at conferences such as COP to increase the amount of work that the
international community does in order to ensure that the airfield is not covered over by sea
several times a year.

975 **Madam Speaker:** One last question from the Hon. Mr Sacarello.

Hon. C A Sacarello: Thank you very much, Madam Speaker. I would just like to ask the hon.
Member across the floor ... You mentioned the 25-year plan and the extremely challenging and
admirable target for 70% reduction in fossil-based-fuel energy production, but as you will be
aware, failing to plan is planning to fail. You mention that at the moment we have one source of
980 renewables, which is PV. Would you care to elaborate as to what the plans are for the next 25
years to meet that challenge in terms of diversification of types of renewable energy and what
the Government is doing to invest in bringing different ideas to the table?

985 **Hon. Prof. J E Cortes:** Madam Speaker, this is stretching the supplementary. I have said this
before, publicly, in interviews: solar is the main, the easiest and the cheapest one. The hon.
Member will be aware that there is a plan for the airfield which will considerably increase the ...
or the surrounding area of the airfield. There are other areas in Gibraltar which we already have
earmarked for solar production.

990 Unfortunately, the technology for marine currents is not yet advanced enough to be viable from the investment point of view because of our currents. That has been studied. We carried out a study with the University of the Highlands and Islands as to the strength of the marine currents: they are not strong enough, believe it or not, within British Gibraltar Territorial Waters.

995 There are possibilities in the wind generating field. We have mentioned before carrying out assessments on the possibility of offshore wind, but there are also increasingly small vertical wind generators which are increasingly efficient, and there are areas in Gibraltar where those could go without a negative impact either on the visual landscape or decapitating migrating birds as they fly across the Straits.

1000 So the technology is developing and we are studying all these options, and there are various other things that one can look at. I could give a full presentation with slides, but I do not think we have time for that today.

Madam Speaker: Not today. Next question.

Q709-10/2023

**Vocational BTEC music and acting courses –
Delivery costs**

Clerk: Question 709. The Hon. E J Reyes.

1005 **Hon. E J Reyes:** Can Government provide a breakdown of the delivery costs in respect of (a) Vocational BTEC Music Performance and (b) Vocational BTEC Performing Art (Acting) since September 2023, showing to whom these payments were made?

1010 **Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 710.

Clerk: Question 710. The Hon. E J Reyes.

1015 **Hon. E J Reyes:** Can Government provide the missing information to Question 558/2023 showing payments made for registration fees and equipment since September 2023 related to all BTEC courses, showing to whom these payments were made?

1020 **Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

1025 **Hon. Prof. J E Cortes:** Madam Speaker, the information is as follows in relation to Question 709. Vocational BTEC Music Performance: September, tuition £2,558, zero for registration and equipment; October, tuition £2,558, £390 times three for the registration fees, zero for equipment; November, tuition £2558, zero for registration and equipment.

For the Vocational BTEC Performing Arts (Acting): September, tuition £378, zero for registration and equipment; October, tuition £513, £390 times six for registration CVQO fees paid through GAMPA, zero for equipment; November, tuition £742.50, zero for registration and equipment.

1030 All payments were made to GAMPA, as they pay the CVQO registration fees directly to the examination body and then the Department of Education reimburses them. Students do not pay a registration fee for enrolling in GAMPA.

1035 In answer to Question 710, there was, to my mind, no missing information. However, since the
last Parliament session, the information is as follows. This is almost a repetition of what I have
said, but for completeness I am saying it again: CVQO fees for BTEC in Music Performance was
paid to GAMP A for the amount of £1,170; CVQO fees for BTEC in Performing Arts (Acting) was
paid to GAMP A for the amount of £2,340 – as I said before, this is reimbursement because that is
the full amount that is paid; and £360 registration fee was paid to City & Guilds for Hair and Beauty
Studies Level 2. There have been no payments made in respect of equipment fees to either
1040 GAMP A or Mayfair on Main for the period under question.

Hon. E J Reyes: I am very grateful, Madam Speaker, for the update and that information. Right
at the very end, the Minister has just confirmed that there was no payment for the supply of
equipment in respect of the vocational hair and beauty course. Does the Minister know if it
1045 because no payment has been made to date, or because there have been no payments due during
the academic year 2023-24 because no equipment is needed? It is a question of whether it is
pending or no requisition for equipment has been made.

Hon. Prof. J E Cortes: I believe, Madam Speaker, that no payment was due, but if I am wrong,
1050 I will find out, and in my usual way I will provide that information. However, I do not think payment
was due for those three months, which is specifically the period that the question is referring to.

Hon. E J Reyes: I am grateful for that, Madam Speaker. I think we have that understanding. The
Minister will have the data because, given the way he answered the question last time, you could
1055 see it is normally between September and October in 2020, 2021 and 2022 when these payments
are made, and the question was last answered in November, but I appreciate the Minister ... In
order not to waste parliamentary time, we will wait patiently and see if he does make any
payments. Then he can update us with that information, rather than me having to be inquisitive
every month, because we have a gentlemen's understanding.

1060
Hon. Prof. J E Cortes: Madam Speaker, absolutely, and if the hon. Member cares to remind me
at any stage, either by email or WhatsApp, I would be very happy to check that the information
perhaps has not been given to me.

1065 **Madam Speaker:** Next question.

HEALTH, CARE AND BUSINESS

Q711/2023

Speech and language therapy assistants – Number recruited, by which entity and commencement date

Clerk: Questions to the Hon. the Minister for Health, Care and Business.
Question 711. The Hon. A Sanchez.

1070 **Hon. A Sanchez:** Could the Government clarify how many speech and language therapy
assistants have been recruited to date, have they commenced their roles, and under what entity
have they been recruited?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1075 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the
recruitment process for speech and language therapy assistants has already commenced. Since
September 2023 to date, the GHA has been working on the creation of five senior paediatric
support workers. These new roles will support the Occupational Therapy, Nutrition and Dietetics
and Speech and Language Therapy teams, as well as children and their families, in the delivery of
1080 therapeutic and treatment interventions.

Hon. A Sanchez: Would the hon. Member be able to clarify whether this will alleviate the
concerns that are continuously expressed to us about many families and service users not being
able to access one-to-one therapy services and many non-speaking children who are in need of
1085 these services not being able to access these? Would the employment of these support
assistants – or therapy assistants, as you call them – free up the actual therapists to be able to
deliver these services?

Hon. G Arias-Vasquez: We certainly hope so, Madam Speaker, and we have been working with
1090 the teams to ensure that that is the case.

Hon. Dr K Azopardi: Madam Speaker, may I just ask the Minister to be clear: these are five new
posts? They are not filling vacancies that existed, are they? Are they five new posts? And, if so, I
am not sure I caught from the answer whether they have actually been recruited yet.
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Hon. G Arias-Vasquez: Madam Speaker, they are five new posts and the recruitment process
has been commenced. They have not been recruited yet.

Madam Speaker: One last question.
1100

Hon. J Ladislaus: Madam Speaker, could the learned Minister – the Hon. Minister, and
learned – perhaps just confirm whether she has a timeline as to when these five individuals will
be in post?

1105 **Hon. G Arias-Vasquez:** Madam Speaker, as I have confirmed, the recruitment process has been
confirmed but we have no timeline; it depends on the recruitment process.

Madam Speaker: Next question.

Q712/2023
Care Agency vehicle fleet –
Renewal

1110 **Clerk:** Question 712. The Hon. A Sanchez.

Hon. A Sanchez: When does the Government anticipate renewing the fleet of vehicles of the
Care Agency?

1115 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Care
Agency fleet is constantly under review. They are currently leasing two new vehicles and two
additional buses will be arriving in the first quarter of 2024.

1120 **Hon. A Sanchez:** Would the hon. Member happen to have any figures available for the number of vehicles that have been replaced and the dates when they were replaced?

1125 **Hon. G Arias-Vasquez:** Madam Speaker, we would need specific notice of the question. As I have confirmed, we have received one of the vehicles under the leasing arrangement and we are expecting another one, and two new buses will be arriving in the first quarter of 2024. That is the information I have available.

1130 **Hon. A Sanchez:** And the new vehicles that the hon. Member has mentioned are all vehicles where the costs have been incurred by the Government? None of these are donations that have been made to the Care Agency?

Hon. G Arias-Vasquez: Madam Speaker, I will have to confirm that. I believe that they are costs incurred by the Government rather than donations.

1135 **Hon. A Sanchez:** Does the Government currently have a fleet replacement programme in place for the Care Agency to monitor the vehicles?

1140 **Hon. G Arias-Vasquez:** Madam Speaker, we looked at the Agency, to look at that. There is a programme in place for them to renew the vehicles constantly.

Madam Speaker: Next question.

Hon. G Origo: If I may quickly follow up?

1145 **Madam Speaker:** The hon. Member wants to ask a supplementary? All right.

Hon. G Origo: Thank you, Madam Speaker. Relating to the question on the fleet of vehicles for the Care Agency, could the hon. Member opposite please confirm whether the Government has any intention to renew this fleet of vehicles and make these vehicles electric?

1150 Thank you.

Hon. G Arias-Vasquez: Madam Speaker, as we are updating the fleet we are looking precisely to make most of these vehicles electric.

1155 **Madam Speaker:** Next question.

Q713/2023
Care Agency –
Finance Director post

Clerk: Question 713. The Hon. A Sanchez.

1160 **Hon. A Sanchez:** Can the Government confirm if there is a new Finance Director at the Care Agency?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, yes, there is a new Interim Finance Director, appointed in November 2023.

1165 **Hon. A Sanchez:** Can the hon. Member clarify whether this post vacancy was advertised?

Hon. G Arias-Vasquez: Madam Speaker, this post was filled before my time. I will confirm whether that was the case or otherwise.

1170 **Hon. A Sanchez:** Would the hon. Member be able to also clarify or give us information as to the total cost of this post and whether the post also carries additional costs such as accommodation, travel, etc?

1175 **Hon. G Arias-Vasquez:** Madam Speaker, the salary of the individual is £79,237. It comes with the pension scheme, and the basic salary will increase in line with cost-of-living increases afforded to the public sector. Sick leave is, again, as afforded to the public sector.

1180 **Hon. Dr K Azopardi:** May I just ask the Minister ...? She used the word 'Interim' before 'Finance Director'. Is it because the post is not permanent, or is it because the person in post is not permanent? May I just clarify that? Is this a post that they do not envisage will carry on for a long time, or is it that the person who has been put into the post, which is permanent, is not there permanently because there has not been a proper selection process carried out yet – that needs to finish?

1185 **Hon. G Arias-Vasquez:** Madam Speaker, the use of the word 'Interim' is because the person in post is not permanent.

1190 **Hon. Dr K Azopardi:** I take from that that there is an ongoing recruitment and selection process that is being conducted. Is that right, and what is the timescale for the conclusion of that process?

Hon. G Arias-Vasquez: Madam Speaker, there will be a process held, but we do not know what the timescales for the conclusion of the process will be.

1195 **Hon. Dr K Azopardi:** Have they started the process?

Hon. G Arias-Vasquez: Madam Speaker, the process has not been commenced yet.

1200 **Hon. Dr K Azopardi:** I see. I think, but I am asking the hon. Member to clarify because, in terms of the original answer, she gave a date for when this person had originally been in post. Is that right? Can she refresh our memory on that? And, if so, whatever the date is – and clearly there is an intention to commence this process – does she not have a view of when this will be done?

1205 **Hon. G Arias-Vasquez:** Madam Speaker, the date I gave was November 2023. The process will begin, but it has not commenced yet.

Madam Speaker: Next question.

Q714/2023
Care Agency and ERS –
Senior grade management transfers

Clerk: Question 714. The Hon. A Sanchez.

1210 **Hon. A Sanchez:** Since Friday, 13th October 2023 to date, how many senior-grade management staff members have been transferred to the Care Agency and Elderly Residential Services, and what roles have they assumed?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1215 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, there have been two senior-grade management transfers to the Care Agency since 13th October. The roles are Head of Administration and HR Manager. There have been no transfers to ERS in that time.

1220 **Hon. A Sanchez:** Could the hon. Member clarify whether these individuals hold the same grades as they did in their previous departments?

Hon. G Arias-Vasquez: Yes, that is confirmed.

1225 **Hon. Dr K Azopardi:** Madam Speaker, may I clarify? These two senior-grade management staff members have been transferred to the Care Agency as Head of Admin and HR Manager, and that is because before that date those posts existed and were vacant, or is it that these posts have been created?

1230 **Hon. G Arias-Vasquez:** The posts were created.

Hon. Dr K Azopardi: I see. Having been created, is there an intention to now run a selection process? Are these persons in place in these new jobs on an interim basis pending a selection process?

1235 **Hon. G Arias-Vasquez:** Madam Speaker, that is indeed the case.

Madam Speaker: Next question.

Q715, Q725-28 and Q742/2023
Mental health –
Specialist social workers employed by Care Agency;
child and adolescent specialist psychologist; number of psychologists in GHA;
emergency assistance for crisis sufferers in the community;
creation and location of mental health A&E;
number of children referred as in- and outpatients

Clerk: Question 715. The Hon. A Sanchez.

1240 **Hon. A Sanchez:** How many social workers with a specialisation in mental health assigned to the Mental Health team are currently employed at the Care Agency?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1245 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer the question together with Questions 725 to 728 and Question 742.

Clerk: Question 725. The Hon. J Ladislaus.

1250 **Hon. J Ladislaus:** Madam Speaker, does the GHA currently employ a psychologist specialised in the treatment of children and adolescents?

Clerk: Question 726. The Hon. J Ladislaus.

1255 **Hon. J Ladislaus:** Madam Speaker, what is the current contingent of psychologists within the GHA?

Clerk: Question 727. The Hon. J Ladislaus.

1260 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm what system is in place to provide emergency assistance to an individual within the community suffering from a mental health crisis?

Clerk: Question 728. The Hon. J Ladislaus.

1265

Hon. J Ladislaus: Madam Speaker, what plans are in place as to the creation of a mental health A&E, and where would that be situated?

Clerk: Question 742. The Hon. the Leader of the Opposition.

1270

Hon. Dr K Azopardi: Madam Speaker, how many children have been referred for inpatient and outpatient mental health treatment within the GHA in this calendar year to 12th December 2023, providing a breakdown between inpatient and outpatient figures?

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Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 715, there is one social worker with a specialisation in mental health assigned to the Mental Health team who is currently employed by the Care Agency.

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In answer to Questions 725 and 726, there is one psychologist who specialises in psychological treatment with children and adolescents, based in the Gibraltar Young Minds team. There are currently four psychologists employed within the GHA. The fifth and final post has been recruited and the post holder will commence on 15th January 2024.

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In answer to Question 727, the Mental Health Crisis Pathway was launched on 26th July 2021 and provides emergency assistance to individuals, or concerned family members, within the community suffering from a mental health crisis. The pathway has seven different triage categories, with extensive criteria on what courses of action to take.

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In answer to Question 728, the GHA provides a service for patients in crisis which is managed by the Mental Health Liaison team. They are located just outside of A&E and attend to mental health patients when in crisis. They are also supported by the on-call psychiatrist.

In answer to Question 742, the total number of children who have been referred for mental health treatment within the GHA in this calendar year up to 12th December 2023 is as follows: inpatients, three; outpatients, 309.

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Hon. A Sanchez: Could the hon. Member clarify, given that she has confirmed that there is only one social worker specialised in mental health, whether this particular social worker is facing any

backlog in relation to cases that are assigned to her in relation to mental health and whether the Government is looking to recruit any more social workers with a specialisation in this field?

1300 **Hon. G Arias-Vasquez:** The social worker, as well as carrying a significant caseload, supervises the hospital's social care team and the community social workers. So, even though there is one, she supervises a larger team who, in turn, help the community. To my knowledge, the caseload is sufficiently well managed that there is not a significant backlog, and she spends two to three days with the Mental Health Services herself; so, no, we are not aware of a significant backlog.

1305 **Hon. A Sanchez:** Is the Government looking to recruit any more social workers specialised in mental health?

Hon. G Arias-Vasquez: Madam Speaker, there has been no suggestion that we should.

1310 **Madam Speaker:** Next question.

Hon. Dr K Azopardi: Madam Speaker, I was waiting to see if my colleagues had other questions. May I just ask: on the mental health A&E, is the Minister's answer what it is because they have no plans to create a specific A&E service within a mental health facility? Will it stay at St Bernard's? Is that their policy?

1320 **Hon. G Arias-Vasquez:** Currently, Madam Speaker, the mental health facility in A&E is clinician led, so whatever the clinician feels is appropriate is what is done at that moment in time. If the clinician feels that it is appropriate to deal with them in A&E, they are dealt with in A&E, and if the clinician feels that it is appropriate to take them away to a more private setting, they are taken away to a more private setting. Currently the set-up is felt to be adequate.

1325 **Hon. Dr K Azopardi:** I take from that answer that they do not have a policy position to inaugurate a specific service elsewhere. I think that is what she said. I am giving her the opportunity to answer that, if she may.

1330 **Hon. G Arias-Vasquez:** Madam Speaker, we are looking at community mental health as a whole, but at this stage we have no specific plans to move the A&E mental health facility elsewhere.

1335 **Hon. Dr K Azopardi:** One of the concerns that we get is that you turn up with a mental health crisis in an A&E, which, of course, does have the ability to call on the services of the psychiatrist and so on, and we fully accept that, but that still it is mixed with lots of other services that are being provided at that crisis centre. Sometimes, inevitably, there are waits that have to happen. Mental health crises are very different to crises that affect your physical health. Does the Minister agree that in an ideal situation we should really be moving away from that and having a more specific centre elsewhere to provide that service?

1340 **Hon. G Arias-Vasquez:** Madam Speaker, there is now a single point of contact, which is the 111 service, which triages calls depending on their need. So yes, we do accept that there are different needs for patients suffering from a mental health crisis arriving at the hospital, but that is the point of the triage service. If they are arriving at the hospital and they are arriving at A&E, they will be triaged and they will be dealt with in different ways.

1345 There is a separate facility. There is a room, outside A&E, where patients are taken, where it is felt by clinicians it is appropriate to take them outside the A&E setting. I am told that a fifth of patients suffering from a mental health crisis are taken to this facility.

1350 **Hon. Dr K Azopardi:** May I ask, in relation to Question 726, is the Minister satisfied that the employment of four plus one, who I think she said start on 15th January next year, for five psychologists is sufficient to deal with all the mental health outpatient treatment that there needs to be?

1355 **Hon. G Arias-Vasquez:** Madam Speaker, we are satisfied. We are looking at the complement as a whole, including counsellors, and if it is felt that there is a need to employ more, more will be employed, but at the moment we are satisfied that the present complement is sufficient.

1360 **Hon. Dr K Azopardi:** Is the Minister not receiving reports in relation to the service provided, outside the clinician or official circles that she moves in? I would urge her to consult a bit more widely on that issue and perhaps take the input of service users and the associations that work within this area, because certainly the information that reaches us in relation to mental health ... The most common complaint that I get from people who want to see me is about the lack of follow-up of outpatient services in mental health, so I would urge her to perhaps consult a bit more widely on that issue and I would be grateful if she would agree to do that.

1365 **Hon. G Arias-Vasquez:** Madam Speaker, there was a recent press release which came from my office in which we said that the complaints procedure was actually brought into the Ministry, so that people with issues could come directly to the Ministry to air any such issues. We have been made aware of several issues of this nature and we are dealing with them, but we do feel that the current complement can deal with the issues that are arising.

Madam Speaker: Yes, one last question.

1375 **Hon. J Ladislaus:** Could the hon. Member confirm whether the new role that is being taken up in January is a permanent role or is on a temporary basis, and what contract that individual will be commencing under?

1380 **Hon. G Arias-Vasquez:** Madam Speaker, my understanding is that it is a permanent role, commencing on 15th January.

Madam Speaker: Next question.

Q716/2023
Care standards –
Establishment of independent body to regulate

Clerk: Question 716. The Hon. A Sanchez.

1385 **Hon. A Sanchez:** Is there a plan to establish a local independent body, like the Care Quality Commission, to regulate and moderate care standards?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1390 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, yes, there is.

Hon. A Sanchez: Would the hon. Member be able to attach a timeframe to this, please?

Hon. G Arias-Vasquez: Madam Speaker, that was a commitment made in the GSLP manifesto, and it will be done in the lifetime of this Parliament.

1395

Madam Speaker: Next question.

Q717/2023

**Fostering and adoption court proceedings –
Selection of legal counsel re Care Agency**

Clerk: Question 717. The Hon. A Sanchez.

1400

Hon. A Sanchez: Regarding court proceedings for fostering and adoption cases involving the Care Agency, could the Government clarify the process for selecting legal counsel to represent the Care Agency in these proceedings?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1405

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there are no court proceedings specifically for fostering. Fostering is a care arrangement that may feature in the care plan of a looked-after child. Adoptions are presently private proceedings between parties.

When the Care Agency needs to be represented in court in respect of family law matters, they are represented by an in-house counsel. This work is not outsourced and therefore there is no selection procedure for legal representation.

1410

Madam Speaker: Next question.

Q718/2023

**Care Agency/ERS –
Payments made to employees re grievances/interdictions**

Clerk: Question 718. The Hon. A Sanchez.

1415

Hon. A Sanchez: How many individuals employed by HMGoG and/or Government-owned companies, holding positions in the Care Agency and/or Elderly Residential Services, have received payments or pay-outs related to raised grievances or underlying facts of any interdictions in the past six years, and what are the total costs incurred for each of these cases to date?

1420

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there have been no payments of the description proffered in the question made to individuals fitting the characteristics of those described in the question.

1425

Hon. Dr K Azopardi: I see. Does the Minister have any information in relation to any payments or pay-outs made in respect of people who have been interdicted in the last six years?

Hon. G Arias-Vasquez: Madam Speaker, I do not have any information on that.

1430

Hon. Dr K Azopardi: She does not have information, but she is not saying that there have been no payments – is that right?

1435 **Hon. G Arias-Vasquez:** I am unaware whether there have been any payments. In answer to the question asked, there have been no payments made.

1440 **Hon. Dr K Azopardi:** Presumably the Minister is saying that she considers the question of whether there have been any payments to people who have been interdicted in the last six years a different question, so we would need to file that for her to have that answer – is that right?

1445 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the hon. Members opposite have asked a very specific question in the question that is before the House. The supplementary is the widest possible question, so they are two completely different questions that would require information to be sought in respect of the Care Agency or the GHA, in a way that would require different trawl. Therefore, we would not be able to tell the hon. Gentleman here whether or not the answer to his question is positive or negative, let alone give any data which would be meaningful.

Madam Speaker: Next question.

Q719/2023
Care Agency interdictions –
Number of individuals interdicted, commencement date and costs

1450 **Clerk:** Question 719. The Hon. A Sanchez.

1455 **Hon. A Sanchez:** In relation to interdictions within the Care Agency, could the Government provide a breakdown of (a) the number of individuals within the Care Agency who are currently interdicted, (b) the commencement month and year of interdiction, and (c) the costs incurred so far in relation to each of these interdictions?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule with the information requested.

Answer to Question 719/2023

	No. of Employees	Date Interdicted	Costs
GoG Employee	1	14/05/2020	None
Sub Contracted Employee	1	30/08/2023	None

1460 **Madam Speaker:** It is a very short schedule, so we will not skip a question. I will give you a moment to look at it, in case there are any supplementaries.
Any supplementaries?

1465 **Hon. Dr K Azopardi:** Well, only one, if I may, which is in relation to the Government of Gibraltar employee. If that date is right, if it is not a typo, it suggests the person has been interdicted for three and a half years. Does the Minister have any information as to why that interdiction has taken so long? Is it a disciplinary process or is it another process, and is it ongoing? I am not asking for great detail but just an understanding of it.

1470 **Hon. G Arias-Vasquez:** It is a disciplinary process, an investigation into the matter. It is ongoing, but it should be coming to an end very soon.

1475 **Hon. Dr K Azopardi:** But that person remains a government employee for three and a half years. As I understand the process, although I may be wrong, there is a period of time where someone is interdicted on pay and you then may transition to a time where they are interdicted without pay. Does the Minister know whether that is the case? Has it caused hardship on that particular person because this process is taking so long? What is the reason why it is taking so long?

1480 **Hon. G Arias-Vasquez:** Madam Speaker, the individual involved is on full pay and has been on full pay throughout the period, so there is no hardship. It is an ongoing investigation, so that is the reason why it has taken so long.

Madam Speaker: Next question.

Q720-21/2023
Adult incontinence products –
Supplier; expenditure

1485 **Clerk:** Question 720. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, who is the current provider of adult incontinence products to the GHA?

1490 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 721.

1495 **Clerk:** Question 721. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister provide a breakdown as to the GHA's expenditure on adult incontinence products for the following years: 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-21, 2021-22 and 2022 to date?

1500 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 720, the GHA has a service level agreement in place with Eulabor S.L. for the supply of incontinence products to the hospital. The GHA has recently entered into an additional service level agreement with Trafalgar Pharmacy for the provision of incontinence products for outpatients.

In answer to Question 721. I have handed over a schedule with the information requested.

Answer to Question 721/2023

2013/2014	£315,633.37
2014/2015	£328,100.58
2015/2016	£366,540.16
2016/2017	£397,429.60
2017/2018	£395,518.57
2018/2019	£344,402.66
2019/2021	£894,066.89
2021/2022	£463,672.85
2022/2023	£445,769.74
2023 - (to date)	• £472,660.42

1510 **Madam Speaker:** We will keep Questions 720 and 721 to one side until you have had a chance to look at the schedule, and then I will allow you to ask any supplementaries which follow. We will proceed with Question 722.

Q722/2023
St Bernard's Hospital –
Current capacity

Clerk: Question 722. The Hon. J Ladislaus.

1515 **Hon. J Ladislaus:** Madam Speaker, does St Bernard's Hospital have enough beds on offer within its wards to accommodate the community's current needs?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1520 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, there are sufficient beds to deal with and accommodate patients who require acute clinical input/services.

Madam Speaker: Next question.

1525 **Hon. Dr K Azopardi:** Madam Speaker, may I ask, does the Minister have occupancy level information in front of her, and can she let us know to what extent the current capacity of St Bernard's is occupied for acute secondary care and to what extent it is occupied by persons who are in those beds for non-acute care?

1530 **Hon. G Arias-Vasquez:** Madam Speaker, the information that I have in front of me does not enable me to answer that specific question. What I can say in relation to that question is that there are bed management meetings every Monday to manage beds and to proactively manage the processes. We are aware that there are patients in the hospital awaiting transfer to the ERS and other agencies, but there are enough beds available for any patients requiring services in the hospital.

1535 **Hon. Dr K Azopardi:** She does not have the information on how many beds are non-acute. I accept that. It is a fresh question and we will put it in due course, if necessary.

When she gives the assurance on being satisfied that there is sufficient capacity there, does she have figures on the percentage of beds that are occupied in St Bernard's?

1540

Hon. G Arias-Vasquez: Madam Speaker, I do have the information available; it just was not relevant to the specific question that he asked previously. So if I can give you that information, the overall capacity in St Bernard's Hospital in the year to date has been 62.8%; for the Calpe Ward, the figure is 62.1%; Capt. Murchison, 81.4%; Dudley Toomey, 61.5%; Emily McIntosh, the maternity ward, 18.4%; James Giraldi ITU, 52.4%; the John McIntosh rehab ward, 92%; Rainbow, 15.6%; and Victoria McIntosh, 92.3%.

1545

Hon. Dr K Azopardi: And just to confirm, the John McIntosh Ward is the heavily geriatric ward, I assume?

1550

Hon. G Arias-Vasquez: It is a rehab ward.

Hon. J Ladislaus: In respect of the patients awaiting transfer to ERS, can the hon. Member comment as to how many are awaiting transfer?

1555

Hon. G Arias-Vasquez: Madam Speaker, that figure changes constantly. If the hon. Member opposite provides me with a period, we will provide her with that figure.

Hon. J Ladislaus: Can the hon. Member comment as to the last three months?

1560

Hon. G Arias-Vasquez: I do not have that information available. I have to ask the question, and then I will obtain that information.

Madam Speaker: Next question.

Q723/2023

GHA employees –

Numbers on short-term and zero-hours contracts

1565

Clerk: Question 723. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister provide a departmental breakdown of the number of individuals employed on short-term and zero-hours contracts by the GHA?

1570

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as at 13th December 2023 the GHA had the following bank – zero-hours contract – employed: nursing, 80 employees; medical, two employees; allied health professionals, six employees; ambulance, three employees; admin and support, 11 employees.

1575

Again as at 13th December 2023, the GHA had the following locums on short-term contracts: nursing, 39 employees; medical, 19 employees; allied health professionals, 18 employees; ambulance, three employees.

1580

Hon. J Ladislaus: Madam Speaker, given that such contracts are highly temporary, should we say, in nature, and they often result in a high turnover of staff, which is not in the interests of

service users and just disrupt continuity, can the Hon. Minister comment as to why there is such a large number of individuals working within the GHA still on zero-hours contracts?

1585 **Hon. G Arias-Vasquez:** Madam Speaker, the overall number is not large in the context of the staff of the GHA. These are bank workers. They are workers who are called in on a supply basis. They are workers who are needed to be contracted on this basis for the operation of the hospital.

1590 **Hon. Dr K Azopardi:** So to clarify, the 80 nursing zero-hours contracts are all bank? Is that what the hon. Member is saying? There are none who are actually there employed in any other capacity? These are 80 bank, zero-hours contract workers?

Hon. G Arias-Vasquez: Madam Speaker, that is correct.

1595 **Madam Speaker:** Next question.

Q724/2023
GHA employees –
Number of agency workers

Clerk: Question 724. The Hon. J Ladislaus.

1600 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister provide a departmental breakdown as to the number of individuals employed by the GHA who are agency workers?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1605 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA currently has the following numbers of individuals who are contracted via agencies: domestic, seven; catering, six; Ocean Views, five domestic plus one admin; pathology, one stores labourer plus one admin; pharmacy, one stores labourer; ERS domestic, six; ERS labourers, two; medical, 11; AHP, six; 111 clinical advisers and/or paramedics, two; nursing, 103.

1610 **Hon. J Ladislaus:** Madam Speaker, given that such agencies are usually used to provide cover on a short-term basis, could the Hon. Minister please clarify, once again, why so many individuals – particularly in the nursing sector, as we can see the numbers – are currently being sourced via agencies?

1615 **Hon. G Arias-Vasquez:** Madam Speaker, this is by operation of the hospital. This is the case in most hospitals worldwide. There will always, inevitably, be a certain element of staff employed via agencies.

1620 **Hon. J Ladislaus:** Could I just ask, Madam Speaker, whether the hon. Member could confirm whether making use of agencies to employ staff is considered beneficial to the public purse?

Hon. G Arias-Vasquez: Madam Speaker, the contracting of workers via agencies is necessary in every hospital worldwide. It is necessary to provide a service to the patients. It is an established way of getting workers for the hospital.

1625 **Madam Speaker:** Next question.

Q729-31/2023
Paramedics –
Training; development opportunities; capacity

Clerk: Question 729. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what is the local education pathway, if any, to train new paramedics; and how long does it take for a new paramedic to qualify?

1630

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 730 and 731.

1635

Clerk: Question 730. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what professional development opportunities are available to paramedics both locally and abroad?

1640

Clerk: Question 731. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, are there currently enough paramedics to man the GHA's ambulance fleet and keep up with demand for the service?

1645

Clerk: Answer, the Hon. the Minister for Health Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 729, the GHA is currently working closely with the University of Gibraltar to explore the development and delivery of a paramedic degree locally. It is envisaged that this would commence in September 2024. Currently, a one-year preceptorship/mentorship programme to consolidate practice for returning paramedics after a three-year degree or masters training in the UK is applied locally.

1650

In answer to Question 730, a local MSc in Contemporary Healthcare Practice via the University of Gibraltar was offered to all paramedics working in the GHA. Additionally, in-house courses and CPD updates via the School of Health Studies are also ongoing.

1655

In answer to Question 731, the present ambulance skill-set model used by the GHA provides enough paramedic capability and contingency planning to provide resilience.

Madam Speaker: Any supplementaries? Next question.

Q732/2023
Emergency ambulances –
Transportation of discharged patients

1660

Clerk: Question 732. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, are the GHA's emergency ambulances used to transport patients home when they have been discharged from hospital?

1665

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA's emergency ambulances are not used to transport patients home. The emergency ambulances are only used to transport patients to another healthcare facility.

1670

Hon. J Ladislaus: Madam Speaker, could the hon. Member confirm whether any of the other ambulances are used to transport patients home?

1675

Hon. G Arias-Vasquez: Madam Speaker, if patients are unable to get themselves home because they do not have family members etc, the GHA funds a taxi service to transport a medically fit patient home.

Madam Speaker: Next question.

Q733/2023
Diabetes clinic –
Staffing

Clerk: Question 733. The Hon. J Ladislaus.

1680

Hon. J Ladislaus: Madam Speaker, is there a diabetes clinic manned by a specialist diabetes nurse currently ongoing within the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1685

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA diabetes clinic is currently manned by a specialist diabetes nurse.

1690

Hon. J Ladislaus: Madam Speaker, can the hon. Member confirm as from when that has been the case?

Hon. G Arias-Vasquez: Madam Speaker, I am unable to give a date as to since when that has been the case. It has been the case for quite a while that the specialist diabetes clinic is manned by a specialist diabetes nurse.

1695

Madam Speaker: Next question.

Q734/2023
Knee surgery –
Weekday and weekend surgery cost differential

Clerk: Question 734. The Hon. J Ladislaus.

1700

Hon. J Ladislaus: Madam Speaker, what is the cost to the GHA of carrying out knee surgeries on a weekday in comparison with carrying out the same surgery on a weekend?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1705 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the cost of knee surgery is dependent on a number of different variables, namely complexity, urgency, time taken, type of surgery, equipment required, post-operative ward costs, type of prosthetics required and staffing costs. It is naturally expected that any increase in cost for any knee surgery carried out during a weekend is only due to staffing remuneration rates.

1710 **Hon. J Ladislaus:** Madam Speaker, could the hon. Member please clarify whether there is a difference in cost because one is working over the weekend rather than on a weekday in order to carry out these surgeries? One would expect that to be the case, given that weekends are considered more unsociable hours.

1715 **Hon. G Arias-Vasquez:** Madam Speaker, as I have confirmed, any increase in costs comes from staffing costs.

1720 **Hon. Dr K Azopardi:** Madam Speaker, just to clarify on that issue, unless it is an emergency knee surgery, why would it be the case that you are doing elective or programmed surgery on a weekend?

Hon. G Arias-Vasquez: Madam Speaker, this was an initiative that was brought forward by the clinicians in the GHA. They are waiting list initiatives to reduce waiting times for patients.

1725 **Madam Speaker:** Next question.

Q735-36/2023
COVID Fund –
Spending public donations and consultation thereon

Clerk: Question 735. The Hon. J Ladislaus.

1730 **Hon. J Ladislaus:** Madam Speaker, have or will clinical staff be consulted in respect of what the public donations to the COVID Fund would be best spent on?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1735 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 736.

Clerk: Question 736. The Hon. J Ladislaus.

1740 **Hon. J Ladislaus:** Madam Speaker, now that plans for a new entrance to St Bernard's Hospital have been scrapped, can the Hon. Minister confirm what the public donations to the COVID Fund will be spent on?

Clerk: Answer, the Hon. the Minister for Health Care and Business.

1745 **Hon. G Arias-Vasquez:** Madam Speaker, no decision has been taken as to the future of the COVID Fund. However, as with the entrance proposal, there will be full public and clinical engagement and consultation regarding the use of the COVID Fund, including with the clinical staff.

1750 **Hon. J Ladislaus:** Madam Speaker, does the hon. Member accept that the public was not initially consulted? It was only once the plans were revealed as to the entrance to the hospital that the public outcry was then heeded.

1755 **Hon. G Arias-Vasquez:** Madam Speaker, the public was consulted on the plans, so, no, I do not accept that premise.

Hon. J Ladislaus: Madam Speaker, does the Hon. Minister have a timeframe as to when the decision could be taken as to whether the public donations to the COVID Fund would be spent?

1760 **Hon. G Arias-Vasquez:** No, Madam Speaker, we do not have a timeframe.

Madam Speaker: Next question.

Q737-38/2023

Legionnaires' disease outbreak – Identification and treatment of source

Clerk: Question 737. The Hon. J Ladislaus.

1765 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister specify what steps have been or are being taken to identify and deal with the source of infection in respect of recently reported cases of Legionnaires' disease within Gibraltar?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1770 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 738.

Clerk: Question 738. The Hon. C Sacarello.

1775 **Hon. C Sacarello:** Madam Speaker, can the Government categorically confirm that this mini-outbreak of Legionnaires' disease did not originate from any AquaGib-owned reservoirs or pipes?

Clerk: Answer the Minister for Health, Care and Business.

1780 **Hon. G Arias-Vasquez:** Madam Speaker, we have not identified that any potential sources of infection are in AquaGib-owned reservoirs or pipes. However, as the hon. Member may be aware, following Press Release 872/2023 issued on Friday evening, the Director of Public Health confirmed that a common source of infection had been identified and was immediately isolated. Further assurances from water specialists have been given to confirm that the risk from this
1785 potential source has now been mitigated to the extent that it poses no significant risk of further infections.

1790 **Hon. J Ladislaus:** Madam Speaker, can the hon. Member comment as to what the potential source is?

Hon. G Arias-Vasquez: Madam Speaker, there is an ongoing investigation into this matter and it would be highly irresponsible of me to do so.

1795 **Hon. C Sacarello:** Madam Speaker, could the hon. Member perhaps explain why Reservoir No. 1 was emptied the same day – that Friday that you mentioned – the outbreak was announced publicly, why it was worked on overnight, and what function exactly was being performed that that day and night?

1800 **Hon. G Arias-Vasquez:** Madam Speaker, it must have been for reasons entirely unrelated, because it was not referred to us in any meetings.

Madam Speaker: I have given leave to the Hon. the Leader of the Opposition. All right, the Hon. Mr Sacarello.

1805 **Hon. C Sacarello:** Thank you, Madam Speaker. Does the Government have sufficiently robust water management programmes in place to avoid creating the ideal climate for the future creation of the bacterium *legionella*?

1810 **Hon. G Arias-Vasquez:** Madam Speaker, yes, we do.

Madam Speaker: Does the Hon. the Leader of the Opposition have a question?

1815 **Hon. Dr K Azopardi:** Yes, just on that, because the question of the source of infection being isolated was the subject of a government press release on Friday and reported on Saturday morning, I think it was, and the press release actually says that action has been taken to isolate. I cannot recall the specific phrase used, but the Hon. Minister said something like it was ‘a common source of infection’. Without telling us precisely what it was, can she not elaborate, in the public interest, what that source of infection was? People are concerned about the Legionnaires’ outbreak, which unfortunately and tragically led to the loss of the life of one person, and I am sure
1820 Members opposite join us in expressing our condolences on that issue, but can she not reassure people by giving a bit more information on the source of infection?

1825 **Hon. G Arias-Vasquez:** Madam Speaker, as I have already confirmed, there is an ongoing investigation and we cannot give any more information. What we can say is that the source has been isolated and there is no risk of any further infection.

1830 **Hon. Dr K Azopardi:** I understand that, but I am asking, if she is satisfied at the end of that investigation or at the current point in the investigation that this is the cause of the infection, can she not give a bit more information about that? Ultimately, for them to issue that press release on Friday, they must have been satisfied that it was the source of it, and if they are satisfied that it is the source of it, why not end the public speculation in the public interest and reassure the public?

1835 **Madam Speaker:** I just want to interject here to remind the hon. Member that a question should not be asked whether a press release was accurate or not.

Hon. Dr K Azopardi: I am not sure, Madam –

1840 **Madam Speaker:** I am not sure that that was what you were asking, but for the avoidance of doubt, for the Minister answering, I just highlight that rule.

1845 **Hon. Dr K Azopardi:** Madam Speaker, I am not sure I put it in those terms, but if I did – because I cannot recall – I certainly did not intend it in that way. I thought I was asking the very straight question that I did towards the end of my supplementary.

Madam Speaker: Well, I understood that perhaps you were asking for comment on the press release, but –

Hon. Dr K Azopardi: No.

1850

Madam Speaker: All right.

Hon. G Arias-Vasquez: Madam Speaker, the investigation has not been finalised, it is an ongoing investigation, so we cannot comment any further.

1855

Hon. Dr K Azopardi: If I may probe that a bit, the Government issued a press release and the Minister has stood up in this House, on the strength of that press release, to say that there has been an identification of the source of it. What I am saying is, if she has made that assurance to the people, and given the concern that there is on this issue, can she not reassure the public about the source of it, given her affirmation, in the public interest?

1860

Hon. G Arias-Vasquez: Madam Speaker, in the public interest I cannot say more at this stage.

Madam Speaker: All right. Yes, the Hon. Mr Clinton.

1865

Hon. R M Clinton: Thank you, Madam Speaker. I just have a very brief question. If, as the Minister says, the Government has identified the source, can she at least tell the House whether the source is a public sector source, or is it something in the private sector?

1870

Chief Minister (Hon. F R Picardo): Madam Speaker, we refer all hon. Members to the answer the Hon. Minister gave a few moments ago.

Madam Speaker: Yes, the Hon. Mr Origo.

1875

Hon. G Origo: Madam Speaker, thank you.

Could the hon. Member opposite please clarify? In her statement, a few times, she referred to the common source of infection, but I refer to the press release issued on Friday and the very words ‘a potential common source of infection was identified’, which infers that it may not be the actual source that the Legionnaires’ disease derived from. So could the hon. Member opposite please confirm and clarify that it may not actually be that this common source which has been identified is actually the source which the disease came from?

1880

Hon. G Arias-Vasquez: Madam Speaker, that reflects the issue. I am very grateful that the hon. Member opposite has clarified that it is a potential source at this point. It is a very likely potential source, but we cannot say any more. The investigation is ongoing and it is not in the public interest for me to say any more at this stage.

1885

Madam Speaker: If it is a different question, not on the same issue, yes.

1890

Hon. J Ladislaus: Madam Speaker, following the recent outbreak of Legionnaires’, can the hon. Member confirm whether any extra precautions will be taken in establishments such as schools following the festive period that we are about to come upon, in order to prevent or mitigate this from occurring again?

1895

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): If I may, in relation to schools, the measures are ongoing. There was an incident some years ago, hon. Members may recall, and since then, whenever the schools are closed for any period of time, taps

1900 are left running for the required period and so on. So we are very confident that the schools are well catered for and that there is no danger in schools, since the hon. Member has mentioned schools specifically.

Madam Speaker: Next question.

Q739/2023
GEA vacant posts –
Recruitment

Clerk: Question 739. The Hon. C Sacarello.

1905 **Hon. C Sacarello:** In November's parliamentary session the Government confirmed that there were 30 unfilled vacancies within the GEA, of which 12 were actively being recruited for. Is the Government intending on filling the remaining 18 vacancies; and, if so, when?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1910 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, HMGoG intends to recruit for the remaining 18 vacancies once all vacancies have been advertised internally. The remaining vacancies will then go out to the public for candidates who meet the requirements.

1915 Previous applicants have been found to have been lacking in proficiency. Therefore, HMGoG, in collaboration with the GEA and the Gibraltar College of Further Education, is considering vocational electrical training courses for students, with a view to attaining NVQ level.

Madam Speaker: Next question.

Q740/2023
GEA –
Companies engaged in last financial year

1920 **Clerk:** Question 740. The Hon. C Sacarello.

Hon. C Sacarello: Would the Government please confirm the names of the 12 companies that the GEA engaged with in the last financial year?

1925 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

1930 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the names of the 12 companies that the GEA engaged in the last financial year are International Site Services, Bruno Henrique Mendes da Silva, Park Solar One, JMP Systems, Glide Technologies Ltd, Safety Solutions Ltd, Mediterranean Computer Services Ltd, Darktrace Ltd, ABC Services Company Ltd, Mott Macdonald, OSG and Aquagib Ltd.

Madam Speaker: Next question.

1935 **Clerk:** Question 741. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, if I may, I think my colleague has some questions on the incontinence schedule, which is Question 721.

Madam Speaker: I am happy to take that now. We will put this one on pause.

Q721/2023
Adult incontinence products –
Expenditure –
Supplementary questions

1940 **Hon. J Ladislaus:** I am grateful, Madam Speaker, and I am grateful to the Hon. Leader of the Opposition as well, for highlighting that.

Could the hon. Lady confirm whether the provider has changed, in the recent six months or so, as to the incontinence products that are being provided to service users?

1945 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the provider has not changed. There has been further provision to outpatients, which was not there initially, but the provider, Eulabor SL, has not changed.

1950 **Hon. J Ladislaus:** Madam Speaker, can the hon. Member confirm whether the same products are being sourced? I ask this question on the basis that I am receiving complaints from service users that the products are not up to standard, as they were in the past, and therefore they are not benefiting from their use.

1955 **Hon. G Arias-Vasquez:** Madam Speaker, I am unaware of any change of products.

Madam Speaker: The Hon. the Leader of the Opposition had a question?

1960 **Hon. Dr K Azopardi:** Yes, Madam Speaker. I just wanted to ask, because in the original answer to Question 720, the hon. Lady Minister talked about Eulabor – that is the right one, yes? – and then she went on to talk about Trafalgar Pharmacy for outpatients. Does that mean that Eulabor do the inpatients and Trafalgar Pharmacy now do the outpatients, but, before, Eulabor did both of them? Is that right?

In the schedule to Question 721 we have a collective cost. Is there a breakdown that she has between inpatient and outpatient?

1965 **Hon. G Arias-Vasquez:** Madam Speaker, in order to take those two questions separately, my understanding was that previously Eulabor provided all of the incontinence products. There were issues with the provision of services to individuals, and therefore it was sought to rectify that by having a local provider.

1970 I do not have a breakdown of the two figures with me.

Madam Speaker: All right, let's revert to Question 741.

Q741/2023
Flu vaccine –
Number administered

Clerk: Question 741. The Hon. the Leader of the Opposition.

1975 **Hon. Dr K Azopardi:** Madam Speaker, how many people have taken up the offer of this year's flu vaccine to 12th December 2023?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

1980 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, a total of 5,579 flu vaccines have been administered this calendar year up to 12th December 2023.

1985 **Hon. Dr K Azopardi:** Madam Speaker, as a beneficiary of the flu vaccine, I declare my interest. Does the Minister have statistics on how that compares with previous years, and can I invite her to encourage people to take the flu vaccine, as I always did her predecessor?

Hon. G Arias-Vasquez: Madam Speaker, I had my picture taken taking the flu vaccine and I would encourage all Gibraltarians to take their flu vaccine regularly.

1990 In answer to the previous question, in 2019, 2,945 flu vaccines were administered; in 2020, 7,568 flu vaccines were administered; in 2021, 6,077 flu vaccines were administered; and in 2022, 6,822 flu vaccines were administered.

Madam Speaker: Next question.

Q743-44/2023
Prescription glasses –
Pensioner entitlement

Clerk: Question 743. The Hon. the Hon. the Leader of the Opposition.

1995 **Hon. Dr K Azopardi:** Madam Speaker, what is the GHA policy on entitlement to prescription glasses for pensioners?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

2000 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 744.

Clerk: Question 744. The Hon. the Leader of the Opposition.

2005 **Hon. Dr K Azopardi:** Madam Speaker, are pensioners entitled under GHA criteria to prescription glasses for free should they need it whenever their prescription changes?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

2010 **Hon. G Arias-Vasquez:** Madam Speaker, under the GHA's Patient Optical Appliance Policy, Optical (Adults) 2007, persons registered under the GPMS in receipt of an old age pension or elderly person's allowance, or their dependant, are eligible for GHA assistance with the cost of

2015 prescription glasses. The level of subsidy provided is means tested. Therefore, only those persons who meet the policy's criteria and who are on low income will receive a free pair of glasses.

2020 **Hon. Dr K Azopardi:** I see, and that applies to everybody, including pensioners? There is means testing also for pensioners – is that right? The mere fact that someone is a pensioner does not automatically mean that they are given prescription glasses for free – is that what the hon. Member is saying?

Hon. G Arias-Vasquez: Madam Speaker, unfortunately, I do not have that level of information on me today. Again, I can clarify that.

2025 **Hon. Dr K Azopardi:** Madam Speaker, the question is quite specific. My questions are only about pensioners, both of them: whether they are entitled to get glasses for free. She has given an answer in relation to a policy and explained that the policy is means tested, and in my supplementary I just ask does that mean that the means testing policy that she has described applies to pensioners, because my questions are only about pensioners. I do not think she needs notice of that.

2030 **Hon. G Arias-Vasquez:** The information that I have been given says that persons in receipt of an old age pension or elderly person's allowance are eligible for GHA assistance with the cost of prescription glasses, so I think that answers the hon. Member's question.

2035 **Hon. Dr K Azopardi:** Well, I would ask her to perhaps check that, because the information that we are receiving – and the information may or may not be accurate, but it is the source of the question and I am inviting her to review the issue, if that is so – is that some pensioners are being told that they are entitled to get prescription glasses for free, but only if their prescription changes within a certain number of years, and that if it changes more frequently than three, four or five years, they are not entitled to get their prescription glasses for free. So to the extent that people are receiving information like that, the Minister can assure people that that is incorrect?

2040 **Hon. G Arias-Vasquez:** Madam Speaker, my understanding is that applications for assistance are available every two years, and there is an exception for that considered where there is a clinical need for a change in a person's glasses. The applications, therefore, cannot be every five years as the hon. Member says. However, if there is information that is being received, I would welcome that information to be provided to me, and we will check it. As far as we are concerned, the policy is that applications for assistance are available every two years.

2045 **Hon. Dr K Azopardi:** I see, but I think the Minister has said also 'subject to clinical need'. If someone's prescription changes within two years, does the Minister agree with me that there is, therefore, a clinical need for the prescription to change, and that they would, therefore, be eligible under the saving of that policy?

2050 **Hon. G Arias-Vasquez:** The clinical need arises if there is ocular surgery, eye disease or anything of that nature. I review my own glasses once every two years. In the ordinary course, applications can be made once every two years. If there is a clinical need based on a significant change, i.e. eye disease or ocular surgery, the prescription glasses will be reviewed.

2055 **Hon. Dr K Azopardi:** I see. So something as significant as that; the clinical need does not extend to a simple change of the prescription. Is that right?

2060 **Hon. G Arias-Vasquez:** Madam Speaker, there has to be a *significant* change in the prescription, and the significant change is determined by clinicians.

Hon. Dr K Azopardi: I understand, but given that it is all about the policy, really, can I invite the hon. Member to perhaps reflect on whether the policy should change to allow persons on low incomes to be entitled to changes in prescription for free within the two-year period, precisely because they are on low income?

2070

Hon. G Arias-Vasquez: Madam Speaker, where a clinician determines that there is a clinical need for the review of that prescription, indeed, that is the case, but otherwise the policy remains that every two years there is assistance available for people requiring prescription glasses.

2075

Madam Speaker: Next question.

JUSTICE, TRADE AND INDUSTRY

Q745/2023

HM Prison –

Apprenticeships and courses

Clerk: Questions to the Hon the Minister for Justice, Trade and Industry.
Question 745. The Hon. A Sanchez.

2080

Hon. A Sanchez: Could the Government state whether there are any apprenticeships/courses currently available for those in custody at HM Prison; and, if so, could they provide details of the courses available and the current number of individuals participating in said programmes?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

2085

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, HM Prison Service does not offer any apprenticeships. It offers one-hour evening classes delivered by the College of Further Education in the following subjects: English, Maths, Spanish and French. HM Prison Service also has a workshop for hand crafts/woodwork. At present, we have 50% – 16 inmates – participating.

2090

Madam Speaker: Any supplementaries?

Hon. E J Reyes: Madam Speaker, the one-hour session, is it one hour per week or one hour daily? I am not acquainted with the frequency.

2095

Hon. N Feetham: My understanding, Madam Speaker, is that it is one hour daily. That is the information that I have here, which I have interpreted as meaning one hour daily.

2100

Hon. A Sanchez: Does the hon. Member have any plans to introduce any apprenticeship courses at HM Prison for those who might be interested?

2105

Hon. N Feetham: Madam Speaker, apprenticeships have never been provided in the Prison, mainly as it requires years of training and inmates' sentences fall well below the training requirements, and they are, therefore, unable to complete the course while in prison. Space in the establishment is limited and I believe that a major investment by Government would have to be made in order to provide teachers, materials, machinery and, more importantly, space.

Madam Speaker: Next question.

Q746/2023
Electric scooters –
Number of riders prosecuted

Clerk: Question 746. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, can the Government state how many electric scooter riders have been prosecuted for contravening traffic laws?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

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Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Royal Gibraltar Police have prosecuted 13 electric scooter riders for the offence of driving a personal light electric transporter (PLET) whilst over the prescribed limit of alcohol.

2120

Madam Speaker: Next question.

Q747/2023
RGP inspectors –
Number

Clerk: Question 746. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, how many inspectors does the RGP currently have within its complement, considering any inspectors who are not currently on active duty?

2125

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Royal Gibraltar Police has 14 inspectors, of whom one has been interdicted and two are on sick leave.

2130

Hon. J Ladislaus: Madam Speaker, given the vast number of interdictions in recent months, could the hon. Member clarify whether anything is being put in place to mitigate the shortfall, particularly in terms of senior officers within the RGP?

2135

Hon. N Feetham: I am grateful for the question, Madam Speaker. The absent inspectors are being covered by sergeants acting as inspectors in their stead and by other inspectors covering the rostered duty officers' responsibilities. There is an inspector appointed as the duty officer and on duty during eight hours, and then on call on a 24/7 basis. All inspectors share this responsibility, which occurs on a rotation every 14 weeks.

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Hon. J Ladislaus: Madam Speaker, I am grateful to the hon. Member for that, but could he perhaps clarify who is covering the sergeants who are, in turn, acting inspectors?

2145

Hon. N Feetham: My understanding, Madam Speaker, is that it is police constables who, in turn, cover for sergeants.

Hon. J Ladislaus: Madam Speaker, could the hon. Member then perhaps clarify what is being put in place in order to mitigate the impact of the shortfall that is clearly occurring within the RGP?

2150 **Hon. N Feetham:** Madam Speaker, the Government of Gibraltar continues to support the Commissioner of Police with further resources and has done so by recently starting the employment process for the recruitment of more officers, and for more support staff to release police officers into frontline duties.

2155 I would also like to remind the hon. Member opposite that in answer to the last parliamentary question – how does the Government propose to tackle the shortfall in the Royal Gibraltar Police complement and its impact on policing? – we stated:

the Royal Gibraltar Police has recently employed 16 police officers, who started their police recruit training in September 2023 and should be operationally deployable in March 2024. Furthermore, the RGP has recently conducted an additional recruitment campaign and will soon be employing a further 12 police officers, who will start their police recruit training in January 2024.

2160 In addition, as a supplementary answer to the parliamentary Question 584/2023 in the last parliamentary session, we said, ‘His Majesty’s Government of Gibraltar has also agreed with the Commissioner of Police that the Royal Gibraltar Police should not fall below the complement level’ and, in the new financial year, will be allowed to recruit above the complement level to maintain resilience.

Madam Speaker: Next question.

Q748/2023
RGP officers interdicted –
Number and rank

Clerk: Question 748. The Hon. J Ladislaus.

2165 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm the current number of Royal Gibraltar Police officers who are currently interdicted and their ranks?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

2170 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, there are currently nine police officers who are interdicted: one inspector, three sergeants and five constables.

2175 **Hon. J Ladislaus:** Madam Speaker, could the hon. Gentleman perhaps confirm whether it could be the case that police officers, particularly the more senior officers, could be covered by bringing in officers from other constabularies?

2180 **Hon. N Feetham:** Absolutely, Madam Speaker. In fact, in my last meeting with the Commissioner of Police we discussed that precise subject and I am pleased to report to this House that the Commissioner has identified a number of potential recruits from the United Kingdom at a level that will allow for the replacement of gaps and shortage within the Police Force.

2185 **Hon. J Ladislaus:** Madam Speaker, could the hon. Gentleman perhaps confirm whether those would be short-term posts and how many will be recruited? I am grateful.

Hon. N Feetham: I do not currently have that information with me at hand, but I am very happy to provide that information outside this forum.

Madam Speaker: Next question.

Q749/2023
Terror threat level –
RGP resource

2190 **Clerk:** Question 749. The Hon. J Ladislaus.

Hon. J Ladislaus: Given that the terror threat level has been raised by various European countries in recent weeks because of the escalation in the situation in the Middle East, can the Government confirm that they will further resource the RGP to cope with any extra demands on workload resulting from an increased threat level?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

2200 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, the threat level to Gibraltar, which is set by the Gibraltar Contingency Council, which is co-chaired by His Excellency the Governor and the Hon. the Chief Minister, has not increased and continues to be at 'moderate'. The question is, therefore, hypothetical.

Madam Speaker: Next question.

INWARD INVESTMENT AND THE SAVINGS BANK

Q750/2023
Public debt –
Figures at 1st November 2023

Q751/2023
General Sinking Fund –
Balance at 1st November 2023

Q752/2023
TNG Realty (Eastside) Ltd bonds –
Whether to be purchased by Government or its entities

Q753/2023
GSB loan to GSBA Ltd –
Whether to be used to fund National Economic Plan

Q754/2023
GSB cash in hand –
Whether held as Bank of England sterling notes and coins

2205 **Clerk:** Questions to the Hon. the Minister for Inward Investment and the Savings Bank. Question 750. The Hon. R M Clinton.

Hon. R M Clinton: Madam 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: 1st November 2023?

Clerk: Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I will answer this question together with Question 751 to 754.

2215

Clerk: Question 751. 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 2023?

2220

Clerk: Question 752. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise whether the Gibraltar Savings Bank or any other government owned or controlled entity will be purchasing any bonds issued by TNG Realty (Eastside) Ltd?

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Clerk: Question 753. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what element of the £60 million borrowed from the Gibraltar Savings Bank by GSBA Ltd at 30th September 2023 is being used to fund the Government's National Economic Plan?

2230

Clerk: Question 754. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the £12,185,428.79 reported as cash in hand at the Gibraltar Savings Bank at 30th September 2023 are Bank of England issued sterling notes and coins?

2235

Clerk: Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

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Hon. Sir J J Bossano: Madam Speaker, the General Sinking Fund, gross debt and aggregate debt for November 2023 was at the same level as it was in October 2023. The cash reserves and the net debt figures were as follows. At 1st November 2023, cash reserves £80 million and net debt £765.1 million.

2245

As regards the bonds issued by TNG Realty (Eastside) Ltd, no decision has yet been taken on whether to invest.

No element of the £60 million GSBA loan notes held by the Savings Bank is funding any government expenditure under the National Economic Plan.

The £12,185,428.79 cash in hand at the Gibraltar Savings Bank at 30th September 2023 consisted of either Bank of England or Gibraltar Government sterling notes and Royal Mint or Gibraltar National Mint coins.

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Hon. R M Clinton: Madam Speaker, I will deal with the questions one by one. In relation to Question 752, in terms of purchasing bonds issued by TNG Realty, the Minister said no decision has been made as yet. My question was fairly wide in terms of Savings Bank or government owned or controlled entities. Can he tell the House who is considering whether or not to invest in these bonds? Is it the Savings Bank or a government-owned company? What entity is making this deliberation? Also, if I may add, to what extent would they consider an investment of this sort?

2255

Hon. Sir J J Bossano: I cannot tell the hon. Member what they will or will not decide, but the people who decide are the people who decide all the investments in the Savings Bank. That is to say in the Written Answer he has a breakdown of investments of £1.6 billion. Those investments are decisions taken by the professionals who operate the investment side of the deposits.

2260

2265 **Hon. R M Clinton:** Madam Speaker, I think he has answered my question in terms of what entity – the Gibraltar Savings Bank, it would appear. Can the Minister confirm ...? Well, he has confirmed – the Savings Bank – but can he give an indication of how much the Savings Bank might be willing to invest?

2270 **Hon. Sir J J Bossano:** I am not involved in taking a decision, and in any case, what they might or might not do is hypothetical, and therefore I do not have to answer.

2275 **Hon. Dr K Azopardi:** Madam Speaker, before my hon. colleague goes on to other questions, is the Minister saying that the Government or the Minister is not going to be involved in any shape or form in the decision making on this question?

Hon. Sir J J Bossano: I am the Minister responsible for the Savings Bank to this Parliament and I have answered that quite clearly. I do not know why he thinks he needs a supplementary.

2280 **Hon. Dr K Azopardi:** Only because in previous decisions in relation to the Savings Bank, we have certainly got the impression that the Minister has been involved in the decision making. For example, when there was an announcement about the possible use of Savings Bank moneys in relation to the Victoria Stadium or other projects, it was announced by the hon. Member quite publicly. I was simply asking, to the extent that the Savings Bank is going to take a decision, whether the Minister or any other Minister is going to be involved in the decision making, because
2285 clearly they have been in the past.

2290 **Hon. Sir J J Bossano:** Madam Speaker, if the hon. Member took the trouble to read the manifesto of the election he would know that there is a policy of investing in sponsored projects in the National Economic Plan. This particular investment does not fall into that category. It falls into the category of, for example, the £200 million that is being invested in companies in the United Kingdom, and that is not a decision that requires a policy decision by the Government. That has been happening for as long as the Savings Bank has been in existence, or at least in recent years. In the time when they were in government, there were investments in debt issued by companies in the United Kingdom, and those decisions were taken on the merits of the investment
2295 professionally and not on any other criteria. That continues to be the case.

2300 **Hon. Dr K Azopardi:** Just a final question, Madam Speaker. Of course, these bonds are unlisted and unsecured and they are of a different and higher risk nature, but I think the Hon. Minister is saying – although he has not said so in terms, because I put my supplementary again and his answer was to explain methodology with reference, first, to the manifesto and then, subsequently, to the fact that this project fell outside the manifesto; I do not think he exactly said so in terms, but I am inviting him to say so – that he would not form part of the decision making on this issue.

2305 **Hon. Sir J J Bossano:** What he is asking me has already been answered, but I can tell him that my view is that there is a higher risk of a quoted company defaulting in London, because the money that is invested in this particular bond would be money that would result in economic activity in Gibraltar. The money that we invest in the Stock Exchange in London produces nothing for Gibraltar other than the return. I do not necessarily accept that because something is listed, it
2310 is less risky than if it is not listed, but that is a matter of opinion.

Madam Speaker: The Hon. Mr Clinton.

2315 **Hon. R M Clinton:** Thank you, Madam Speaker. I will carry on to the next question, Question 753. If I understood the Minister's answer correctly, I think he said nothing was being spent by the

2320 Government on the National Economic Plan. The Minister will recall that in previous questions in this House I have asked about GSBA. In fact, I think he volunteered the information about GSBA, and at the time he had mentioned that the GSBA had funded something in the order of £20 million towards the Rooke Nursing Home cost via intermediary companies. The Minister will, of course, recognise that. Over and above that £20 million, has any other amount of the £60 million lent to GSBA been used in support of the Government National Economic Plan, of which he is the architect?

2325 **Hon. Sir J J Bossano:** Since he mentioned the Government National Economic Plan, I assumed that he was referring to whether the Government was spending money in the National Economic Plan, which was sourced from the Savings Bank. If he is talking about whether the Savings Bank has bought loan notes related to sponsored projects beyond the £20 million, the position now is that currently it is £39.5 million.

2330 **Hon. R M Clinton:** I am grateful to the Hon. Minister – we got to what I was trying to ask. I think he just said £39.5 million, so the additional £19 million-odd: can the Minister provide any information to the House as to which sponsored projects this is supporting?

2335 **Hon. Sir J J Bossano:** At the last meeting of the House I listed the projects that had been sponsored. He had the ones that were completed and the ones that were ongoing, and those are the ones that are covered by the original £20 million and the new £19.5 million.

Madam Speaker: Does the Hon. Mr Clinton have anything further?
Next question.

2340 **Hon. R M Clinton:** Madam Speaker, I have one on the next question.

Madam Speaker: I did ask.

2345 **Hon. R M Clinton:** Sorry, Madam Speaker, I meant I had nothing more on this question. Just moving to the last question I had for the hon. Member, Question 754, the Minister, I think, has not given me an exact answer as to what element of the £12 million is in Bank of England or Gibraltar currency notes, but can I ask the Minister this? The Currency Notes Security Fund is invested in the Gibraltar Savings Bank, or at least 100% the last time I checked. The last time I had
2350 a Principal Auditor's Report, the balance of the money, which would represent now about £34 million, represented a deposit in the Savings Bank. If there is £12 million of notes in the Savings Bank, it becomes circular if that £12 million is listed as an asset, which is an asset for the Currency Notes Fund, which is supposed to be secured on assets to secure those notes. It is totally circular. Is the Minister, in any way, considering that point and that the currency notes of Gibraltar
2355 issued under the Currency Notes Fund cannot, obviously, provide security to itself, being an asset? It cannot be an asset of itself, so has he taken steps to ensure that of that £12 million, certainly from a purist point of view, it is, in the bulk, Bank of England notes? And, if I may ask, why is there a need for such a high balance?

2360 **Hon. Sir J J Bossano:** I do not know why he feels the need to ask it this year and he has not asked it ever before. That balance has been there for a very long time. That is the balance, and I do not see ... The Gibraltar pound is sterling as much as the UK pound is sterling – it says it on the note – (*Interjection by Hon. R M Clinton*) so that is the amount that it has in cash here, and of course the amount that we have invested in the Bank of England is higher, anyway, than the
2365 money in circulation. I do not know what his concern is, but he has certainly never been concerned before about that amount, and it has been there all the time.

2370 **Hon. R M Clinton:** But does the Minister accept that the Gibraltar pound, which is meant to be back to back with assets, cannot be security for itself? It would be self-defeating that the Gibraltar pound is worth £1 of itself and therefore, to an extent, the Currency Notes Fund, if it is invested in the Gibraltar Savings Bank, should either have a specially designated element of the Savings Bank to cover it, or that the cash that is held is not Gibraltar-issued notes.

2375 **Hon. Sir J J Bossano:** [*Inaudible*] that there is any problem because there are £12 million in the Savings Bank, any more than if they were, instead of the Savings Bank, in any other bank. Nobody has suggested that we are keeping £12,185,428.79 as the reserve of the currency in circulation or the coins in circulation. This is his interpretation, this year, of something that has been there for a very long time.

2380 **Madam Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q755/2023

**Landlord and Tenant Act –
Policy re amendment or repeal of section 69**

Clerk: Questions to the Hon. the Deputy the Chief Minister.
Question 755. The Hon. C Sacarello.

2385 **Hon. C Sacarello:** What is the Government's policy on the amendment or repeal of section 69 of the Landlord and Tenant Act?

Clerk: Answer, the Hon. the Deputy Chief Minister.

2390 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the Government has no plans at present to amend or repeal section 69 of the Landlord and Tenant Act. However, it is open to listening to presentations in that regard.

2395 **Hon. C Sacarello:** Madam Speaker, I thank the Hon. Deputy Chief Minister for his reply and I certainly commend the intention to listen to the public on this. Section 69 was a subsection, or at least a subsection (2), that was introduced back in the 1980s, I believe, in a world where the landlords were feeling aggrieved at not cashing in on leases being assigned at a time when it made sense that this legislation was introduced. However, it is not a perfect piece of legislation. I am sorry about the preamble, but it is pertinent to my –

2400 **Madam Speaker:** I presume the Minister, when he said that he was willing to listen to representations ... it was not today.

2405 **Hon. C Sacarello:** I beg your pardon. It was meant to be compensatory and not punitive, and this is what effectively is happening now, where, even where no consideration is being exchanged for an assignment, the landlords are seeing it as a lottery and are charging it. There are many businesses out there, some who do not even realise that they are susceptible to this, but plenty who do suffer.

2410 **Madam Speaker:** Could I ask for the question now?

Hon. C Sacarello: I would ask: if they are interested, what form of engagement and when would this take place? Thank you.

2415 **Hon. Deputy Chief Minister:** Madam Speaker, I do not want to mislead the hon. Member. This is not a policy priority for the Government. As the hon. Member has quite rightly said, this has been around since 1986, so that is 37 years. It has spanned 10 different Governments – this is the 11th – and none of them have really seen the need to address it in any way.

2420 What I am saying is that certainly the Government is more than happy and willing to listen to any representation, so if anybody wants to write in – primarily I assume it would be the Minister for Business who will deal with this, or myself, perhaps, as the Minister for Land – and make representations, the Government would be happy to consider them, but it is not a policy priority in that sense.

Madam Speaker: Next question.

Q756/2023
Midtown car park –
Rooftop level expressions of interest

2425 **Clerk:** Question 756. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Can the Government update the House on the consideration of expressions of interest in relation to the rooftop level of Midtown car park?

2430 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

2435 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the Government was not content with the proposed uses or the level of premium submitted by respondents to the expressions of interest process in respect of the rooftop level of the Midtown car park.

Hon. Dr K Azopardi: I see. Is the Government intending to reissue an expressions of interest, or is it now abandoning that project?

2440 **Hon. Deputy Chief Minister:** Madam Speaker, the process is terminated. The Government could take a policy decision to issue a new expression of interest or to do something else in that space, but that decision has not been taken and it is not imminent or urgent in that sense.

2445 **Hon. Dr K Azopardi:** No decision has been taken whether to issue a new expressions of interest process, so it is a live question – is that right?

Hon. Deputy Chief Minister: I suppose, Madam Speaker, it is a non-question. It is not something which is immediately, urgently on the Government's mind at the moment. The options are open, but it is not something urgent or pressing at this given moment in time.

2450 **Hon. Dr K Azopardi:** But if a decision is taken to explore this possibility again, there would be another expressions of interest process – is that correct?

Hon. Deputy Chief Minister: Madam Speaker, yes, unless the Government decided to use that space for itself.

Adjournment

2455 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I move that the House should now adjourn to Thursday at 3 p.m., to take Chief Minister's questions.

Madam Speaker: I now propose the question, which is that this House now adjourn to Thursday at 3 p.m.

2460 I now put the question, which is that this House do now adjourn to Thursday at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday at 3 p.m.

The House adjourned at 6.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.02 p.m. – 4.15 p.m.

Gibraltar, Thursday, 21st December 2023

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The Gibraltar Parliament

The Parliament met at 3.02 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Meeting of Parliament, Thursday, 21st December 2023.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

Madam Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Retirement of Darren Grech as Chief Secretary – Statement by the Chief Minister

10 **Chief Minister (Hon. F R Picardo):** Madam Speaker, almost two months ago, just after the General Election that he so ably oversaw, the current Chief Secretary wrote to me in relation to delicate personal circumstances which required him to spend more time with his family. Since then, I am happy to report that the complicated surgical procedure undergone by his daughter at Guy's Hospital has been successful and that Gabriella is making a speedy recovery, something I am sure everybody in this House will be delighted to hear.

15 Notwithstanding, when life throws you these circumstances it really does make you think where your priorities lie and about the debt of time one has with the core family. I entirely empathise with Darren in that respect. Darren has, therefore, now asked to step down from his role as Chief Secretary of His Majesty's Government of Gibraltar and proposed to me a different pathway, working in a supportive capacity in Education and reporting directly to me on a number
20 of initiatives, which can only be interpreted as absolutely beneficial for Gibraltar. Given Darren's experience in the field, I have wholeheartedly agreed to this, believing he has earned the right to determine his own future. The principle of self-determination goes to the core of everything that we do, Madam Speaker.

25 I recruited Darren from the Department of Education following his sterling work in transforming the schooling landscape and having observed his innate ability in dealing with people and investing in them. I must remark at this stage that he initially declined the offer to become Chief Secretary and eventually acceded after immense insistence from me. As usual, I made him an offer he could not refuse and I had a horse's head put in his bed: it took that level of persuasion. He put the greater good of Gibraltar, as I expressed it to him, over and above his love of education.

30 During his six years as Chief Secretary, Darren's contribution has been exceptional despite certain unpredictable events having taken centre stage and which, in a way, derailed the Civil Service transformation journey that we had embarked upon together. The Brexit and COVID challenges hit us all and he and I, both at the top of our respective parts of the administration,

35 had to deal with them. It took its undoubted toll, and yet the Civil Service rose up to the occasion
with sterling leadership and apposite guidance from Darren. We are now back on track. Darren
precisely realised what was needed to take the service to the next level in terms of building team
capacity with a number of significant others who possess the right skills to take the torch forward.
Darren has been selfless in this respect and has always put the good of Gibraltar first and foremost.
I thank him here, today, for his sterling service to Gibraltar. I am sure all Members in this House
40 will agree with me. His last day as Chief Secretary will be 31st December 2023.

Madam Speaker, given Darren's decision to step down, it is incumbent on me to appoint a new
Chief Secretary. As the House will know, the posts of Chief Secretary, Chief Technical Officer and
Financial Secretary, as well as our representatives overseas, are the Chief Minister's directly
appointed positions. Given I have announced that I will be stepping down in coming years, I think
45 it is essential, in Gibraltar's interests, that I should appoint someone who will hold the office for
longer than the time I will be in post. It is for that reason that I have sought to appoint a person
to the post who will transition from one Chief Minister to another.

Given the qualities he represents and the longevity he can give to the post, I have made the
easy decision to appoint Glendon Martinez to the post of Chief Secretary as from 1st January 2024.
50 Glendon possesses extensive experience in both the public and private sectors, which is needed
to do this job. As a former CEO of an international business specialising in e-commerce, sales and
managing large teams, he brings a wealth of knowledge from beyond the Civil Service.

He initially joined the public service to spearhead the modernisation of the Royal Gibraltar Post
Office. Under his guidance, the department achieved numerous successes, from the digitisation
55 of mail, next-day delivery services and the first postal service in the world to a full electric fleet of
vehicles, something definitely to be proud of – the only problem is you cannot hear them coming
in Irish Town.

Subsequently, he was appointed Head of the Driver and Vehicle Licensing Department. In this
role, he successfully managed the digitisation of services again, eradicated the backlog caused by
60 the lockdown and achieving record-low waiting times.

Additionally, Glendon played a pivotal role in assisting the Gibraltar Maritime Administrator.
He helped promote Gibraltar as a leading red ensign flag for international ships post-Brexit,
significantly increasing turnover in that department. His efforts included implementing new green
initiatives, revising fees and improving working practices.

65 After achieving various objectives, I, along with the Chief Secretary, recruited him to come and
work at No. 6. That was in 2018, I seem to recall. There, he has been instrumental in assisting the
Chief Secretary and my team. His work includes overseeing and continuously enhancing various
departments within the Civil Service and leading negotiations with key stakeholders such as
unions, business organisations, and private entities collaborating with the Government.

70 I am confident that Glendon will be an exceptional Head of the Civil Service. His experience at
the core of Government and his leadership abilities make him ideally suited for this vital role,
especially in the context of modernising the Civil Service. I look forward to seeing Glendon flourish
in his new role and the public sector flourish with him at its head. I do worry, though, that I can
now count on the fingers of one hand those at No. 6 who are older than me.

75 I commend this Statement to the House.

Madam Speaker: Does any Member opposite wish to say anything?

80 **Hon. Dr K Azopardi:** Madam Speaker, first of all, I would like to thank the Chief Minister for
giving me advance notice of the Statement, which I received earlier today. It is a Statement in two
parts. First of all, on behalf of Members on this side of the House, certainly we wish Darren Grech
well in his new tasks, whatever they may be in the roles that are going to be assigned to him,
perhaps more granularly in the area of education or in other tasks which the Government has
discussed with him. We are certainly glad that the medical circumstances that the Chief Minister
85 has described in the Statement went well for him and his family. We certainly were very happy

about that. We entirely understand, of course, that people reach personal decisions in life and careers and so on, and sometimes events happen that make them reflect on why things should be as they are or as they thought that they should always be, and that makes them take other personal decisions. We certainly understand that.

90 Of course, for someone who has, as a career civil servant, reached the pinnacle of the administrative Civil Service, as was the case with Darren Grech, who became Chief Secretary despite his passion in Education and his wish to perhaps continue in that role, I think it is ... When you are thrust into the role of Chief Secretary – and it is a wide role with huge responsibility for thousands of people and, indeed, for the stewardship of an administrative Civil Service and the public service in many aspects that are hugely important for Gibraltar ... Certainly on this side of the House we thank him for his work, especially in the last few years, because there have been very significant challenges to this community, which Mr Grech has been at the heart of in his role as Chief Secretary. Certainly, on this side of the House, we thank him for that work.

100 In relation to the appointment of the new Chief Secretary, as the Chief Minister says, these are appointments within the gift of the Chief Minister, and we certainly accept that. I do not know Mr Martinez personally, so, in terms of clarification, I will ask him this, if I may. I only know of Mr Martinez, primarily because it reached the press, because he did have a fairly public role within the Philatelic Bureau and then became, I think, the head of that arm of the postal services. I am aware that he also had a role in the licensing entity, but he was, I think, doing interviews in relation to postal services until fairly recently. I do not know of his role beyond that, although I was aware that he was at No. 6 and assisting in that regard, because I have seen a recent letter written by him. What I would ask, though, because I do not know Mr Martinez, is for clarification on whether Mr Martinez is a civil servant; and, if he is not a civil servant, if he is a public servant in the wider context of the meaning of that word, which is the entity in the public service that is his direct employer right now? Is it the GDC? Is it another entity? Perhaps the Chief Minister can clarify that. And if he is not a civil servant, because I am not sure if he is or is not, is he going to be seconded into that role as Chief Secretary *qua* the entity that employs him, or is he now being transferred into the Civil Service? If the latter is the case, has there been discussion with the GGCA on issues in relation to that?

115 In any event, beyond that clarification, Members on this side of the House wish him well in that role; it is a difficult role, I am sure. Certainly, we hope that in the years to come in the public service – the Chief Minister has not told us his age but has suggested that Mr Martinez is younger than him – he will have a fruitful career.

120 **Hon. Chief Minister:** Madam Speaker, I am grateful to the hon. Member for those remarks, in particular his very generous remarks to Darren Grech, who deserves nothing else.

Let me start at the end of the rest of what the Leader of the Opposition has said. Darren Grech is a civil servant and Glendon Martinez is a civil servant, and therefore there are no issues about secondment or otherwise. I would say that apart from the work that he has continued to do in respect of postal services, the department he no longer leads but continues to influence positively, he has been at No. 6 Convent Place, I believe, now since 2018, assisting the current Chief Secretary with his work in leading the Civil Service and the public sector more generally. Therefore, I believe that given he is in his mid-40s, he has a good long stretch ahead of him leading the administrative part of the Government much longer than I know I have leading the political part of the Government.

130 The one thing I would definitely say to the hon. Gentleman, if he wants to get to know him better, is I used to see him coming down from the Upper Rock at 6.30 in the morning when I was going up, so I think it is at about quarter past six that he gets to the top, every day, without an electric bike.

135 I commend my Statement to the House.

Madam Speaker: Does any other Member wish to ask any questions?

Questions for Oral Answer

CHIEF MINISTER

Q757/2023

Care Agency and Ministry of Equality –
Number of consultants engaged and costs since 1st April 2017

Clerk: Chief Minister's Questions. Question 757. The Hon. A Sanchez.

140 **Hon. A Sanchez:** Could the Government furnish a breakdown on the number of consultants engaged by the Care Agency and Ministry of Equality since 1st April 2017 to date, inclusive of the purpose of these services and the total cost for each consultant engagement?

Clerk: Answer, the Hon. the Chief Minister.

145

Chief Minister (Hon. F R Picardo): Madam Speaker, I am advised that the Care Agency has engaged three consultants from 1st April 2017 to date. The purpose of these services is to train, coach and mentor in the development of safeguarding policy and procedures and to provide guidance on positive behaviour support. They perform assessments, reviews, provide supervision to staff and offer recommendations. In total, from 2017 to date we have paid one consultant £84,623, a second consultant £70,832, and a third consultant £30,737. The Ministry of Equality has not engaged any consultants directly since 1st April 2017.

Madam Speaker, I am answering this question because it cuts across different portfolios.

155 **Madam Speaker:** Yes. Any supplementaries?

Hon. A Sanchez: In terms of the costs provided for each consultant engagement, are these salary-based alone, or are they inclusive of added costs such as accommodation, travel etc.?

160 **Hon. Chief Minister:** Madam Speaker, a consultant is not paid a salary.

Hon. A Sanchez: Are they inclusive of added costs?

Hon. Chief Minister: All costs, Madam Speaker.

165

Madam Speaker: Next question.

Q758/2023

Disability benefit applications –
Numbers accepted, pending and rejected since 2018

Clerk: Question 758. The Hon. A Sanchez.

170 **Hon. A Sanchez:** Regarding disability benefit applications from 2018 to date, how many have been accepted, remain pending and been rejected?

Clerk: Answer, the Hon. the Chief Minister.

175 **Chief Minister (Hon. F R Picardo):** Madam Speaker, since 2018, to date, 515 applications have been submitted for disability benefits: 245 have been approved, 148 have not been approved and 122 are pending.

180 **Hon. A Sanchez:** Madam Speaker, would the hon. Member happen to know what the average waiting time is for the determination of an outcome of an application, from the time when the application is made to when the application applicant is informed of the outcome?

Hon. Chief Minister: No, I do not have information with me that enables me to work it out.

185 **Hon. A Sanchez:** In relation to the pending applications, would he happen to know how long these have been pending for?

Hon. Chief Minister: I do not know how long they have been pending for, but I can tell her, Madam Speaker, that 80 of them have already been assessed by the panel and are being considered by the Director of Social Security, 22 are scheduled to be assessed by the panel in January, and 20 are yet to be scheduled to be assessed by a panel on a date to be provided.

190 Madam Speaker, the hon. Lady will appreciate that she has asked me a question from 2018 to date: that is five full years. The figure is roughly 500, and four-fifths, roughly, have been dealt with, so it is very likely that the waiting time – but I do not have the information – is in respect of the last year, unless one has been particularly tricky and has been held over for longer. If the hon. Lady wants, and she asks the question, I can provide it in another form.

195 **Hon. A Sanchez:** Madam Speaker, I am grateful for that answer. In terms of rejected applications, we receive a lot of concerns from individuals who state that they do not receive enough information in relation to why their applications have been rejected. Would the hon. Member perhaps not agree that letters with more information as to why these applications have been rejected might be beneficial to applicants?

200 **Hon. Chief Minister:** Madam Speaker, that is an issue on which we have not ever really got involved. We have left it to the Civil Service to respond to individuals who are determined to be entitled to benefit and those who are not determined to be entitled to benefit. We have not had a complaint from anyone, at a political level, that there is a lack of information in the response. The complaint we have had from some people is that they have been turned down when they believe that they should be accepted for benefit. However, as I will remind the House, there was a very clear rule in the past which was very easy to comply with: you were either born with a disability, which then might entitle you to a benefit, or you were not. We introduced a system to allow those who acquired a disability during the course of their lives to make an application for benefit. A number of people who apply are successful, a number of people who apply are not successful. On average, given the numbers I have provided to the House, it is almost half who are successful, and I would not say that it is a quarter who are not, because about a quarter are still to be determined. In every instance when someone is turned down, they tend to believe that it is unfair and they tend to want more information. I shall convey the hon. Lady's views to the department, to see if they can look at providing more information in the context of refusals, where that is appropriate. In some instances it might not be.

215 **Hon. Dr K Azopardi:** If I may, on that issue, in terms of the information available, I am aware that there is a criterion, but I do not think the criterion is available publicly for anyone to see. Does the Chief Minister agree that the criterion should be made public, given that there is one, to enable people to understand the process a bit better?

225 **Hon. Chief Minister:** Madam Speaker, we discussed this issue in the last Question Time. I
hesitate to use the word 'debated', because Question Time is not a time for debate. We discussed
this issue at the last Question Time. The Government's position was set out then, less than a
month ago. I know that hon. Members have a manifesto commitment to publish the criteria. We
do not. It is their position that he is pursuing, it is not ours.

230 I note that the hon. Gentleman was instructed in a case in relation to this matter in the
Supreme Court recently, and that he was pursuing that issue in the Supreme Court, but our
position is our position.

Madam Speaker: If the Hon. Leader of the Opposition wishes to ask a further question, he may
235 from a standing position, but I am not sure you are addressing anybody from a sedentary position.
Is there anything you want to say?

Hon. Dr K Azopardi: Clarify.

240 **Madam Speaker:** Well, he can clarify it on his feet.

Hon. Dr K Azopardi: No, Madam Speaker, I did not have a question. I was just saying to the
hon. Member, on an aside, from a sedentary position, that we were not, as far as I am aware,
seeking the publication, anyway; that matter was resolved.

245 **Madam Speaker:** Next question.

Q759/2023
Carer's Allowance –
Plans to introduce

Clerk: Question 759. The Hon. A Sanchez.

Hon. A Sanchez: Does the Government have plans to introduce a Carer's Allowance?

250 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, carers are employed under different types
of contracts within the GHA, ERS, the Care Agency and other departments, agencies and
authorities. Some may enjoy allowances depending on the nature of the employment contract
255 they have entered into.

Hon. A Sanchez: Madam Speaker, I am grateful for that answer. What I mean by the Carer's
Allowance is Carer's Allowance in the same way that it exists in the UK for people who have to
take a break or step away from their work commitments because they have to care for a member
260 of their family, and, as such, they might face financial hardship and they receive an allowance from
the state to be able to do it. I wanted the Government to clarify whether they have plans to
introduce a similar allowance here, locally.

Hon. Chief Minister: Madam Speaker, a similar issue is under consideration by the
265 Government.

Madam Speaker: Next question.

Q760/2023
Airport staffing issues –
MoD update

Clerk: Question 760. The Hon. G Origo.

270 **Hon. G Origo:** Madam Speaker, can the Government confirm whether the MoD has provided an update on the progress made in resolving the staffing issues that have affected the running of the Airport?

Clerk: Answer, the Hon. the Chief Minister.

275

Chief Minister (Hon. F R Picardo): Madam Speaker, yes.

Hon. Dr K Azopardi: Can we ask what information has been given to the Government in relation to those issues and how they have been resolved?

280

Hon. Chief Minister: Madam Speaker, we are satisfied that the Ministry of Defence has, working with NATS, now ensured that this should no longer be an issue, although it takes two years to train controllers, and of course, if we had a widespread issue with illness, it could cause us a problem. However, the issue has been managed very successfully since the summer, and I would say that the Government extends its gratitude to the NATS controllers and the support personnel who have continued to make great personal efforts in challenging circumstances throughout the summer and onwards to ensure that the Airport has stayed operational.

285

Hon. Dr K Azopardi: So the Chief Minister is satisfied, from the information given to the Government, that those staffing issues will not reoccur and will not lead to disruption of the Airport again?

290

Hon. Chief Minister: Only insofar as possible, Madam Speaker, and on the basis of the information I have been provided.

295

Madam Speaker: Next question.

Q761/2023
Government personnel –
Mental health support

Clerk: Question 761. The Hon. J Ladislaus.

300 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm what mental health support is offered by Government to personnel within the following departments: the Gibraltar Ambulance Service, the Royal Gibraltar Police, the Gibraltar Fire and Rescue Service, the Gibraltar Prison Service, HM Customs Gibraltar, the Gibraltar Borders and Coast Guard Agency and the Gibraltar Courts Service?

305

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I can confirm that mental health support is offered by the Government to personnel within the departments mentioned, broken down as follows.

310 For emergency services and other first responders, the trauma risk management policy was implemented to identify personnel who may need additional welfare support at an early stage and signpost them as necessary. This includes the Gibraltar Health Authority Ambulance Service, the Royal Gibraltar Police, the Gibraltar Fire and Rescue Service, HM Prison Service, HM Customs and the Gibraltar Borders and Coastguard Agency.

315 The following departments have internal welfare officers or wellbeing champions who offer additional support to staff: the Gibraltar Ambulance Service, the Royal Gibraltar Police, the Gibraltar Fire and Rescue Service and HM Prison Service.

320 For all officers in the public service, the Employee Wellbeing and Support Team is also available to offer welfare support, and, if necessary, can liaise with other agencies to provide further professional support. Occupational health services are also made available for personnel to have access to practitioners. Occupational health reports are used by management in order to determine how best to support the employees.

Madam Speaker: Next question.

Q762/2023
Government occupational pensions –
Index linking

325 **Clerk:** Question 762. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise if it has abandoned the principle of index linking of government occupational pensions as set out under section 6 of the Pensions (Increase) Act 1973?

330 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, there is no such principle.

335 **Hon. R M Clinton:** Madam Speaker, I would respectfully suggest that there is provision under section 6 for increasing by index linking, to the extent that I have been approached by retired civil servants who have had the expectation of index-linked increases to their pensions. A reading of section 6, which I will not bore the House with, makes repeated references to the RPI index and increases as at July. There was an amendment to the Act – section 6(2)(2A) – which said ‘the increase in pensions shall not be less than two per cent.’ I recognise that there is a conditionality. Madam Speaker, I am sorry if I am giving a preamble, but the Chief Minister said no. There is a presumption that it is either 2% or RPI. I recognise there is the word ‘may’. I am asking the Government: is the Government abandoning the concept of any increase in relation to the retail price index? By way of illustration, the retail price index increase for 2023 over the year was 5.5%, for 2022 it was 8.9% and for 2021 it was 2.4%. The Chief Minister, in his Budget address of 2023, said it would increase by 2%. However, there is provision, under section 6, for RPI index increases, and I am asking whether the Government is abandoning that principle entirely, because section 2(4), from my understanding, was a floor, not a cap.

350 **Hon. Chief Minister:** Well, Madam Speaker, we have gone from a principle to a concept and back to a principle. The hon. Gentleman simply glosses over the reference in the statute to the

word that implies choice, not requirement. If it was a requirement because there was a principle that the occupational pensions would go up by index-linked amounts, then the statute which he refers to, which was done in 1973, would refer to 'shall' and not to 'may'. In fact, it refers to 'may' in section 6(1), which was the section passed in 1973, and thereafter the 'shall' is in (2)(2A), which sets the floor.

If the hon. Member cares to look at the increases, he will see that in many instances, occupational pensions in the Civil Service went up by much more than inflation and nobody was complaining. When inflation was 0.2% and public sector pensions went up by 2%, nobody complained, yet when inflation is 8.9% and the increase in the pension is 2%, there are complaints.

The hon. Gentleman seems to forget that in that year, although by operation of the statute, which is in that sense requiring of the Government to increase by at least 2%, public sector salaries did not go up at all. So the hon. Gentleman is advocating that public sector pensioners with occupational pensions should have an increase in excess of the 2% that the law provides, even when public sector workers get less than 2%, or nothing. I do not accept that there is a principle, because there is a specific legal provision, not a principle, that sets out the options for the Government. I address that specifically in my Budget speeches – in particular this year, I believe.

Madam Speaker, my view is that if public sector workers, the people who are behind your Chair and throughout Gibraltar, working in the Gibraltar public sector, have been without a pay rise – they have had an amount which was not connected to salary, which was a one-off payment and was tax free, but they have not had a percentage increase – then it would be unfair for public sector occupational pension holders to have in excess of the amount that the law provides that they must have.

So there is no principle, there is no concept. There is a clear legal provision, which the Government is abiding by and which the Government addressed in the last Budget, in order to explain why things were going up by 2% rather than by 5.5% or 8.9%.

Hon. R M Clinton: Madam Speaker, I am grateful to the Chief Minister for setting out his understanding of that section, but can I ask him is there, then, any scenario where he would envisage that his Government would apply the RPI provision?

Madam Speaker: I am just going to interject. I think that is a hypothetical question.

Hon. R M Clinton: Well, Madam Speaker, the problem is that he is saying there is a law that says this is the minimum 2% and I do not have to go to RPI.

Madam Speaker: It is a hypothetical question on whatever basis it is premised. I think you have had the answer to your question, so we will move on to the next question.

Q763/2023
Artificial intelligence –
Regulation of use in Gibraltar

Clerk: Question 763. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise whether it has any intention to regulate the use of artificial intelligence in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, yes.

Hon. R M Clinton: Madam Speaker, I am grateful for that 'yes'. Could the Chief Minister elaborate as to what approach the Government is thinking of taking? Is the Government considering the issuing of a consultation, perhaps?

400

Hon. Chief Minister: I am almost minded to tell the hon. Gentleman that I shall ask ChatGPT what the answer should be.

This is an issue that has to be dealt with in consultation, Madam Speaker. It would be a consultation across the digital services that the Government provides and across other departments. For example, there are issues in relation to financial services, there are issues in relation to health, there are issues that would affect all of the departments in the context of artificial intelligence, and therefore I envisage a very wide consultation. The European Union has recently adopted legislation – it is the first entity to have adopted legislation on artificial intelligence – and the United Kingdom is leading on the Bletchley Park principles to try to establish a global standard.

405

410

Hon. R M Clinton: Madam Speaker, I am grateful to the Chief Minister for his more comprehensive answer. Even the Pope has expressed the view that artificial intelligence should be regulated. Can I ask the Chief Minister if he has a timeframe in mind?

415

Hon. Chief Minister: Not at this stage, ma'am.

Madam Speaker: Next question.

Q764/2023

Own-motion investigations – Amendment of Public Services Ombudsman Act 1998

Clerk: Question 764. The Hon. R M Clinton.

420

Hon. R M Clinton: Madam Speaker, can the Government advise when it intends to amend the Public Services Ombudsman Act 1998 to allow for own-motion investigations?

Clerk: Answer, the Hon. the Chief Minister.

425

Chief Minister (Hon. F R Picardo): Madam Speaker, the Government will advise when it intends to amend the Public Services Ombudsman Act 1998 to allow for own-motion investigations when it is ready to do so.

430

Hon. R M Clinton: Madam Speaker, may I remind the Chief Minister that he actually put forward a motion in December 2019 resolving that the Act should be reviewed to enable the Office of the Public Service Ombudsman to launch investigations of its own motion? If he has read the Ombudsman's report for 2022, he will see quite prominently the request for own-motion investigation. So I would ask the Chief Minister does he have a more specific timeframe in mind, bearing in mind that this has been a subject that has been discussed for well over four years?

435

Hon. Chief Minister: No, ma'am.

Madam Speaker: Next question.

Q765/2023

**Bank of the Year Awards 2023 –
Expenses of Ministers re London event**

440 **Clerk:** Question 765. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise who paid for the travel and accommodation of the Ministers who attended the 2023 Bank of the Year Awards in London?

445 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the expenses were met by TNG Global Foundation as part of their invitation to the event. No costs were incurred by the taxpayer.

450 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Chief Minister for his answer. Given that the Government issued Press Release 833/203, can the Chief Minister confirm that both he and the Minister for Financial Services were on official government business?

455 **Hon. Chief Minister:** Madam Speaker, I think there is a rule that says that it is improper for a question to seek confirmation of anything in a government press release or press report.

Madam Speaker: The rule is, as I understand it, that there should be no questions as to whether anything that was in a press report was accurate.

Was that the basis of your question? If not, perhaps you can clarify it.

460

Hon. R M Clinton: Sorry, Madam Speaker, I only gave that reference by way of background, not by way of asking for clarification as to the accuracy of the statement.

Was the visit to this event official government business?

465 **Hon. Chief Minister:** Madam Speaker, Fabian Picardo and Nigel Feetham were not invited. The Chief Minister and the Minister for Financial Services in Gibraltar were invited.

470 **Hon. R M Clinton:** Madam Speaker, in which case, given the provisions of the Ministerial Code, will the Chief Minister be minded to make a reference to the independent adviser for what appeared to be a breach of the Ministerial Code section 10.4, in which hospitality should not be accepted for official government business?

475 **Hon. Chief Minister:** Madam Speaker, more than that, I wrote to the Chief Secretary and asked him for guidance on how we should deal with the way that the costs were incurred, and he is dealing with the issue.

480 **Hon. R M Clinton:** Madam Speaker, I am glad to hear that that process is being undertaken. Will the Chief Minister be able to advise whether the House will be given the results of the Chief Secretary's deliberations?

Hon. Chief Minister: Madam Speaker, as far as I know, those are internal issues in relation to the register, but the hon. Gentleman can ask. If he asks and the issue has been determined, then he will be told what the determination has been.

485 I am very surprised that he thinks it would have been a good idea for us to pay our way when this was an event we attended in order to support a Gibraltar operator in financial services. There is a common ownership of that bank and the old Jyske Bank, now the TN Bank in Gibraltar, and therefore we were happy to go to support a Gibraltar institution. We did not think that it should

be funded by the taxpayer. Neither did the institution suggest that it should be funded by the taxpayer. They thought it should be funded by them because we were intending to support them.

490 I sometimes find it difficult to understand whether the hon. Gentleman wants us to incur costs or wants us to save costs. I would have thought he would have been entirely on our side on this.

Hon. R M Clinton: Madam Speaker, I did not write the Ministerial Code: he did. Does the Chief Minister still stand by the Ministerial Code?

495 **Hon. Chief Minister:** Madam Speaker, of course I do. If I did not, I would not have written to the Chief Secretary, to ask him to resolve the issue that arose in respect of the code, long before the hon. Gentleman asked his question.

500 **Madam Speaker:** We have exhausted this subject now.
Next question.

Q766-68/2023
Gibraltar Properties Ltd –
GSB loan; funding to Eruca Investments Ltd;
financing re Government affordable housing schemes

Clerk: Question 766. The Hon. R M Clinton.

505 **Hon. R M Clinton:** Madam Speaker, can the Government advise why Gibraltar Properties Ltd has borrowed £80 million from the Gibraltar Savings Bank as at 30th September 2023?

Clerk: Answer, the Hon. the Chief Minister.

510 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Questions 767 and 768.

Clerk: Question 767. The Hon. R M Clinton.

515 **Hon. R M Clinton:** Madam Speaker, can the Government advise if Gibraltar Properties Ltd has provided any funding to Eruca Investments Ltd under the liquidity agreement as at 30th September 2023; and, if so, to what amount?

Clerk: Question 768. The Hon. R M Clinton.

520 **Hon. R M Clinton:** Can the Government advise if Gibraltar Properties Ltd is providing any financing towards any of the Government's affordable housing schemes?

Clerk: Answer, the Hon. the Chief Minister.

525 **Hon. Chief Minister:** Madam Speaker, the £80 million borrowed by Gibraltar Properties Ltd has been used for the construction costs of Hassan Centenary Terraces.

Gibraltar Properties Ltd is not providing any funding to Eruca Investments Ltd.

Gibraltar Properties Ltd has only provided funding towards Hassan Centenary Terraces and no other affordable housing scheme.

530 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Chief Minister for his answer.

The amount that has been borrowed from the Gibraltar Savings Bank has been increasing regularly over the past two years, certainly. My understanding was that – and perhaps the Chief Minister can clarify it for us – the Eruca structure was going to be funding Hassan Centenary Terraces. I believe the number of about £160 million was discussed at the time. Is it that the Eruca structure has proved insufficient in providing the funding requirement? Was it always envisaged that you would be borrowing £80 million from the Savings Bank? That is certainly not my recollection. Why is it that you have had to resort to the Savings Bank to borrow this £80 million?

Hon. Chief Minister: Madam Speaker, I do not know how many questions he has asked in the context of that supplementary, but let me just tell him that in the same period that he is referring to the increased borrowing from the Savings Bank, the deposits in the Savings Bank have also increased quite exponentially. He may not recall it, but we did tell him that at different times, when we were at the peak period of the build, we would require to borrow more money in order to be able to fund the development costs at peak times. That is what has happened here.

Hon. Dr K Azopardi: May I ask: is this £80 million, or some of it, going towards the additional cost of Hassan Centenary? The Chief Minister will recall questions before the last General Election, where it was clear that Hassan Centenary would cost about £30 million more than envisaged because of circumstances that were described before the last General Election. Is part of this £80 million going towards that, or is it going towards a higher sum which is also due to additional expenditure on that development?

Hon. Chief Minister: Madam Speaker, it is impossible to break down which bit has been paid with which pound. It is going to the general overall cost of Hassan Centenary Terraces.

Hon. R M Clinton: Madam Speaker, I just have a supplementary on my last question, Question 768, and whether there will be financing to any other government affordable housing schemes. Is it envisaged that, for example, Bob Peliza and Chatham, which are the government affordable housing schemes, will be effectively funded by Gibraltar Properties Ltd in the same way, drawing financing from the Gibraltar Savings Bank?

Hon. Chief Minister: It is too soon to take a view in that respect.

Madam Speaker: Next question.

Q769-70/2023

**Gibraltar Bus Company –
Basic entry and end points on pay scale for bus drivers;
percentage increase and basic hourly rate for employees**

Clerk: Question 769. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, what is the new basic entry point and end point on the pay scale agreed with bus driver employees of the Gibraltar Bus Company?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Question 770.

Clerk: Question 770. The Hon. the Leader of the Opposition.

575 **Hon. Dr K Azopardi:** What is the percentage increase and the new basic hourly rate of pay agreed with employees of the Gibraltar Bus Company?

Clerk: Answer, the Hon. the Chief Minister.

580 **Hon. Chief Minister:** Madam Speaker, the new basic entry point and end point on the pay scale agreed with bus driver employees of the Gibraltar Bus Company are, at entry, £23,088 per annum, and at end point, £28,860 per annum.

Agreement was reached with the driving grades of the Gibraltar Bus Company on a new payment structure, consisting of £12 per hour for drivers with one year's experience at the Bus Company, £14 per hour for drivers with two to five years' experience at the Bus Company, and
585 £15 per hour for drivers with six years' worth of experience and over at the Bus Company.

At no stage was this a negotiated percentage increase but an approximation to the pay and pay structure of publicly owned relevant UK bus services in application of the parity principle and the extant parity agreements between the Government and Unite the Union as the successor in
590 title of the Transport and General Workers' Union. In any event, the difference in percentage terms between the entry, median and end points of the old bus driver scale when compared with the entry, median and end points of the new pay structure is at entry 6.56%, at median 12.32% and at end point 11.50% higher.

Differentials between driving grades with charge hands and inspectors were respected. This equated to a percentage increase across the salary band of charge hands/inspectors of 11.5%,
595 resulting in an hourly rate at the entry, median, and end points of £15 per hour at entry, £17 per hour at median, and £19.28 per hour at the end point.

Hon. Dr K Azopardi: May I ask: what was the date of the agreement of these new arrangements, and what is the effective date of the agreement – meaning when is the
600 implementation date, if it is a different date?

Hon. Chief Minister: Madam Speaker, the negotiation started sometime, I think, in the summer. It ended before the General Election, but the application of these new salary scales has
605 commenced in November, I think – no earlier than that.

Madam Speaker: Next question.

Q71/2023

Victoria Keys –

Whether agreement signed with developers

Clerk: Question 771. The Hon. the Leader of the Opposition.

610 **Hon. Dr K Azopardi:** Madam Speaker, has the Government now signed agreements with the developers of Victoria Keys; and, if so, what are its main terms?

Clerk: Answer, the Hon. the Chief Minister.

615 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Government has not yet signed agreements with the Victoria Keys developers. Negotiations continue.

Hon. Dr K Azopardi: Madam Speaker, it will not sound repetitive to you, but it will sound repetitive to the Chief Minister because I ask this question every few months. There was, as the

620 Chief Minister knows, almost a centre-spread in the 2019 manifesto. There had been a press
release in April 2019, with glossy pictures showing beautiful views of a new scheme called Victoria
Keys. We were told that negotiations were ongoing. We have been asking this question often
during the last terms of Parliament. We seem to be no further along. Can the Chief Minister give
625 us an idea of why these discussions are taking this long, given that there was a very big
announcement by the Government made almost four and a half years ago now?

Hon. Chief Minister: Well, Madam Speaker, two years were lost, more or less, to COVID, and
a number of other months have been lost to the preparation of wave studies and the like, which
630 are relevant to the final view as to what can be developed, which will be relevant to the final view
of what can be agreed. Additionally, as the hon. Gentleman may know – he may have read it
somewhere that there have been issues with taking rubble to Spain, so the Government has been
using the rubble itself to create a reclamation to the west of Coaling Island. The principal reason
for doing the Victoria Keys development with those initial developers was to have their assistance
in the moving of rubble from the East Side. Then we sold the East Side to the TNG Foundation and
635 we sold the rubble also, so that rubble is no longer available for that purpose. There have been
very many, as the hon. Gentleman will understand, in my rusty Latin, *novus actus interveniens*,
which have interfered to make it impossible for us to move more quickly.

Hon. Dr K Azopardi: Is one of the issues that arises now that the scheme that was announced
640 in 2019 is no longer possible because of discussions had with the MoD, or objections from that
entity?

Hon. Chief Minister: No, Madam Speaker, the only thing that changes as a result of that is
645 shape.

Hon. Dr K Azopardi: But in terms of height and density, those issues are still on the table and
unaffected by any discussions there have been with the MoD – is that right?

Hon. Chief Minister: That is absolutely right, Madam Speaker.
650

Hon. Dr K Azopardi: That being so, is it the Government's position that it is still committed to
the scheme that was announced back in April 2019, and what is really outstanding now is
commercial discussion with the developers of Victoria Keys? Is that the situation?

Hon. Chief Minister: Madam Speaker, the situation is that the Government will negotiate, in
655 the best interest of the taxpayer, that which is, in our view, in the public interest of Gibraltar. That
may mean that we do not have an agreement with the developers if we cannot reach one that we
consider is in the public interest. We would like to reach that agreement and deliver as close to
that scheme as possible, and include there things which are, in our view, in the public interest of
660 Gibraltar.

Madam Speaker: Next question.

Q772-73/2023
Treaty for new relationship with EU –
Issues outside New Year's Eve Agreement; update on recent talks

Clerk: Question 772. The Hon. the Leader of the Opposition.

665 **Hon. Dr K Azopardi:** Madam Speaker, is the Government, as part of a treaty on a new relationship for Gibraltar with the EU, prepared to agree terms on issues not mentioned in the New Year's Eve Agreement; and, if so, what such issues are being discussed within the negotiations, apart from the use of the Gibraltar Airport?

670 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Question 773.

Clerk: Question 773. The Hon. the Leader of the Opposition.

675

Hon. Dr K Azopardi: Madam Speaker, will the Chief Minister update the House on the latest round of talks towards a possible treaty for a new relationship for Gibraltar with the European Union?

680 **Hon. Chief Minister:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, the latest official round of treaty negotiations took place in London last week. We continue, alongside the United Kingdom, to work with colleagues in the EU and Spain to seek to finalise all outstanding issues as soon as possible. The return of the same governments in Spain and Gibraltar has enabled work to start again from where it was left off, and with a very positive outlook that seeks technical and practical solutions that avoid any of the relevant parties having to cede on fundamentals.

In respect of the detail being discussed in the negotiation, the hon. Member will understand that I am unable to publicise any of the detail being discussed, as to do so will undoubtedly prejudice our position. I would, however, add that we are, of course, taking matters beyond the New Year's Eve Agreement, as that was a framework and not the treaty itself, although it did mention the possibility, if not the necessity, of an agreement on the Airport, in clause 17. That is, therefore, not entirely new. Additionally, by clause 24 there is an option to address other areas of mutual interest.

695

Hon. Dr K Azopardi: Madam Speaker, the hon. Member has talked about the formal round in London, and I think it was made public today that there were discussions at a different level – less formal, perhaps – in Madrid yesterday. Can the Chief Minister explain to us the context of that, and whether those were technical talks of a different nature?

700

Hon. Chief Minister: Madam Speaker, it was not made public today, it was made public yesterday because there was a government press release yesterday saying that the Hon. the Deputy Chief Minister and I were in Madrid. Those discussions are not between the European Commission and the United Kingdom. They are between officials in the United Kingdom, Gibraltar and Spain, trying to address issues of principle rather than issues relating to treaty negotiations, which are between the UK and the EU.

705

Hon. Dr K Azopardi: Madam Speaker, on Question 772, the hon. Member says he does not want to talk about the detail of what is being discussed, so as not to prejudice the position in the talks, and of course I would not want him to prejudice the position of Gibraltar in the talks. However, it appears that his caution about not talking about what should or should not be part of the discussions is not shared by other participants, because the Spanish Foreign Minister has been quite open about his aspirations, about including the Airport as part of the ambit of the New Year's Eve Agreement. Is the Government prepared to contemplate an agreement that does include terms in relation to enhanced use of the Airport?

715

720 **Hon. Chief Minister:** Madam Speaker, I do not think that it is fair that the hon. Gentleman should say that he is hearing more from the Spanish Foreign Minister than he is from us. We have confirmed on a number of occasions that we are having discussions in relation to the Airport. We have not confirmed the detail of that. Indeed, he will also have heard it from James Cleverly, he has heard it from Fabian Picardo and he has heard it from David Steel. So I do not think it is only Jose Manuel Alvarez who has said that we are trying to determine whether it is possible to reach an arrangement in respect of the opening of Gibraltar Airport to EU flights, even though we have left the European Union.

725 **Hon. Dr K Azopardi:** May I ask him to comment on timescale, which I appreciate may be a thorny subject, but there is an expectation and a desire for news on this issue, and, indeed, senior people have been commenting on timescales, not least His Excellency the Governor when he expressed the hope that there would be some kind of breakthrough by Christmas. Given that we are a few days away from that seasonal break, what can he say about the likelihood of a breakthrough in the next few months, especially given the prospective dissolution of the European Parliament, the prospect of UK elections, and so on?

735 **Hon. Chief Minister:** Madam Speaker, first of all, let me just go back a moment to his earlier supplementary and remind him, which I did not in my response, that clause 17 of the New Year's Eve Agreement specifically talks about air transport, so we told the world on 31st December 2020 that we were looking at the Airport.

740 Hope springs eternal. I have confirmed on television and, I think, in the printed media in Gibraltar, that I, too, very much would wish to see an agreement as soon as possible. I wished to see an agreement before last Christmas, and I would like to see an agreement before this Christmas. I would *like* to see an agreement, but what I *want* to do is the *right* agreement. I do not care whether I do it on 25th December in the morning, or on 30th June before the European election happens, or whatever date it may be, as long as it is the right agreement for Gibraltar.

745 As I have told the hon. Gentleman consistently in the lifetime, already, of this Parliament and in the lifetime of the previous Parliament, what I am not going to do is to set up a clock that will tick against us in the negotiation. I am not going to say if it is not done by X, it cannot be done, because that is a rope that will start to cut at our throat. Therefore, I am not going to be drawn on timescales; I am going to be drawn only on the substance, and when the substance is right, that is when we will do the agreement.

750 The hon. Gentleman says there is a desire for news and a desire to know. No one has more of a desire to give all the information and to explain why we think that the treaty we may have the opportunity of laying before the people of Gibraltar is safe, secure and beneficial for the people of Gibraltar than the Deputy Chief Minister and me, and, I am sure, all my Cabinet colleagues. However, we are not going to be pushed in the direction of making any announcement if the time is not right.

755 I would ask the hon. Gentleman, despite what he has elegantly termed the curiosity that there is, not to permit curiosity to allow the Gibraltar cat to be caught. We have to ensure that we play with a straight bat. We continue to be very optimistic that we can get there, but we do not want to say more at this stage and we do not want to be drawn on timescales, for good reason, and if he were sitting where I am sitting, he would do the same thing.

765 **Hon. Dr K Azopardi:** The Chief Minister knows that we ask these questions because they are questions of public interest, but he knows that we do, beyond all this, give him sufficient political space to conduct these negotiations.

Finally on this question, when he talks about the possibility of an agreement, are we still talking about an agreement of principles and that what would be announced are those principles but not the treaty itself, because that will still require work beyond those principles? In other words, is the negotiation still about the unblockage of principles?

770 **Hon. Chief Minister:** Madam Speaker, we are talking about a negotiation for a treaty between
the United Kingdom and the European Union which is being conducted between the United
Kingdom and Gibraltar and the European Union. As the hon. Gentleman knows and I have told
him in this House, and, I think, said in the context of my earlier answer, there is also a negotiation
going on between the United Kingdom, Gibraltar and Spain on other issues which were not
resolved in the New Year's Eve Agreement, which we would also like to see resolved and which
775 may then also make their way into the treaty negotiations. So this is continuing at many levels on
many planes, and we hope to get all of them to align in time to announce the treaty in time. It
may be that we will be able to make announcements about some parts of arrangements or
agreements being done and not about others at a particular stage, or we may be able to announce
everything at the same time.

780 I do not want to be drawn on anything which can be turned into something that I then have to
deliver against, because if I have to deliver against something, in particular a timescale or a
principle, then the other side will know that they have got me on that timescale because I have to
deliver against it. That is why it is not in Gibraltar's interest that we say more or set ourselves up
against a clock that can work against us.

785 **Madam Speaker:** All right, let's move on.

Questions for Written Answer

Clerk: Answers to Written Questions.

790 **Hon. Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to table the
answers to Written Questions W60/2023 to W68/2023.

Order of the Day

GOVERNMENT MOTION

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2023 – Approved

Clerk: (ix) The Order of the Day. Government motion – the Hon. the Chief Minister.

795 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move the following
resolution:

*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 2023.*

As the House is aware, this is a motion that has to come before it annually. Members will note
that the content of this Order was previously approved by the House in December 2022. However,

it was never subsequently published in the Gazette. The draft Order contains the same substance as the one previously approved by the House, but with a new title and with myself as the signatory Minister for Social Security.

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Madam Speaker, I also beg to move that the 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 2023. This Order seeks to amend the Social Security (Open Long Term Benefits Scheme) Act 1997 by increasing the rates of old age pensions and survivor's benefit by 7% with effect from 1st August 2023, which represents the annual increase.

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In order to persuade the House to do that, I am going to give notice of an amendment to the motion to include those references, which I will pass now. I am sorry I was not able to pass it earlier, but as the House has just heard, I was not in Gibraltar yesterday. This is the written notice of the amendment that I beg to move, which should be circulated to all hon. Members now, and which will include the new wording, which I am happy to speak to when I have that sheet back.

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The amendment would be to substitute the motion as it is with the following words:

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 and the Social Security Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2023.

I beg to move that amendment, Madam Speaker, and will circulate it now.

815

Madam Speaker: I now propose to move the question in terms of the amendment moved by the Hon. the Chief Minister. *(Interjection)* You have not seen it? I think it is coming to you.

I am now going to propose the question in terms of the amendment moved by the Hon. the Chief Minister.

820

Hon. R M Clinton: Madam Speaker, I am not sure if we can speak to the amendment.

Madam Speaker: What is before us now is the amendment as moved by the Hon. the Chief Minister, and then, after that, we will move on to the final motion, as amended by ... You can speak to the amendment now, yes.

825

Hon. R M Clinton: Thank you, Madam Speaker.

I recognise what the Chief Minister has said. I am not sure if this amendment to the motion will cure the omission, because the motion was already passed by this House in December 2022, so there already is a motion passed by the House approving that the Open Long Term Benefits Scheme should be amended. I have the *Hansard* of 22nd December 2022 in which the motion was carried. All that has not happened is that the Act itself has not been amended by way of Gazette, so I am not sure if adding another motion will cure the omission of the gazetting and the amendment of the Act.

830

It is important because the wording of the Gazette that was attached to the original motion by the Chief Minister makes reference to amending section 2(2), which specifically references section 22(a) of the Act, substituting one number for another, and if we leave this as it is now, the substitution will not work because that number does not exist in the Act, as it assumes there has been this 7.6% increase already.

835

I do not know whether the correct way to do it is to gazette the missing piece of legislation in relation to 2022 and proceed with this motion on the basis that the law will be gazetted. I would be interested in the Chief Minister's thinking on this because I am not sure that effectively passing the motion twice will cure the problem in respect of last year.

840

845 **Hon. Chief Minister:** Madam Speaker, the Government's lawyers' advice is contrary to what the hon. Gentleman has suggested.

Madam Speaker: Is there anything else you wish to say, any of the hon. Members on this side, on the amendment?

I now put the question in terms of the amendment moved by the Hon. the Chief Minister.
850 Those in favour? (**Members:** Aye.) Those against? Carried.

What the House has before it now, as I understand it, is the original motion as amended. Does any hon. Member wish to speak on the motion as amended?

855 **Hon. R M Clinton:** Thank you, Madam Speaker. As we have already alluded to, the omission of the amendment in respect of last year's motion has meant that the Act was never updated. For the benefit of the House, I would normally compare the proposed schedule of the new pension numbers with the announcement the Chief Minister made in his Budget speech in 2023, which is that they would go up by 7%, and I could then do that calculation and give the House some extra assurance that the numbers match in terms of the percentage increase that was envisaged.

860 Unfortunately, because of this omission, I have been unable to perform that task, so I cannot do that comparison in terms of the increase, but that is not to say that this side of the House was not in favour of the principle of it. However, given the anomaly that has arisen, I cannot actually confirm that the numbers on the schedule, the proposed gazette that was attached to the original motion, actually represents a 7% increase as envisaged by the Chief Minister in his Budget address.

865 Other than that, Madam Speaker, I will accept the Government's lawyers' assurances that this double motion, as it were, will cure the deficiency, and I have nothing further to add. Thank you.

Madam Speaker: Does any other hon. Member wish to speak?

I now put the question – Sorry.
870

Hon. Chief Minister: Call on the mover to reply.

Madam Speaker: Yes, I will get there.

875 **Hon. Chief Minister:** And in reply, Madam Speaker, all I would say to the hon. Gentleman is that government lawyers have given him no assurances whatsoever. I have just reflected the advice that they have given us.

880 **Madam Speaker:** I now put the question in the terms of the motion proposed, as amended by the Hon. Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Thank you, Madam Speaker.

Well, another election year over, a new Speaker and new Members of the House. It is now incumbent on me to move the adjournment at the end of another calendar year.

885 Before I do, I am delighted to be able to confirm that the individuals at NATS we were discussing earlier have confirmed to the Government that Santa Flight 001 is cleared to land on the easterly runway on Gibraltar. Meteorological advice is positive on visibility and winds, and the children of Gibraltar will be delighted to hear that the enhanced use of the Airport for the arrival of Father Christmas is a now a reality: I can announce that agreement with Father Christmas.

Other than that, Madam Speaker, I move that the House should now adjourn *sine die*.

890 **Madam Speaker:** I now propose the question, which is that this House should now adjourn *sine die*.

I now put the question, which is that this House should now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn *sine die*.

The House adjourned at 4.15 p.m.