



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.02 p.m. – 6.55 p.m.**

**Gibraltar, Wednesday, 13<sup>th</sup> March 2024**

	Contents
Prayer .....	4
Confirmation of Minutes .....	4
Announcements .....	4
Papers to be laid .....	4
<b>Questions for Oral Answer .....</b>	<b>5</b>
Industrial Relations, Civil Contingencies and Sport .....	5
Q252/2024 Children’s Play Parks – Maintenance and repairs; completion dates .....	5
Equality, Employment, Culture and Tourism .....	6
Q253/2024 Equality Office Consultation Paper – Maternity leave transition to parental leave, proposed changes .....	6
Q254-255/2024 Elite Funding Programme – Intention to fund young people; eligible criteria .....	8
Q256/2024 (1) Claims filed with Employment Tribunal – How many; appointment of chairperson .....	10
Q257/2024 Casemates Square – Involvement of all stakeholders.....	10
Q258-260/2024 Power’s Drive Tunnel lost armoured decking tiles – Government replacement; restoration; storage; insurance.....	12
Q256/2024 (2) Claims filed with Employment Tribunal – How many; appointment of chairperson .....	13
Education, the Environment and Climate Change. ....	16
Q261/2024 Education Health Care plans – Introduction through legislation .....	16

Q262/2024 Services from educational psychologists and school counsellors – Current waiting times for children .....	17
Q263/2024 Pupils on SEND register – Special educational needs identified; enrolled establishment.....	18
Q264/2024 St Martin’s school staff/parent reports – Pungent odours.....	19
Q265/2024 St Martin’s School rodents/droppings – Departments attendance; dates.....	19
Q266-267/2024 St Martin’s School – Hydrotherapy pool operational and being used by pupils .....	20
Q268/2024 Government plans for young adults – Settings/facilities for SEN and supported needs post-16.....	22
Q269/2024 Devil’s Tower Road cemetery– Subcontractor for general maintenance .....	25
Q270/2024 Electric buses – Commencement of roll-out .....	26
Q271/2024 Net-zero delivery – Expected report presentation .....	28
Q272-274/2024 Car Registrations – 1 <sup>st</sup> January 2023 to 31 <sup>st</sup> December 2023 .....	28
Q275/2024 Renewable energy resources investment – 1st January 2012 to 31st December 2023.....	30
Q276/2024 School cleaner vacancies – Government confirmation of change.....	31
Q277/2024 Department of Education – Pupil numbers by school year, gender, educational establishment.....	32
Q278-80/2024 Leaving school education before GCSE exams – Numbers 2019-2024 broken down by gender .....	34
Q281/2024 Transgender or gender diverse issues – DOE guidance/policy directions.....	36
Q282/2024 New National Theatre – Expected construction dates, costs, fundraising .....	38
Q283/2024 Hawker’s licence implementation – Next set to be issued.....	38
Q284/2024 Sourcing clean energy from Morocco – Details of studies .....	39
Q285-286/2024 Post Office customers parking on Bishop Caruana Road – Collecting parcels; relocation of spaces .....	40
<i>The House recessed at 5.00 p.m. and resumed sitting at 5.17 p.m.</i> .....	42
Q277/2024 Department of Education – Supplementaries .....	42
Q280/2024 Leaving school education before GCSE exams – Supplementaries .....	44
Q287/2024 D&D Consulting Limited – Annual collection of parking fines; contract entry and length .....	45
Q288/2024 Chief Executive of the Environment Department – Serious concerns on overtime .....	47
Q289/2024 Trade links with Africa – Government detailed plans.....	47
Q290/2024 Migrations of Barbary macaques – Measures to prevent .....	51
Q291/2024 The Green Lane – Easy and safe access .....	53
Q292/2024 Pedestrianised road leading to Botanic Gardens – When to be refurbished and beautified .....	56
Q293/2024 Motorbike engines – Noise.....	57
Q294/2024 Review of STTPP – Results published.....	58

Q295-297, 300/2024 Cycling app/Cycle to work scheme – When set up; details; advance stop signs and cost.....	59
Q298-299/2024 Victualling Yard Aquarium project – Support of Government.....	63
Q301/2024 Speed mileage indicators – Why removed.....	65
Q302/2024 Governor’s Parade Bin Store – Results of review.....	66
Q303/2024 Felling of 102-year-old eucalyptus tree – How decisions are taken .....	67
Adjournment.....	68

# The Gibraltar Parliament

*The Parliament met at 3.02 p.m.*

MADAM SPEAKER: Hon. Judge K Ramage GMH *in the Chair*

CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*

## PRAYER

*Madam Speaker*

**Madam Speaker:** Almighty and merciful God, from whom comes all counsel, wisdom and understanding, we humbly ask you to guide and assist us in our deliberations and in our work. May all our efforts be directed to the welfare and good of our community and our country. May we act honourably in pursuit of true justice for all our people, now and for the future and for generations still to come. Amen.

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament Wednesday, 13th March 2024.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the fifth meeting of the 15th Parliament, which was held on the 21st, 22nd and 26th February 2024.

**Madam Speaker:** May I sign the Minutes as correct?

**Members:** Aye.

*Madam Speaker signed the Minutes.*

## ANNOUNCEMENTS

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

## PAPERS TO BE LAID

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to lay on the table Statement of Supplementary Estimates number 1 of 2019-21, and Statement of Supplementary Estimates number 1 of 2021-22.

**Madam Speaker:** Ordered to lie.

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

## Questions for Oral Answer

### INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT

**Q252/2024**

**Children's Play Parks –**

**Maintenance and repairs; completion dates**

**Clerk:** Questions to the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.  
Question 252/2024. The Hon. E J Reyes.

25

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

30

**Clerk:** Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

35

**Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon):** Madam Speaker, maintenance and repairs at the children's play parks are part of the ongoing programme. There are items identified as part of the daily checks and they are addressed immediately. Others might need the ordering of spare parts, although most of these are in stock. At present, there are no major repairs pending.

40

**Hon. E J Reyes:** Yes, Madam Speaker, the reason why I asked that question is in previous sessions the Minister, or his predecessor, has explained to me there seems to be some sort of ongoing arrangement for maintenance, but in some areas it seems as if some works are pending for a rather long time which is why I asked what major repairs are they currently undertaking.

45

So although the Minister has, rightfully, said what the programme is and so on and he has even added that mainly spare parts tend to be in stock and so on, it still does not answer what is there pending at the moment, that is what I am asking. What is it currently undertaking? Perhaps I am getting to the nitty gritty.

**Hon. L M Bruzon:** Madam Speaker, as I said, there are currently no major repairs pending.

50

**Hon. E J Reyes:** I did not pre-empt my word 'repairs' with 'major', you know, it is for general repairs. Some may be minor, but it requires a part that could have been taken longer than expected. We have all been the victims of a supplier saying it should be here within the next fortnight, and two months later you are still waiting for it, so that is why I am being a bit pedantic in insisting in knowing what repairs are pending.

55

**Hon. L M Bruzon:** Madam Speaker, again, the daily checks will obviously bring up areas which need attending to. As far as I know, the last pending repairs have all been dealt with and therefore there is nothing major, only the daily checks and whatever that might bring up.

60

**Hon. E J Reyes:** Reluctantly, I have to accept that the Minister does not have any information. What I will do, Madam Speaker, because I do frequent a fair number of these parks, having

grandchildren and it falls upon my home duties. If I have a particular concern in a particular area, perhaps, I can discuss with you and I may be able to pose that question, homing in on just one particular repair that those parents and grandparents who frequent these parks, we tend to think may have been long overdue since Christmas time or whatever. But I will have to accept the answer for today.

**Hon. L M Bruzon:** Madam Speaker, members of the public are encouraged to write into the GSLA at [playgrounds@gsla.gi](mailto:playgrounds@gsla.gi) with any issues that they may have, so that may be addressed immediately.

**Madam Speaker:** Next question.

## EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

**Q253/2024**

### **Equality Office Consultation Paper – Maternity leave transition to parental leave, proposed changes**

**Clerk:** Question 253/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Regarding Government Press Release 633/2019, could the Government provide a progress report on the proposed changes outlined in the Equality Office Consultation Paper, specifically regarding the transition from maternity leave to parental leave, incorporating paternity leave?

**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, there have been significant developments since this question was last asked in December 2023. The designing of a new and bespoke system of parental leave in Gibraltar, which gives parents more choice and flexibility particularly in how they care for their child in the first year, requires due and careful consideration.

There are a number of wide-ranging social and financial implications involved which require a close scrutiny and revision, and of course there are a number of legislative changes which also warrant a measured deliberation. The Government remains fully committed to fulfilling the manifesto commitment.

**Hon. A Sanchez:** Grateful for that answer. I have the press release here in front of me and it says that at the point when the press release was issued that the consultation and the work was at a very advanced stage; and given that it was issued in 2019 and we are now at 2024 could the hon. Member elaborate as to why the process is so delayed?

And given the importance of the issue and advancing this agenda, and eliminating obviously gender inequality and advancing this very important agenda, could the hon. Member perhaps give a time frame and a commitment as to when this would be implemented in legislation?

**Hon. C P Santos:** Madam Speaker, this press release was from September 2019. It was at an advanced stage. I have all the documentation and suggestions for policy and legislative changes. Needless to say 2020 put the world at a stop, so after COVID of course things have restarted; and as from my coming into office, we are working actively with all different stakeholders.

105 We are looking at having a working group with different Departments because this is something that is all-encompassing. It is not just for the public sector, which seems to be like an easier option, an easier move, but also the public sector. So we are actively working on it. My team at Equality is actively working on it.

110 We have just come from a Women's International Day celebration. This was one of the topics that we discussed thoroughly, because it is something that will affect not just men's parental rights and parental leave and paternity leave, but also will aid in the gender pay gap which is also an issue that we have been looking at during the year. This is something that we are currently working on, as I said it is something that we want to get started sooner rather than later, and it is something we are fully committed to.

115 **Hon. A Sanchez:** If I could just pick up on the point of International Women's Day and I understand the point that you made about COVID, but I just want to pick up on the fact that evidently, when we were not isolated and COVID did not just impact Gibraltar, it impacted everywhere else in the world; and yet we can see that our European counterparts are far more advanced in this area than we are.

120 So I do not really understand how we are falling so far behind on this. If we are to make a real difference in terms of equality, we really need to push forward in this and move past symbolic gestures. So I do urge the Minister, the hon. Member, to perhaps enlighten us with a commitment as to a time frame and when he envisages that this will go through.

125 **Hon. C P Santos:** Madam Speaker, as rightly mentioned, according to what country you are from Europe has different options and choices. The North Scandinavian countries, that we all idolise as having idyllic systems in place, their taxation is much higher than it is in Gibraltar, so they can have a very advanced parental leave programme.

130 We are looking at it so that it is the most beneficial, financially, for all sectors because it is at the end of the day a big change in legislation that will affect both public and private sector. So every country in Europe has different legislations that work for their country. We are looking for the best way that would work for Gibraltar for both, as I said, the public and the private sector.

135 So it will happen as soon as possible. I cannot tell you it will happen within the next three weeks or the next six months, but it is something that we are actively pursuing. This is actually the first and most important thing that we are dealing with currently at the Ministry of Equality. So the time frame is as soon as we can possibly make it happen and make it work for everyone who is going to be involved.

140 **Hon. A Sanchez:** Could the hon. Member clarify who the stakeholders involved are, the stakeholders that he is referring to?

145 **Hon. C P Santos:** We are forming a working party, it will have participation from the DSS, the Department of Social Security, who are involved in this as well as the Department of Equality; and then we also want to consult with the GFSB and the Chamber of Commerce, who will have their input with regard to what the private sector would require and how it would work for them as well.

**Madam Speaker:** Next question.

**Q254-255/2024**  
**Elite Funding Programme –**  
**Intention to fund young people; eligible criteria**

**Clerk:** Question 254/2024. The Hon. G Origo.

150

**Hon. G Origo:** Madam Speaker, how does the Government intend to fund the Elite Funding Programme designed to support young people at international vocational schools?

**Clerk:** Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

155

**Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, I will answer this question together with Question 255.

**Clerk:** Question 255/2024. The Hon. G Origo.

160

**Hon. G Origo:** With respect to the Elite Funding Programme, what sort of criteria will be introduced to be eligible for this funding programme?

**Clerk:** Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

165

**Hon. C P Santos:** Madam Speaker, the Elite Funding, under the cultural umbrella, is a new scheme that this Government will introduce as part of its manifesto commitments during the lifetime of this Parliament. The Elite Funding Scheme will be based on the Dance and Drama funding model, the DaDA, and it will be for performing arts and is currently at the embryonic stage as we are drafting its criteria.

170

**Hon. G Origo:** Madam Speaker, grateful to the hon. Member for that answer and could I ask then, in terms of the budget, how much funding is the Government willing to allocate to these vocational art studies?

175

**Hon. C P Santos:** Well, currently, we are waiting the estimates process and see how much funding we can obtain, how we are going to work around it, and as I mentioned we are looking at the DaDA Funding Programme and we need to see what the different vocational academies cost and how much extra funding would be required, apart from what is already required as part of our scholarship programme that we already do for university courses.

180

Some of these conservatoires have more expensive courses, some are covered by the normal standard tuition fees and then there are different courses that require different types of equipment. So this is an extra support for those who need extra funding with regard to the course fees or equipment required for the courses that is not covered, necessarily, by what we already offer under the Department of Education Scholarship Scheme.

185

**Hon. G Origo:** Grateful. Madam Speaker, can the hon. Member please provide whether he has considered how many students the Government expects will be applying for such funding?

190

**Hon. C P Santos:** I cannot confirm what number of students will get into vocational schools. This is quite a difficult process. The schools we are looking into are under the Royal Academies, the Conference of Drama Schools. As I said, it is the Dance and Drama Awards in the UK that we are modelling after, so there is a list of accredited schools.

We have invested a lot in the arts. We invest in the local dance academies as well as GAMPA, as we all know. This has already made training much more accessible for everyone. The standard of performance currently in Gibraltar is very high. The festivals that they take part in locally, every

195



investment from private companies that are working in the arts as well, is making the standards go higher and higher.

200 This is why we feel we need to support these kids who are currently taking the name of Gibraltar all over the world that they are performing in. We have had kids in the Royal Ballet, in the Polish ballet schools, we have kids in the West End. So I do not know how many the number of kids will be, it is a very difficult process. In the past we have only had between two and three within a two- to three-year span. So we are looking at smaller numbers but this will be, as I said, through a process that will follow the DaDA funding, so not everyone will be eligible but everyone  
205 will be considered.

**Hon. G Origo:** Madam Speaker, grateful for that answer from the hon. Member. Could I ask then, as it was not clear from his previous reply, if the Government expects that it will introduce this funding programme for the next academic year, say September 2024? Or did he say that the  
210 intention is for Government to provide this funding during the lifetime of this Parliament at some point?

**Hon. C P Santos:** We are currently in the estimates period, so we need to wait for approval on that. But in my answer I said that this manifesto commitment will be during the lifetime of the  
215 Parliament.

**Hon. G Origo:** And finally, Madam Speaker, may I ask a question on 255 with respect to the criteria being applied: could I ask the hon. Member whether there is any criteria being applied with respect to age? For instance, will the Elite Funding Programme be available to youths, say  
220 between the ages of 12 and 18, or will this just be open to students who are going to international art schools over the age of 18?

**Hon. C P Santos:** Well, as part of the policy we aim to support young children between the ages of 16 to 24. This is following, as I said, the DaDA model and remember that as from 18 and above, we already have the current scholarship system which already supports these kids. So the Elite  
225 Funding Programme for this would be supplementary. It is not an exclusive programme which will fund the whole educational process. It will be an extra support, like an extra scholarship, to help fund their education.

**Hon. Dr K. Azopardi:** Madam Speaker, can I just ask, the hon. Member mentioned the DaDA formula, the dance and drama. For those of us uninitiated in dance or drama, can he explain how that works?  
230

**Hon. C P Santos:** In the UK there is a series of vocational schools that fall under the Conference of Drama Schools, could be Mountview and the Royal Academy – not the Royal Academy, but  
235 Mountview and Trinity Laban, all these different accredited schools.

They, in turn, offer scholarships within the schools as well as the DaDA programme. DaDA is like an extra funding body that helps kids. The audition, they have to first of all get a place at one of these vocational schools and then they go through the process and the school awards a  
240 scholarship to who they feel is a successful candidate.

**Madam Speaker:** Next question.

**Q256/2024 (1)**

**Claims filed with Employment Tribunal –  
How many; appointment of chairperson**

**Clerk:** Question 256/2024. The Hon E J Reyes.

**Hon E J Reyes:** Can Government provide details on how many claims filed with the Employment Tribunal are awaiting the appointment of the chairperson as at 1st March 2024, together with details of when these claims were first filed?

**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 total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 27. I now hand over a schedule with the information requested.

**ANSWER TO QUESTION 256**

Claims awaiting appointment of Chairperson by date are as follows:

2022		2023	
Jun	1	Jan	2
Jul	1	Feb	3
Aug	4	Apr	2
Sep	1	May	1
Nov	1	Jun	2
Dec	3	Jul	2
		Aug	2
		Sep	1
		Oct	1

**Madam Speaker:** Right, I propose we move on to Question 257 and once you have considered that, we can come back to it.

**Q257/2024**

**Casemates Square –  
Involvement of all stakeholders**

**Clerk:** Question 257/2024. The Hon. C Sacarello.

**Hon. C Sacarello:** In the Government's initial consultation with stakeholders involved in the refurbishment of Casemates Square in November 2023, not all stakeholders were consulted, contrary to their manifesto promise. Can the Government provide these other stakeholders with the reassurance that they will be included in all future discussions?

**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, in line with our manifesto commitment, we met the stakeholders within a month of coming into office on 9th November 2023. We invited all those participants that operate under the leisure licence and have terraced outside areas whereby the refurbishment will directly affect the 16 in total of this.

Further to this, on 30th January, a request was made by my Ministry to have three representatives chosen for future meetings. We are, however, reviewing who the stakeholders are as the project moves further into fruition, given the diverse array of parties involved.

**Hon. C Sacarello:** Madam Speaker, I am very grateful to the Hon. Minister for his reply. However, the manifesto commitment does say that it is *all* stakeholders and not just stakeholders.

The reality is that the retailers were not consulted, at least the vast majority of these, and they harbour concerns that not only is Casemates Square in a shabby condition and hence putting off tourists from remaining there, but their concerns are that the consultation, if it does not take them into account, will only take into account the views of the restaurateurs. So, therefore, perhaps encouraging people to move on.

So they are concerned about the hang time and my question to the hon. Member is: will the consultation take into account their very valid concerns that the hang time and attraction for tourists who remain there before moving on to other areas will be taken into account?

**Hon. C P Santos:** There is no definitive list for Casement stakeholders, as such. I went through the initial list that I have of stakeholders that we usually deal with. I was then called by one of the retailers, who said I was under the impression that they were also coming to the meeting as people from the kiosks did attend the meeting, and I thought they were all under the same list.

So in the meeting request of 30th January, actually the meeting was going to take place tomorrow at midday, with the representatives for the beautification, I did ask to make sure that we have the retailers involved. In the meantime, I have also had a request from the retailers and residents, but not under the Casements Association, they fall under the Casements House Management.

I asked them if they wanted to attend together with the restaurateurs in the big meeting that I would hold with regard to the consultation of the beautification and they said they did not want to, they wanted to meet on their own as they had other concerns. This meeting will happen at the end of this month.

So I am meeting everyone; and as I said Casements and the design is expanding and we are getting a list of who we consider to be the stakeholders. At one point, it will be everyone, even people who are unaffected by the actual works within the balcony, but Casements is going to be beautified for all and for Gibraltarians and tourists alike.

So for us, it is about finding something that works for Gibraltar plc as a whole.

**Hon. C Sacarello:** Thank you, Madam Speaker; and I would like to thank the hon. Minister, who did allude to consulting and his intention to consult all other stakeholders.

But could I ask for a finer, in terms of the language, for a greater commitment, unequivocally, to ensuring that the retailers request for hang time and consideration so that tourists remain in that area, that that particular concern of theirs will be addressed?

Thank you.

**Hon. C P Santos:** I will address the concerns of the retailers when I meet the retailers, which is at the end of March. But of course, I will have every person's interests at the forefront of the beautification.

It will be about having tourists stay there to eat, to shop, to spend time and to have a positive experience about Gibraltar, and as I said the retailers came under Casements House Management,

not under Casements Association; and the Casements House Management is, as well, another manifesto commitment on page 47 if you want to search it and this is another part of the project.

**Madam Speaker:** Next question.

320

**Q258-260/2024**

**Power's Drive Tunnel lost armoured decking tiles –  
Government replacement; restoration; storage; insurance**

**Clerk:** Question 258/2024. The Hon. C Sacarello.

**Hon. C Sacarello:** Has the Government replaced the lost armoured decking tiles lost to the fire at Power's Drive Tunnel in 2022?

325

**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 259 and 260.

330

**Clerk:** Question 259/2024. The Hon. C Sacarello.

**Hon C Sacarello:** Has the complement of the armoured decking tiles used for events such as the GMF been fully restored to the levels immediately before the July 2022 fire and, if so, where are they now stored?

335

**Clerk:** Question 260/2024. The Hon. C Sacarello.

**Hon. C Sacarello:** Were the armoured decking tiles lost to the fire at Power's Drive Tunnel insured?

340

**Clerk:** Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

**Hon. C P Santos:** Madam Speaker, we did lose some of the armoured decking tiles as a result of the fire at Power's Drive Tunnel in 2022. The remaining substantial amount is still under storage in said location. These tiles were not insured, but Government recognises the importance of restoring and reusing these in a wider range of infrastructure projects, including events, and is therefore committed to finding suitable options to its use.

345

**Hon. C Sacarello:** Madam Speaker, I am grateful to the hon. Member for his reply. Could I please ask following those three questions, what was the value of the loss incurred, given that they were not insured? Sorry, I will do it one by one, it would be easier if we do it ... Okay, let's start there.

350

**Hon. C P Santos:** Can you repeat the question, please?

355

**Hon. C Sacarello:** Sorry, yes. What was the value of the loss, given that some were lost and they were not insured?

**Hon. C P Santos:** I would need to be given advance notice of this question. I do not have the full value of this at the moment.

360

**Hon. C Sacarello:** And in terms of the quantities lost, the hon. Member mentioned that they would be replaced. Do we know how many were and to the extent that they will be replaced, what cost will that be?

365

**Hon. C P Santos:** Madam Speaker, I did not mention that these would be replaced. We have 7,000 m2 currently still in storage. We are not yet planning to replace what was lost, we are looking for ways that we can find other uses for what we currently have. Seeing how we can make best use of the remaining ones.

370

**Hon. C Sacarello:** Thank you, Madam Speaker, just a couple more questions.  
First of all, when the hon. Member mentions to find what use it is, that assumes of course they were used for events such as the GMF. Is that assuming that there is no further GMFs planned in their term of Government?

375

**Hon. C P Santos:** The GMF was held at the Victoria Stadium, however, it is not an option to do it currently there anymore. We have other venues that we can use for events.

380

So, we can either sell the floor, we can either hire it out, we can sell part of it, we can keep parts for the different areas that we are going to be holding events in. Of course – as very much mentioned in our manifesto – we are not going to do the GMF as it used to be; but we are working together with local producers to continue offering different events that will be at no cost to the Government.

But the flooring, we are still ascertaining what the best use of it is and how we are going to use it better.

385

**Hon. C Sacarello:** Thank you. Madam Speaker, could I ask the hon. Member that whilst this asset lies unused and there is a risk that a further fire could break out – albeit I presume the risk has been mitigated now – have these remaining tiles been insured?

390

**Hon. C P Santos:** At risk of another fire? I am not quite sure, they were not stored next to a fireplace, they were in a storage area, so the risk of the fire is not necessarily something that is because of the area it was in. The fire happened because it was started by someone.

395

So, yes, there is a risk if we store it absolutely anywhere and someone comes with a match. So wherever you store it, it will be at risk, I imagine. It is not like we are storing it in a place that is easily flammable.

So we have not insured it because Government does not tend to insure this type of materials. We insure for public liability and we insure people and not necessarily this type of materials; but we have preventative measures in place now so that no one comes and sets fire to the Tunnel again.

400

**Madam Speaker:** Next question.

No, sorry, I said we would come back to the Hon. E J Reyes and the Minister will come back. Any supplementaries on 256?

#### Q256/2024 (2)

#### Claims filed with Employment Tribunal – How many; appointment of chairperson

**Hon. E J Reyes:** Thank you, Madam Speaker.

405

Yes, a quick look at the answer the Minister gave me in respect of the claims that are awaiting appointment of chairpersons. Comparing the statistics provided with the last time I was given

figures, that relates up to only May of 2023, I am sad to note there seems to have been little progress because last time, in August, I was told that from August 22 there were four cases pending the waiting of a chairperson and that still seems to be the case.

410 Then when it comes to September 22 there is still one case pending; when it comes to November 22 we have only solved one and there is still one case pending. This is simply for the appointment of a chairperson, not that the case has been concluded.

The same for December 2022 only one case has been presented; and then as from January 2023 onwards, there has been no deduction in the list of the number of people waiting. 415 You know, for a person who feels aggrieved and therefore has filed a claim, to be to be waiting for so long, close to two years now, simply for the appointment of the chairperson does not seem to be justice, if one can use that word more in a layman's terms.

Can the Minister enlighten us as to why it is taking so long to appoint these chairpersons, given that in the past they had, optimistically, said they hoped to have resolved the problems and expedite matters with the appointment of a chairperson and so on. I look forward to hearing the 420 explanations from the Hon. Minister.

**Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** The last time this question was asked, Madam Speaker, was in November 2023. The number was 53. The number is 425 now 27. We had quite a big backlog that we needed to get rid of. We have, since November, a total of 34 cases have moved on to the next stage. I am not quite sure whether the numbers mentioned are exactly the same cases or whether there are people, if you mentioned from May, if they are people who have moved on to the next stages.

We have been working on the backlog, so there are cases that are more complicated than 430 others: some settle, some do not, some need extra work. So we are moving forward as fast as we possibly can. Within the last four months, we have already subtracted 34 people which seems like quite a lot, at least from my side.

**Hon. E J Reyes:** Madam Speaker, the question may have been posed in November, but the 435 answer only gave us statistics up to May 2023. So it is 10 months on; that is a bit longer than a normal average human pregnancy, but that is just how it is. And the figures, I know the Minister was trying to work on the figures.

The figures are very simple awaiting the appointment of a chairperson and as from what date are they awaiting. One would presume you are awaiting the appointment of chairperson as soon 440 as you lodge or you file your request for a tribunal.

So, yes, brownie points given in that in November there were 53, or as from May 2023 there were 53 cases pending, and now the statistics I am given, which is only up to October 2023 there are 27 cases pending. But there has been no movement, like I said, very little movement, in the 445 second half of 2022 and no movement at all in the number of cases awaiting appointment of a chairperson in respect of the whole of 2023.

We are now towards the end of the first quarter of 2024. So for those who have a case pending the appointment of the chairperson, let alone the case starting which then carries on course, there does not seem to have been progress. I do not know why the Minister feels that we cannot justify or what excuse can we give to these people for the appointment of a chairperson? I would like to 450 hear the reasons why the chairperson has not been appointed.

**Hon. C P Santos:** Madam Speaker, thank you very much for the monologue pre-question, it was quite entertaining; and I must say I will take the brownie points that you have given me. I would rather you give me brownies and not brownie points *per se*, I enjoy those a little bit more. 455

There was, as mentioned, a backlog which we are working towards and to be perfectly honest there are cases that I actually met up with the employment tribunal chairpersons yesterday and we were discussing how cases were progressing; and the way that it works is that they are

assigned to a chairperson and according to how they move forward and the difficulty of the cases, this is how the numbers change and shift.

460 I must say that I still think that lowering the numbers by 34 is quite a good shift, but I imagine that you are never going to be happy until we get to zero, which is something that is idyllic. But if we keep having claims, we will keep on having to move these forward and move them from stage to stage according to how it best works for the individual in each case.

465 **Hon. E J Reyes:** Madam Speaker, when I posed the question in November 2023, I was given the statistics that only took me up to May 2023. This time round, I have had to wait for the six-month period to be up, but this time round I specified a date, I asked for as at 1st March 2024, and yet in the answer the Minister is only to provide me information up to *October 2023*.

470 So there is November, December, January, February. I mean we are for four and a half months of no statistics. Surely, I am not asking for anything complicated, I am just asking for someone to look in the file and say, right, how many cases are pending the waiting of a chairperson?

475 Can the Minister please provide me the missing statistics from October 2023 to 1st March or 29th February, being a leap year, of 2024, something like that. I am missing the information. If he does not have it with him now, Madam Speaker, I do not mind waiting until the Minister gets the answer and provides it later tomorrow and we file it as such in Parliament.

**Hon. C P Santos:** Madam Speaker, I will try and get this information. As far as the information given to me in November 2023 we had 53; then we have had five new claims in 2024 but these are still in the first stage. So they are not yet awaiting a chairperson.

480 I will ask my officers and as soon as I have some information, I will pass it on to you. But currently the information I have is up to November 2023.

485 **Hon. E J Reyes:** I am grateful, Madam Speaker. I see the Minister is trying to be co-operative in this respect. Having had the privilege, having sat on that side of the House before, I know I used to do my homework and before coming to this House I would check upon the answers provided by the public servants.

490 Have they understood the question in the way that, as a parliamentarian, I have understood it? And when you get to know your colleague on the opposite side of the bench, you know more or less what sort of things that person is looking for. I hope I can build up a nice rapport with the Minister, who is a nice person after all, but he seems to have a statistic of November 2023, which has not been tabled in this House, Madam Speaker, and that is a bit of a disservice since the question was asked to March 2024.

But I wait patiently and then we can lay it across the table in this House.

495 **Hon. C P Santos:** Thank you for the second act of the monologue, the complete works of Shakespeare are coming to Parliament today.

500 I do my homework, so I will not take insult to this and you know full well that I do. I am going to do a check whether there are claims from November and December 2023, as a double check, because this is the information I have up to now; and considering that they have given me stats for 2024 as well, I just want to make sure that there are none filed in 2023 of November or December, or what the case may be. Yes, as soon as I get that information, I will pass it on to you, and, of course, we have a lovely rapport already, the hon. Member and I.

**Madam Speaker:** Only if there is a specific question.

505

**Hon. E J Reyes:** I appreciate that, Madam Speaker, and I know we test your patience sometimes, but I am sure at some stage you will allow the Minister just to present information, between now until we adjourn *sine die*.

510 **Madam Speaker:** Next question.

**EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE.**

**Q261/2024**

**Education Health Care plans –  
Introduction through legislation**

**Clerk:** Questions to the Hon. the Minister for Education, the Environment and Climate Change. Question 261/2024. The Hon. A Sanchez.

515 **Hon. A Sanchez:** In light of Question W46 of 2022 and the Government's manifesto commitment, could the Minister provide information on when the Government expects to introduce plans known as education health care plans in Gibraltar through legislation?

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

520 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Department of Education works very closely with the Care Agency, the Gibraltar Health Authority and parents and carers to form a team around the child, which works collaboratively with the child's needs as a central focus.

525 Interagency and interdepartmental professional collaboration is key when planning interdisciplinary support and holistic developmental plans. The Department of Education is committed to facilitating and nurturing the holistic development of children and to ensuring any additional support that professionals deem necessary is put in place to support pupil's needs as and when they are identified.

530 To address, discuss, progress and evaluate pupil's development, personalised learning plans are drawn up and managed by school staff as live documents which facilitate the implementation of each pupil's individualised, holistic plan. Education professionals reach out to allied health care professionals and to colleagues in the Care Agency as and when required, both at an operational level in a dynamic manner in response to pupil's developing needs as well as at the most strategic level, service wide.

535 This close interdepartmental working emulates many of the core principles of the Education Health Care Plans, the EHCPs, of the UK, while retaining a high level of responsiveness to change and adaptation to the child's evolving needs, which the UK system is currently lacking. As such, the Department of Education does not feel that there is currently a need to legislate for Educational Health Care Plans, although we will keep the matter under review.

540 **Hon. A Sanchez:** I am grateful for that answer. I am sure the hon. Member is aware that I evidently, can speak from experience, that at present what you do receive is an individual education plan, and you might receive *ad hoc* MDRs, and you might receive care plans from the Care Agency, but it is presently quite disjointed and is presently quite confusing for families.

545 What I am referring to is a manifesto commitment that you have, which indicates individual action plans for persons, and I quote:

... who suffer from disabilities and there should be a life plan which the family of disabled persons can rely on.

This is a manifesto commitment from one of your manifestos in 2015.



550 In relation to Education Health Care Plans, which the Hon. Member is evidently aware is reflected in the Senate Code of Conduct in the UK, specifically relating to the Children and Families Act. There is nothing that is legislated for which provides a legal document in our legislation which specifically brings all these Departments together and provides a more holistic plan for these individuals, these children and young people, in the way that I am describing.

555 So perhaps the Minister could look into this and revisit this to offer families a more holistic and multi-agency approach that works better.

**Hon. Prof. J E Cortes:** Madam Speaker, I will take that as a question as to whether we will do that.

Madam Speaker, this is not about not fulfilling those needs for every child. This is about not feeling, at this moment in time, that we need to specifically legislate.

560 I have been chastised by Members opposite for legislating too much. The Hon. Mr Clinton, for example, had a couple of goes at me for legislating to protect ivory. But it is not about the legislation, it is about how we implement these plans and how we work together. I am satisfied that we have made a lot of progress and that the flexibility of our current plan actually meets some of the criticism that the UK plan has and that we can develop this without the specific need to legislate; but if we find that there is a need to legislate, then clearly this is something we are willing to consider.

565 I am very happy to sit down with the Member opposite, to look at the detail, to see whether she is not satisfied with what we are doing and if we find that that legislation would help I suspect that, at this moment in time it is not necessarily going to help, then it is something that I have said and we will keep the matter under review and I am very happy to sit down with the hon. Member to discuss that.

**Madam Speaker:** Next question.

#### Q262/2024

#### Services from educational psychologists and school counsellors – Current waiting times for children

575 **Clerk:** Question 262/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Could the Government provide the current waiting times for children needing access to services from:

- 580 (a) Educational Psychologists, and  
(b) School Counsellors.

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

585 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the general process is as follows. In regard to educational psychologists, a request for consultation with an EP are made by schools. The psychologists will engage with the young person during their next visit to the school, in order of the priority as determined by the school. Typically, individuals identified by the school as being of high priority are seen within a month of the educational psychologist receiving a request. Less pressing matters are usually addressed within a term.

590 In regard to the school counsellors, referrals for consultation with school counsellors are made by schools or by the pupils themselves. Pupils can also request a drop-in appointment. School

counsellors assess all requests as quickly as possible and then assess the priority of the need, sometimes asking permission to refer the child or young person directly to Children's Mental Health or through the Care Agency where there is a case already opened at the Care Agency.

Therefore, it is impossible to give an idea as to how long a pupil would need to wait, this is done on a needs basis, and will also vary between secondary and primary sectors. The number of referrals will also vary throughout the year. It is important to note that the school counsellors also work directly with teachers and parents, as well as offering training to staff, so that parents and teachers also have the tools to help them support pupils to become independent and self-sufficient, which is the aim of any therapeutic service.

**Madam Speaker:** Supplementary.

**Hon. A Sanchez:** And would the hon. Member happen to have any information available with him regarding how many educational psychologists and counsellors are currently employed or are currently contracted by the Government?

**Hon. Prof. J E Cortes:** Madam Speaker, I do have that information. It is not, I think, a logical supplementary but I am happy to. There are currently two educational psychologists and there are two vacancies that are in the process of being filled, as far as I am aware.

**Madam Speaker:** Next question.

**Q263/2024**  
**Pupils on SEND register –**  
**Special educational needs identified; enrolled establishment**

**Clerk:** Question 263/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Can the Government provide updated details of how many pupils are on the SEND register with a breakdown by special educational needs identified and the educational establishment in which they are enrolled for the academic year:

2021-22

2022-23

2023-24

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

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, there is a schedule on its way to the Members opposite with the information required.

**Madam Speaker:** All right, we will move on to the next question and then come back to that once the hon. Member has had a chance to consider the schedule.

**Q264/2024**

**St Martin's school staff/parent reports –  
Pungent odours**

**Clerk:** Question 264/2024. The Hon. A Sanchez.

630 **Hon. A Sanchez:** Can the Government confirm if reports have been made by the staff or parents  
of pupils at St Martin's School regarding the alleged persistent pungent odour emanating from  
various areas of the school?

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

635 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam  
Speaker, the smells were emanating from a number of the s-trap WC pans at St Martin's School.  
The fittings connecting these pans to the outlet were dislodged and allowed foul smells to escape  
from the system. All connectors were renewed and the foul smells were eliminated at the time.  
Further smoke tests are being undertaken to see whether there are more devices that need to be  
640 changed.

**Madam Speaker:** Next question.

**Q265/2024**

**St Martin's School rodents/droppings –  
Departments attendance; dates**

**Clerk:** Question 265/2024, the Hon. A Sanchez.

645 **Hon. A Sanchez:** Could the Minister confirm whether there have been any: (a) reported  
sightings of rodents or rat droppings inside St Martin's School and/or in the external areas of  
St Martin's School; (b) whether the relevant Department has been in attendance in relation to this  
issue; (c) the date of both the reported sightings and the Department's attendance, if applicable?

650 **Clerk:** Answer, the Hon. Minister for Education, the Environment and Climate Change.

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam  
Speaker, yes, reports of signs of rodents in St Martin's School were received by the Environmental  
Agency from the Department of Education on 10th January, 2024. The Environmental Agency's  
655 pest control team attended to carry out treatment on the morning of the next day.

The treatment, which is by the use of *Rodenticide* in safe boxes, will be continued for some  
months to ensure that the rodents are eradicated. Madam Speaker, if I may, I asked for an update  
before coming today and I am told that the last few inspections show no signs of rodents and no  
uptake of bait.

660 So, therefore, it seems that the matter has been resolved.

**Hon. A Sanchez:** Could the hon. Member state what type of rodents these were?

665 **Hon. Prof. J E Cortes:** I believe they were rats, Madam Speaker, possibly as a result of them  
being dislodged from the adjacent works next to the St Martin's School. Obviously there has been  
piling, there has been work there on the affordable housing development and it may have

disturbed sewers or whatever and that is probably what made them move into the area of the schools.

670 **Hon. A Sanchez:** And could the hon. Member clarify where exactly they were sighted within the school?

**Hon. Prof. J E Cortes:** I do not have that information here, I am trying to remember from seeing correspondence, but I would not like to just commit it to refer to my memory. I am happy to share that but I would need to ask and look at my notes.  
675

**Hon. A Sanchez:** And could the hon. Member clarify why the parents of the pupils in the school were not notified of rat sightings in the school?

680 **Hon. Prof. J E Cortes:** Madam Speaker, I am afraid that I do not know that they were not. I have not got that information. I had assumed that the information would have been shared, but I have no knowledge of that, and therefore not knowing that they did not inform them I would not know why they did not.

685 **Hon. A Sanchez:** Well, Madam Speaker, as Minister for Education I must stress that, perhaps, it is a point that he might want to take back to the relevant Department. It is key that the relationship with the school, between the school and the parents, is one that is built on trust, especially given that many of the pupils in the school face significant communication issues and they evidently are not going to go home and tell their parents that there are rats in the school.

690 So I think it is essential that if there are rats in the school that parents hear that there are rats in the school, we are talking about rats, we are not talking about crickets. So I think it is something that should be told to parents by the relevant authority, like the Department of Education.

... [*Inaudible*] saying that there are rats in St Martin's school to the parents, if you can assure us that the parents will be notified.

695 **Hon. Prof. J E Cortes:** Madam Speaker, I do not think that the current leadership in the school fails to communicate. These are issues that I have no problem with being shared. I will ask the school, it may be that it was shared and the hon. Member is not aware. In any case, there was no danger at any stage to anyone, but as I said my view is always that we have to have open channels of communication with parents, and that is the policy of the Government.  
700

**Madam Speaker:** Next question.

**Q266-267/2024**

**St Martin's School –**

**Hydrotherapy pool operational and being used by pupils**

**Clerk:** Question 266/2024, the Hon. A Sanchez.

705 **Hon. A Sanchez:** Can the Government confirm whether the hydrotherapy pool in St Martin's School is operational and is being used by the pupils of the school?

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

710 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with Question 267.

**Clerk:** Question 267. The Hon. A Sanchez.

715 **Hon. A Sanchez:** Can the Government provide a breakdown of the number of pupils receiving hydrotherapy in St Martin's Hydrotherapy Pool for the following academic year:

2021-22  
2022-23  
2023-24?

720 **Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

**Hon. Prof. J E Cortes:** Madam Speaker, the Government can confirm that at long last and following a series of complex remedial works, due largely to issues of design, the hydrotherapy pool at St Martin's School is now operational, with water quality testing conducted weekly to ensure the continuance of safe levels.

725 Sadly, as a result of these delays, no students have received hydrotherapy to date because of my insistence on erring on the side of caution in order to ensure safe use.

**Hon. A Sanchez:** Can the hon. Member state when the pupils will start using the hydrotherapy services?  
730

**Hon. Prof. J E Cortes:** Yes, Madam Speaker, we are now identifying the staff that will assist the children. They need to be trained specifically in this and that process is ongoing. So I am told that we will start straight after the Easter holidays.

735 **Hon. A Sanchez:** Does the hon. Member know if these hydrotherapy services will be available to *all* the pupils of the school, or only *some* of the pupils in the school?

**Hon. Prof. J E Cortes:** Madam Speaker, that would have to be assessed by the professionals who would decide for which children this is a suitable form of therapy, it is a matter for the professionals and not for me. I would leave it entirely in their hands.  
740

**Hon. D J Bossino:** Can I ask the hon. Member what were the defects and were those defects those which presented a challenge as to safety; and, if I may, what were the safety challenges which arose?  
745

**Hon. Prof. J E Cortes:** Madam Speaker, there were two main issues, as I recall. One turned out not to be the case. There was a suggestion that there might have been a contamination from sewage to the hydrotherapy room. That was found not to be the case. The sewage was not connected to that area and that was resolved after a lot of work and that was one area where there was that doubt. I thought that was a safety element.  
750

The other one, the latest one, which was resolved only recently, was a problem with the temperature device that prevented the air temperature within the hydrotherapy room of becoming too high. At one stage, the thermostat was not able to control it and we were having temperatures in the high 30s, which was obviously not safe and not comfortable for the children.  
755 Therefore, a decision was taken that it could not be used, even though the pool was perfectly functional. But that temperature was not one that was comfortable. That has now been resolved and now it is a question of getting the staff in place and we are ready to go.

**Hon. D J Bossino:** Are those items likely to be the subject of any claims which the Government may be considering?  
760

**Hon. Prof. J E Cortes:** This will have to be assessed as to whether they are attributable to design, construction and so on. But I do not have detailed information on that at this stage.

765 **Hon. D J Bossino:** Simply press it, because I think, just by way of clarification and for the *Hansard*, I think in the initial reply he attributed the faults to a design fault, I think the hon. Member said.

770 **Hon. Prof. J E Cortes:** Yes, that is the understanding that I have, but I think the question was whether this was actually going to lead to a claim and this would need to be assessed and obviously, there may be a counter view that it was not design. This expert would have to determine, before we can determine whether action needs to be taken; but it is possible.

**Madam Speaker:** Next question.

#### Q268/2024

#### Government plans for young adults – Settings/facilities for SEN and supported needs post-16

775 **Clerk:** Question 268/2024, the Hon. A Sanchez.

**Hon. A Sanchez:** Does the Government have plans to enhance post-16 settings and facilities for young adults with special educational needs or supported needs, to provide them with greater choice and opportunities once they transition from educational settings, such as St Martin's School at the age of 16?

780

**Clerk:** Answer, the Hon. 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, the Government continues to look at ways of enhancing progressive pathways for all young people, including those with special educational needs and supported needs. Indeed, some new courses have been introduced this year at the Gibraltar College in liaison with St Bernadette's. Support is also given in finding employment. However, this will not cater for all young people with special needs and the Department of Education, together with the Ministry of Equality and the Care Agency, are studying ways in which to make wider provision.

790

**Hon. A Sanchez:** Could the Hon. Member elaborate on the ways in which they are planning to expand the provisions?

795 **Hon. Prof. J E Cortes:** Madam Speaker, these are possibilities in various directions. I cannot give all the information because there are other agencies involved and they are discussing this. I know, for a fact, that we are looking at improving the provision for residents and users of St Bernadette's.

800 Also, the new college in its new location will have more provision and an expanded LSF. So these are two of the areas. But for more details I would need to get information from other Departments. But those are the main areas.

I believe that there is also a move to increase the support given to young people in finding employment.

805 **Hon. A Sanchez:** The hon. Member mentions that there are more courses on offer at the Gibraltar College for the service users at St Bernadette's. But am I correct in saying that not every service user can join those courses?

Am I correct in saying that that is a decision that is taken by the Gibraltar College and that not every service user is eligible to attend those courses?

810

**Hon. Prof. J E Cortes:** I would not have thought that is the way it works. I would have thought that there are some young people who are more suited to certain courses than others; and I would have assumed that there would be a discussion in assessing the course available, the training available with the young person's needs rather than a blanket yes/no, without a logical sequence and a logical discussion. I am not aware of anything other than that.

815

Obviously, the course will have to meet the young person's need and the young person must be able to benefit from that course.

**Hon. A Sanchez:** So what happens to the young person that cannot benefit from that course, are there provisions for those young people that cannot benefit from that particular course? Which is what I am trying to say: are there provisions for the people that cannot benefit from that particular course?

820

Does the Government have provisions in place, plans in place, to cater for the individuals who have to leave St Martin's school because there is nothing else for them, and their parents perhaps feel that they would benefit from something else, just like their peers that are in mainstream settings and they do not have to leave school at the tender age of 16?

825

Does the Government have any plans to perhaps extend the leaving age of St Martin's School, offer something else, which is what my question is – enhanced post-setting education for persons with special educational needs, supported needs?

830

**Hon. Prof. J E Cortes:** Madam Speaker, this is moving to outside the area of Education. I have said what the Department can offer by way of education provision. The question refers to those young people who may not have at the moment suitable courses, or may not find those courses useful or suitable to them. That moves outside the realm of Education and my hon. Friend, the Minister for Equality, with your permission, Madam Speaker, is going to contribute to that discussion.

835

**Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Currently, together with the Minister for Health, we are looking at the relocation of St Bernadette's and Dr Giraldi's to a bigger venue. We are consulting with the Care Agency and all those involved with St Bernadette's to see how we can further what is offered in St Bernadette's, especially looking at the numbers of children coming up from St Martin's.

840

With regard to on my side of employment, we are looking at the Supported Employment Programme and as a part of employment as a whole. So, we are developing a programme which we are releasing within the next 10 days which is about up-skilling, and there are short courses that we are offering people who want to get into employment, who may not necessarily have the qualifications or the necessary qualifications, and we offering a series of short courses that will up-skill the individual.

845

This will be offered for those in supported employment, in rehabilitation, as well as people who are employed under the Employment Scheme. But more details of this will be released within the next ten days.

850

**Hon. D J Bossino:** There is a question which my hon. Friend asks specifically, I have my own question, but I think this needs to be pursued, which is that whether the Government is considering extending the leaving age for St Martin's School pupils.

855

Currently they are obliged, once they reach the age of 16, to move on to St Bernadette's and that may not be the solution for each and every pupil in that school. So we are exploring with the Government whether they are considering extending that or in building some flexibility to that leaving age.

860

**Hon. Prof. J E Cortes:** Madam Speaker, yes, there will be flexibility in extending the leaving age from St Martin's School. And I do know that some of the students in the college are over 18 and they are allowed to carry on there for a few years longer than they would normally in a mainstream school by way of supporting it.

865

So, the answer to that is yes, it has been considered and *de facto* in college there are young people who are over 18 who are those who can benefit from staying on that little bit longer.

870

**Hon. D J Bossino:** And if I may explore this point a bit further in the line of questioning that we have had from my hon. Friend. The Hon. the Minister said that he was unable to provide answers as to the things beyond. He mentioned two specific policy initiatives, those courses provided by the college and the employment aspects help which the Government provides. But he said that he was resisting providing an answer to the other things that are being considered because he would need to consult with other Departments.

875

If I could put it in these terms, if we filed a question for the next House, would he be able to consult with the other relevant Departments and provide us some specific answers in relation to other possibilities. We have had some information from the Hon. the Minister for Equality.

880

But what I am trying to establish is whether the Government is, at *this* stage, able to provide further information, or is it something which they are at an early stage considering? Have they reached a crystallised position as to what other facilities can be provided to these individuals?

**Hon. Prof. J E Cortes:** They are fairly early stages. It is interesting because clearly this is something that is important and it is as important to the Government as it is to the Opposition.

885

We are aware, and if I might digress slightly, we are going to, within the next few weeks, receive and publish the report that I commissioned on special educational needs and we are aware of the increased number of young people and we need to provide for this.

890

So, if the hon. Member asks a question, clearly we will provide whatever answer is available at the time. Will we have all the answers in two months' time, which is when we are next going to sit? I do not know, Madam Speaker, I am being perfectly honest. But if a question is asked, then a question will be answered.

895

**Hon. D J Bossino:** If I may, is the Government at this stage, able to assist this House in providing information as whether they have identified a new location for Dr Giraldi and St Bernadette's premises? Which is something which, at least at face value, we would welcome because I think those premises have already, as they stand, overgrown the requirements, but also it will certainly be a more pressing requirement given the numbers that are going to be coming through in the future.

900

**Hon. Prof. J E Cortes:** Madam Speaker, I believe there is another question in the Order Paper that covers that.

**Madam Speaker:** Next question.

I think that is the end of the questions of the Hon. Mrs Sanchez. So I will return to Question 263/2024, if the hon. Member has any Supplementaries, I will take them now.

No? Alright. Next question.



**Q269/2024**

**Devil's Tower Road cemetery–  
Subcontractor for general maintenance**

905 **Clerk:** Question 269/2024. The Hon. G Origo.

**Hon. G Origo:** Madam Speaker, can the Government confirm whether it engages a subcontractor for the general maintenance of the cemetery on Devil's Tower Road?

910 **Clerk:** Answer, the Hon. Minister for Education, the Environment and Climate Change.

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Government can and does engage subcontractors for works at the cemetery. This can range from horticultural contractors, to minor works, maintenance works and major works such as refurbishments.

915 **Hon. G Origo:** Madam Speaker, I am grateful to the hon. Member for his reply. With respect to the jobs which are subcontracted, could the hon. Member confirm whether the general maintenance – that is the upkeep of the cemetery – is contracted to a private subcontractor?

920 **Hon. Prof. J E Cortes:** Madam Speaker, the general maintenance of the cemetery as a whole is not contracted to a private contractor. Private contractors are brought in for specific works, which may include maintenance. There is one contract for the horticultural work which was granted for the first time a few years ago but it is not a general contract for maintenance of the cemetery.

925 **Hon. G Origo:** Madam Speaker, I am grateful to the hon. Member for his expanded reply. Can I be a bit more specific in that respect, then, with regard to the cleaning of the cemetery, can the hon. Member confirm whether this is subcontracted?

930 **Hon. Prof. J E Cortes:** Madam Speaker, there is a contract as part of the general cleansing contract, rather not the specific contract, part of the general cleansing contract. There are requirements for the contractor, everybody knows it is Britannia, to carry out some cleaning and when it comes to cleaning of the vegetated areas that is contracted to a horticultural contractor.

935 I do not believe, certainly I am not aware, there may be other contractors who do some cleaning, but as I said it is not an overall contract. They are just different contracts which are managed by the cemetery management.

I do not know what the hon. Member is specifically referring to, if he can elucidate either now or later, then I may be able to assist more.

940 **Hon. G Origo:** Madam Speaker, I am grateful to the hon. Member for his answer and I am grateful that he has also explained that, with respect to the vegetation issues in the cemetery, that there is a specific subcontractor for this and relates to the premise of my question. The reason I asked this is because a few weeks ago, I had been approached by certain constituents who were rather concerned with the state of the cemetery. As they explained to me, everything appeared to be very badly overgrown and unkept, for what appeared to be at least a few months.

945 I then took the opportunity to personally go and see this myself and I must admit that I was quite shocked to the state I found it in. Frankly, I was quite lost for words. Large parts of the cemetery were overgrown and it meant that it was difficult, sometimes even dangerous, to approach some of the tombstones.

950 So in this context, given the concerns raised by constituents, would the hon. Member be minded to commit to a review of the current practices or arrangements in place with regard to

the cemetery maintenance contract, which you just alluded to, so that we can ensure that these issues do not reoccur again?

955 **Hon. Prof. J E Cortes:** Madam Speaker, the cemetery had no vegetation management whatsoever until we introduced it some years ago and it so happens that at a certain time of the year, coinciding for two weeks after the first rains, we are going to have this problem every year because there is a large seed bank in the ground. After the first rains, the vegetation will grow and no matter how fast you strim, there is always going to be a backlog until it is caught up.

960 So at the moment, if he goes back to the cemetery, he will find that probably between half and two thirds are now completely under control, and I believe that by the end of this week the whole of the areas will have been strimmed. So it is, specifically, at the time of year, if you visit within the two or three weeks after the first rains, you are going to have a lot of vegetation.

965 The contractors concentrate on removing those plants, there is one particular species, that can be quite prickly and those are removed immediately. Other plants, such as poppies and so on, which always beautify the area, are allowed; but it is an artefact of the time of year when these people visited the cemetery. It is not that it is abandoned in any way and they will be on top of it as from now.

970 **Madam Speaker:** Next question.

**Q270/2024**  
**Electric buses –**  
**Commencement of roll-out**

**Clerk:** Question 270/2024. The Hon. G. Origo.

975 **Hon. G Origo:** Madam Speaker, by when does the Government expect it will begin the rollout of electric buses, given that it has already identified the right bus for the job, as referred to in its 2023 manifesto?

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

980 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the tender for electric buses which at the time were considered the right bus for the job, was awarded on 4th December 2020. Given the time that has elapsed, I have decided with the support of the Procurement Office, that new and better vehicles may now be available and offer better value.

985 The new tender process has already begun.

**Hon. G Origo:** Madam Speaker, grateful to the hon. Member for his reply. Could the hon. Member please confirm whether he has an understanding of what the cost of the electric bus fleet will be to Government?

990 **Hon. Prof. J E Cortes:** Madam Speaker, a lot of money. I do not have the detail. The tender process has commenced in that meetings are being held in order to agree on the specifications, but I do not have that information.

995 **Hon. G Origo:** Madam Speaker, my understanding is from the hon. Member that the Government has identified the right bus for the job, or at least it has in its manifesto confirmed that it has found the right bus suitable for Gibraltar. So given that it has found the right bus and

given that in the 2020 tender we know that we are looking for eight new buses, how is it that the Hon. Member does not know how much it is going to cost for this new fleet?

1000 **Hon. Prof. J E Cortes:** Madam Speaker, I do not know how much the new buses are going to cost, and nor do I know how many we are going to buy. The idea is to phase it in to make it financially achievable, but to achieve the renewal of the fleet and a lesser environmental impact. But I do not have the information as to how much they are going to cost.

1005 How can I possibly have it if we are just starting the process now and we are looking for the possibility of new buses that offer better value and are better for Gibraltar. I do not have that information, Madam Speaker.

**Hon. G Origo:** And finally, Madam Speaker, I am grateful for the hon. Member confirming that the tender issued in July for the supply of electric buses, given the time lapse since then, is going to go out once again to the public, is that my understanding? In that vein, if the tender process has recommenced, will the buses be sourced by a local supplier?

1015 **Hon. Prof. J E Cortes:** Madam Speaker, the tender process will be published and then suppliers will bid. It is highly likely it will be a local supplier but the hon. Member is asking me to predict what is going to happen at later stages. I cannot answer that question, Madam Speaker.

**Hon. Dr K Azopardi:** Madam Speaker, if the hon. Member indicated that the tender had been awarded on 4th December 2020, can I ask why they did not proceed at that stage?

1020 **Hon. Prof. J E Cortes:** Madam Speaker, I was not the Minister for Transport at the time, if the Hon. the Chief Minister will kindly assist.

**Chief Minister (Hon. F R Picardo):** Because of the state of the Government finances in December 2020, Madam Speaker.

1025 **Madam Speaker:** Next question.

**Hon. D J Bossino:** Madam Speaker, if I may, please?

1030 **Madam Speaker:** Yes, the Hon. Mr Bossino.

**Hon. D J Bossino:** One question: the hon. Member very confidently states that, in effect, he is taking advantage of the delay and is saying that this bus will be new and better. In which I thought I took an accurate note ... He is shaking his head.

1035 My question was, assuming that the premise of the question is accurate, in which way is the bus better?

1040 **Hon. Prof. J E Cortes:** Madam Speaker, I am saying with the support of the Procurement Office, that new and better vehicles *may* now be available and offer better value. In the space of four years, by the time this process is finished, it would be closer to nearly five years and the way that the industry is developing, it is highly likely that there may be new and better vehicles, which may offer better value. But I cannot say that they will, I am saying that it *may*, absolutely.

1045 **Hon. D J Bossino:** I thought that what they said in their manifesto, unless he is challenging the way that this question has been drafted, and I have not identified that he has in replies, he says that the right bus has been identified for the job. But what (*Interjection*) ... Oh, in the 2020 tender?

1050 **Hon. Prof. J E Cortes:** Madam Speaker, at the time 2020, now it is likely that there are better buses and better value and therefore we are reissuing a tender. It is the right way to do this, Madam Speaker.

**Madam Speaker:** Next question.

**Q271/2024**  
**Net-zero delivery –**  
**Expected report presentation**

**Clerk:** Question 271/24. The Hon. G. Origo. (*Interjections*)

1055 **Madam Speaker:** Next question if you want to put it, otherwise I will ask the hon. Member to sit.

**Hon. G Origo:** No, Madam Speaker, I am just waiting for –

1060 **Madam Speaker:** Well, I am not, so put the question.

**Hon. G Origo:** Grateful. By when does the Government expect the net-zero delivery body to present its report to Parliament for the activities in 2023?

1065 **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, a report of the Net-Zero Delivery Body for 2023 will be laid in Parliament during the 2024 budget session. (*Interjection*)

1070

**Q272-274/2024**  
**Car Registrations – 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023**

**Clerk:** Question 272/2024, the Hon G Origo

1075 **Hon. G Origo:** Madam Speaker, can the Government confirm the total number of cars registered between 1st January and 31st December 2023, stating how many were petrol, diesel, hybrid or electric?

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

1080 **Hon. Prof. J E Cortes:** Madam Speaker, I will answer this question together with Questions 273 and 274.

**Clerk:** Question 273/2024, the Hon. G Origo.

1085 **Hon. G Origo:** Madam Speaker, on 31st December 2023, how many owners of registered cars appear as the owner of one car, two car, three cars or more than three cars?

**Clerk:** Question 274/2024, the Hon. G Origo.

1090 **Hon. G Origo:** On 31st December 2023, how many households have one car registered to that household, two cars registered, three cars registered to that household or more than three cars registered to that household?

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

1095 **Hon. Prof. J E Cortes:** Madam Speaker, in relation to the answer to Question 272, in relation to the total number of vehicles registered during the year 2023: diesel 29, electric 19, hybrid diesel 20, hybrid petrol 401, petrol 100.

1100 In answer to Question 273, the data in relation to this question are not available in the manner requested. They are being collated and will be available in coming weeks. Madam Speaker, I am happy to share that across the floor or will be asked again at a future meeting of Parliament and provide that answer, obviously with the Speaker's permission.

1105 In answer to Question 274, the following figures are the latest held as of March 2023. Numbers of cars per household: the first number I am going to give is the number of cars per household, the second number is the number of households. So, one car per household 9,864; two cars 2,279; three cars 576; four cars 313.

Madam Speaker, in future these data will be published on the Government website.

**Hon. G Origo:** Madam Speaker, I am grateful for those answers from the hon. Member.

1110 With respect to question 272 on the number of cars registered for the year of 2023, I can see that there has been quite an uptake in electrical vehicle registrations. If this trend were to continue, would our grid be capable of sustaining so many cars plugged into it for charging?

1115 In other words, what would the effect be to our grid if 23,000 more vehicles were charging once a week? Especially given that in recent weeks we have been subject to power cuts. So will the Gibraltar Electrical Authority be able to guarantee that our grid can sustain these increased pressures?

**Hon. Prof. J E Cortes:** Madam Speaker, yes, the last time we were attacked on electric vehicles, it was that there was not enough uptake. Now we are seeing an uptake we are being attacked for not being able to provide.

1120 Madam Speaker, I think this is a significant move, in particular when you look at the increase in hybrid which I think is a step towards fully electric. There are more in the last year, in 2023, there were more hybrid petrol cars and taking together hybrid diesel and hybrid petrol cars than the whole of the rest of the categories put together.

1125 Madam Speaker, the grid *can* take it. The grid, the L&G power station that we created, to the great consternation of the Members opposite, or the Members who were opposite then, was built in order to provide a tremendous amount of resilience. It is a question of providing the charging points, there are already, I believe, 73 electric vehicle charging points in Gibraltar both public and private and there is an initiative to increase this.

1130 Only this week, on Monday, the Net-Zero Delivery Body published its Electric Vehicle strategy. So we are confident that the policy will move ahead and that we will be able to provide. The world is moving in that direction, the industry is moving in that direction. We will not allow ourselves to fall behind.

**Madam Speaker:** Next question.

**Q275/2024**

**Renewable energy resources investment –  
1st January 2012 to 31st December 2023**

1135 **Clerk:** Question 275/2024, the Hon. G Origo.

**Hon. G Origo:** Madam Speaker, can the Government provide details as to how much money has been spent by it investing in renewable energy resources between 1st January 2012 to 31st December 2023, broken down by year.

1140

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

1145 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Government's investment into renewable energy resources over the last few years has been mainly conducted via Power Purchase Agreements, or PPAs, with private companies who own, manage and maintain the solar PV plants.

Since 2019, the value of renewable energy purchase has been:

2019 £75,997.80  
2020 £115,799.10  
2021 £155,014.40  
2022 £178,165.40  
2023 £204,555.20

1150 Ironically, in each of the 16 years the hon. Member's Party was in Government, including the eighth when the Leader of the Opposition was Minister and Deputy Chief Minister, the count for each year was zero.

This Government has also invested in PV installations on its own projects, such as the Europa Sports Complex, Lathbury Barracks, the Special Olympic Stadium and the Comprehensive School Complex. These investments have totalled approximately £6 million of which approximately £3.5 million came from EU funding.

1155 Prior to this, in 2012-13, Government also invested in solar thermal plants at the Tercentenary Sports Hall, Tangier Views and St Bernard's Hospital, as well as a combined PV solar thermal system at the GASA Swimming Pool. These investments came to a total of approximately £700,000.

1160 **Hon. G Origo:** Madam Speaker, grateful to the hon. Member for the answers provided. So is my understanding correct, because a lot of figures were thrown out there in response to this question, that the total amount invested in renewables by the Government for this period in question of 12 years is around, my calculations, £700,000? Could you please clarify that is the correct understanding?

1165

**Hon. Prof. J E Cortes:** Madam Speaker, I do not know how the hon. Member has worked out these figures. Is this by adding the figures that I have given?

1170 That is the amount of power that the Government has purchased and because they are PPAs the capital investment has been on the part of the parties that have installed the solar power, not directly the Government. The Government is buying it and that, obviously, is how they are funding the project, but it is that way around.

1175 **Hon. G Origo:** Madam Speaker, I am grateful for that clarification. So my understanding is that given that the Government has, to date, then spent around £600,000-£700,000 in purchasing this power, which then translates to the 1% output of renewable energy that we are currently

experiencing, does the hon. Member know how much it is going to cost us to reach 20%, 50%, 70% renewable energy as per the targets in the climate change strategy?

1180 **Hon. Prof. J E Cortes:** Madam Speaker, that is impossible to tell for a number of reasons. Firstly, well there are various possible ways in which this could be funded; and secondly, the technology is moving so fast that you cannot *pro-rata* it. There is no relation between the amount of solar power output in the installations that currently exist and those that there will be even now, or in one or two or three or four years' time; and therefore it is impossible to tell because the technology is just moving too fast.

1185

**Madam Speaker:** Next question.

#### Q276/2024

#### School cleaner vacancies – Government confirmation of change

**Clerk:** Question 276/2024. The Hon. E J Reyes.

1190 **Hon. E J Reyes:** Can Government confirm if there has been any change, as at 1st March 2024, to the 21 vacancies for school cleaners since the answer provided to Question 555/2023?

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

1195 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, as of 10th February 2024 there was a total of 25 part-time, 20-hour school cleaner vacancies.

**Hon. E J Reyes:** Thank you, Madam Speaker.

1200 These 25 part-time vacancies, I believe the Minister said, is it because we have had an increase of four and none of the 21 were previously filled, or were some of those posts filled and then other others have arisen?

I am trying to work out the pattern whether those 21 actually were reduced by a given number and then other vacancies occurred. The Minister might have some supplementary information.

1205 **Hon. Prof. J E Cortes:** Now, Madam Speaker, I do not keep tabs of the individual cleaner vacancies. So it could be that there are four more than there were last time rather than there has been any turnover. What I can say is that these are in the process of being filled.

1210 **Hon. E J Reyes:** Thank you. That is what I was going to work at, are we still in a process of filling in those vacancies and if we are, it seems, I know things cannot happen quickly overnight, but we do seem to be taking rather a long time to recruit part-time cleaners. There could be some setbacks that the Minister could enlighten us with.

1215 **Hon. Prof. J E Cortes:** No, it is a matter of process. The cleaners are employed using the complement of supply cleaners when vacancies arise after a period of time, if they have been there long enough, the more senior ones are moved into the complement and this is a process that takes place.

It is dealt with centrally. It is in process, so there is nothing sinister going on. These posts will be filled and, as I said last time, because I believe that the hon. Member was concerned that there

1220 were a large number missing from Bishop Fitzgerald; and I can confirm that, at the moment, Bishop Fitzgerald only accounts for one of the vacancies.

So there was no truth in that, Madam Speaker.

**Madam Speaker:** Next question.

**Q277/2024**

**Department of Education –**

**Pupil numbers by school year, gender, educational establishment**

1225 **Clerk:** Question 277/2024. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide details of the number of pupils currently enrolled in schools falling under the auspices of the Department of Education, broken down by school year, gender and educational establishment?

1230

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

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, there is a schedule with that information making its way across the House.





**Madam Speaker:** Move on to the next question and come back.

**Q278-80/2024**

**Leaving school education before GCSE exams –  
Numbers 2019-2024 broken down by gender**

**Clerk:** Question 278/2024. The Hon. E J Reyes.

1240 **Hon. E J Reyes:** Can the Government provide details as to how many young people left full-time school education before undertaking their GCSE exams, broken down by gender for the following academic year:

- (a) 2019-20
- (b) 2020-21
- (c) 2021-22
- (d) 2022-23, and
- (e) 2023 up to date 2024.

**Clerk:** Answer the Hon. the Minister of Education, the Environment and Climate Change.

1245 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with questions 279 and 280.

**Clerk:** Question 279/2024, the Hon. E J. Reyes.

1250 **Hon. E J Reyes:** Can the Government provide details as to how many young people left school before undertaking their A-level exams, broken down by gender for the following academic years:

- (a) 2019-2020
- (b) 2020-2021
- (c) 2021-2022
- (d) 2022-2023 and
- (e) 2023 up to date 2024.

1255

**Clerk:** Question 280/2024, the Hon. E J Reyes.

1260 **Hon. E J Reyes:** Can Government provide details as to how many young people on Government scholarships left a University/higher education establishment before completing their undergraduate degree, broken down by gender for the following years:

- (a) 2019-2020
- (b) 2020-2021
- (c) 2021-2022
- (d) 2022-2023 and
- (e) 2023 up to date 2024.

1265

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

**Hon. Prof. J E Cortes:** Madam Speaker, we really have our act together because the schedule has already arrived at the desk of the Members opposite.

1270

**ANSWER TO QUESTION 280**

**ANSWER TO QUESTION 278**

Year	Total number of Males	Total number of Females
2019-2020	8	5
2020-2021	20	6
2021-2022	13	9
2022-2023	16	12
2023-to date	10	7

**ANSWER TO QUESTION 279**

Year	Total number of Males	Total number of Females
2019-2020	9	14
2020-2021	13	17
2021-2022	19	21
2022-2023	22	25
2023-to date	13	9

**ANSWER TO QUESTION 280**

Year	Total number of Males	Total number of Females
2019-2020	15	7
2020-2021	27	12
2021-2022	30	19
2022-2023	13	11
2023-to date	4	8

**Madam Speaker:** All right, I will give the Members time to consider that and we will move on to the next question.

**Q281/2024**

**Transgender or gender diverse issues –  
DOE guidance/policy directions**

1275 **Clerk:** Question 281/2024. The Hon. E J Reyes.

**Hon. E J Reyes:** Has the Department of Education delivered any guidance and/or policy directions to school staff on transgender or gender diverse issues and can this House be provided with details?

1280

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

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, a draft written policy reflecting practice exists and is under consideration. Our schools work on an ethos of caring for the emotional well-being and mental health of all our pupils as individuals and each pupil's emotional needs are important to us.

1285

We have had wide and robust training on general emotional wellbeing of students and the importance of building relationships and keeping the student needs at the centre. This is paramount for the understanding and inclusion of any diverse group. There has been training by UK experts, and in addition there has been direct work on the transgender issue on specific cases in both upper primary and secondary sectors, including a live link with experts during a training session last year.

1290

Where there are young people who need specific support, teachers can refer or signpost a young person for support to school counsellors. Where the support needs to be more robust or specialised in helping a student on considering their identity, pupils are referred to the Children's Mental Health Service.

1295

School counsellors are also available to help and give support to any Member of staff, as they do with any general or specific needs that a staff Member may identify.

1300 **Hon. E J Reyes:** Thank you, Madam Speaker.

I accept that the Minister has said he is working upon a draft, but whilst that is in progress and so on and despite all the support and availability by counsellors, is there any guidance at the moment that has been issued pending the full, or pending the finalisation and ratification of whatever draft will be taken on as policy? What guidance has been offered, so far, to school staff, which is what I ask?

1305

**Hon. Prof. J E Cortes:** Madam Speaker, I have offered no guidance. This is a professional matter, it is not for me to offer any guidance. What I have said is more than guidance. What I have said is that there has been specific training on this for teachers, including presentations by UK experts and live links during training sessions.

1310

So there is training going ahead, which clearly is more than just guidance. It is training teachers and other professionals in education in how to deal with diversity issues, including specifically as per the question, transgender issues and there is a written policy that we are learning as we go along which will reflect a lot of this training, which is being considered by the Department of Education and that will become the policy. But in the meantime, we are not waiting to have that policy in order to deal with these issues, and specific training has been provided to teachers in those sectors.

1315

**Hon. E J Reyes:** Madam Speaker, I know it is a working draft and so on, do we have a target date for when we hope to have this finalised. Academic years come and go so quickly, we are almost at the end of the second term now moving into the last term. Will it be completed within this academic year, so everything is hunky dory by the start of a new session in September?

1320

1325 **Hon. Prof. J E Cortes:** Madam Speaker, I have to insist, the dates of conclusion of this policy to me is of no consequence. What we have to do is make sure that children who have this sort of issue are properly dealt with; and I am absolutely confident that the excellent education system that we have, the excellent teachers and learning support assistants and the excellent educational psychologists and counsellors, will deal with these children in the way that they need to be dealt with professionally.

1330 If we have a policy that supports that and helps to guide persons in the future, that is absolutely fine, but I cannot accept the implication if such an implication there is, that because we do not have a written piece of paper telling us what to do, we do not know what we are doing – because we do. We care for our children, we have an excellent education system and all our children are safe and have excellent guidance.

1335 **Hon. E J Reyes:** Madam Speaker, the purpose of my questions were to try and gather information, there is certainly no implications and if there was any because of the manner I spoke, then let's eradicate that; and may I say that I hope the Minister concurs with me wholeheartedly, that whatever we do and in whatever manner we do it, we have to work, always, with the premise of what is in the best interest of the pupil. That for me is paramount and I say that as a proud member, now retired, of the teaching profession; and I know there are teachers there with whom I have shared many happy moments in unfortunately a building that no longer exists but it does exist in our hearts.

1340 What I am trying to get at from, you want to call them more political guidance or whatever, it is always nice to have a particular document. It is always nice to have a guideline, it is always the ideal thing to have a policy which can be referred to by the head teacher, especially when there are a few hundred members of staff who may all have slightly different opinions. And go, rightly so, to see the head teacher or the head of department or whatever, and the replies that they get, no matter how caring we are for each other. I know there is the pastoral system in schools which I am proud of, it works quite well, not only in relationship with pupils, but also in relationship with teaching members of staff.

1345 What I am trying to get at from, you want to call them more political guidance or whatever, it is always nice to have a particular document. It is always nice to have a guideline, it is always the ideal thing to have a policy which can be referred to by the head teacher, especially when there are a few hundred members of staff who may all have slightly different opinions. And go, rightly so, to see the head teacher or the head of department or whatever, and the replies that they get, no matter how caring we are for each other. I know there is the pastoral system in schools which I am proud of, it works quite well, not only in relationship with pupils, but also in relationship with teaching members of staff.

1350 That document that is the guidance for the head teacher who is *in loco*, he or she is the one there in the school and then they can refer to the a department where the Director of Education and his advisory staff continue further. What I was trying to get at is to say can at least the Minister, because I know sometimes he is keen to get things done and pushed on, there may be a little bit of pushing on my side, he might be tempted, I *aim* to have it ready for the end of academic year. I was hoping something like that, it is like buying a lottery ticket, but I will let the Minister reply.

1355 **Hon. Prof. J E Cortes:** Madam Speaker, I aim to have it ready within this academic year but I repeat that the fact that we do not have the piece of paper does not prejudice what we do in any way. I have every respect for the teaching profession and for my good friend from when we were children at school, the Hon. Mr Reyes, and obviously I have a colleague here who is a teacher.

1360 But the Hon. Mr Reyes has no idea how far education has moved since the day he was a teacher and how child-centred it is. It is absolutely a different type of education, a wonderful type of education and I have to end on those words because I have nothing but praise for our education system and our teachers.

1365 **Hon. Dr K Azopardi:** Madam Speaker, can I just ask the hon. Member, he has said that there is a draft of the policy. Can I ask on what basis has that been formulated, is that with an eye on the English guidance that has been issued, or is it something that has been produced locally with local factors in mind informed solely on that basis?

1370

1375 **Hon. Prof. J E Cortes:** Madam Speaker, as with most of these policies, we use the English system as a basis and then we temper it with local knowledge and so that is the document that is currently being considered.

**Hon. D J Bossino:** May I ask the Hon. Minister in response to his question to question 277, where he provides a schedule that can take him to the St Martin's school numbers?

1380 **Madam Speaker:** Sorry, I am not doing supplementaries to the schedules yet. I have to revert to those, but I will come back to those once the hon. Member who put the questions has had a chance to deal with the schedule.  
Yes, next question.

**Q282/2024**  
**New National Theatre –**  
**Expected construction dates, costs, fundraising**

1385 **Clerk:** Question 282/2024. The Hon. E J Reyes.

**Hon. E J Reyes:** Sorry, I got lost for a brief moment. Can Government provide an update in respect of the expected construction dates, details of costs and fundraising achievements for the new National Theatre?

1390 **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, as mentioned in answer to question 38 of 2023, this project is being led by the National Theatre Foundation, which is independent from Government.

1395 I am able to share that the Foundation is considering the current fundraising situation and will shortly be issuing a tender. In view of this, it would not be wise to publicly state the estimated costs provided to the foundation by the cost consultants.

1400 **Hon. E J Reyes:** I have to accept what the Minister is saying but, however, could he update the House in respect of expected construction dates? Is that possible at all?

1405 **Hon. Prof. J E Cortes:** No, Madam Speaker, this is not a Government project, it is a Theatre Foundation project. I am answering it because I am still part of the Foundation but I am not in a position here to divulge. Those questions can be directed to the Foundation and it is up to them to reply.

**Madam Speaker:** Question.

**Q283/2024**  
**Hawker's licence implementation –**  
**Next set to be issued**

1410 **Clerk:** Question 283/2024, the Hon. C Sacarello.

**Hon. C Sacarello:** Has the new regime for the issuance of Hawkers Licences been implemented, and when will the next set of said licences be issued under this regime?

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

1415

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the issuing of Hawkers' Licences continues to operate as it has up to now. Hawkers' applications can be submitted via the Environmental Agency's website or in person at the counter at 37 Town Range.

1420

Once an application is received, a letter is sent to the applicant confirming they have been placed on the waiting list. The Hawker's Committee meets monthly, where the applications are reviewed and approved on a case-by-case basis, dependent on what is being requested to be sold and the area the applicant has requested.

1425

Each licence has conditions ranging from the items that can be sold, to the location of the stall and the time at which they can operate. If a licence has been granted, there is a monthly fee of £21.50 and a further £21.50 per person working at the stall.

1430

**Hon. C Sacarello:** Madam Speaker, I am grateful for the hon. Member's reply. The reason why I asked the question in the first place is looking at their manifesto commitment on page 53. There is an inference there that there would be a new pilot scheme and that the licences were due to be issued in the spring of 2024.

Am I right in my understanding that the Hon. Minister is now saying that there is no new scheme and that this is merely a continuance of the previous scheme?

1435

**Hon. Prof. J E Cortes:** Madam Speaker, I could have answered no, Madam, to the new regime not having been implemented, it has not been implemented yet. We are still using the old regime and that is the one that I have explained. Consideration has been given for some time now to change it, but it has not happened yet.

1440

**Hon. C Sacarello:** And, Madam Speaker, would the hon. Member be forthcoming with dates as to when the new regime will start? It was meant to kick in in the spring and would he be able to elucidate on that?

1445

**Hon. Prof. J E Cortes:** No, Madam. Spring begins in a few days' time, I believe, anyway. But I do not have a date.

**Madam Speaker:** Next question.

#### Q284/2024

#### Sourcing clean energy from Morocco – Details of studies

**Clerk:** Question 284/2024. The Hon. C Sacarello.

1450

**Hon. C Sacarello:** Can the Government provide us with details of all studies it has undertaken into the sourcing of clean energy from Morocco via a submarine cabling system?

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

1455 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Government has not conducted any such studies. It has, over the past few years, held discussions with a number of entities that would be able to install and fund such a cable, but no decision has been taken.

1460 **Hon. C Sacarello:** Madam Speaker, I am grateful to the hon. Member for his response. Given their difficulty in trying to establish or, in fact, reach anywhere near the 20% of their own self-set targets which they field year-in, year-out but have failed to meet for the past five or six years, this should be given serious consideration.

1465 Would the Minister be able to confirm how serious they are in considering alternative options other than just the photovoltaic, in particular, with regard to this cable?

**Hon. Prof. J E Cortes:** No, Madam Speaker, very serious in looking at alternatives. I am not saying that this is the best alternative, but we have not yet missed the target.

1470 **Madam Speaker:** Anything else?

**Hon. C Sacarello:** Thank you, Madam Speaker. Finally, I would just like to ask would any of the Brexit negotiations have been playing a factor in a relationship with Morocco in this respect?

1475 **Hon. Prof. J E Cortes)** Madam Speaker, I do not think that is a logical supplementary to the question. I am not looking at that at all.

**Madam Speaker:** Next question.

#### Q285-286/2024

#### Post Office customers parking on Bishop Caruana Road – Collecting parcels; relocation of spaces

1480 **Clerk:** Question 285/2024. The Hon. C Sacarello.

**Hon. C Sacarello:** Where will customers of the Post Office be able to park their vehicles when collecting parcels from the proposed new location on Bishop Caruana Road?

1485 **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 286.

1490 **Clerk:** Question 286/2024, the Hon. C Sacarello.

**Hon. C Sacarello:** Where will the 26 zonal car-parking spaces being lost to the new Post Office development be relocated to?

1495 **Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

**Hon. Prof. J E Cortes:** Madam Speaker, customers of the new Royal Gibraltar Post Office facility will, for the moment, be able to park their vehicles in the parking area in front of Bishop Canilla House, which is directly opposite. There is also a parking area directly north of Bishop Canilla House by the West One development. Both of these spaces will be lost in the medium term.



1500 The developer of the Rooke Site has agreed to provide parking spaces there, temporarily; and the Government is in discussion with the developer regarding the provision of long-term public parking spaces within the development. The transport team is looking at other options in the area to ensure that parking spaces remain available.

1505 **Hon. C Sacarello:** Madam Speaker, grateful to the hon. Member for his answer. Would he be able to elucidate on whether the 26 lost spaces that are replaced eventually, or temporarily, will be chargeable, or as in fee paying, or will they be zonal as they are now; and in relation to the Post Office ones, which I think is what the main answer referred to, would he be able to elucidate on timings because there was a lack?

1510

**Hon. Prof. J E Cortes:** Madam Speaker, the majority of the spaces lost will be pay and display and they will be replaced like for like in the temporary provision. The long-term provision is subject to discussion with the Rooke Site developers and we will see how that goes but, for the moment, the intention is to re-provide pay and display in the area, as I have explained.

1515 In relation to the time frame for the project, it is not my project, the project is the Hon. Minister responsible for postal services. I believe it is due to go to planning shortly, but I do not have that timeframe, I am not party to that information. I do not know whether we know when it is going to start.

1520 **Hon. R M Clinton:** Thank you, Madam Speaker. Just one question for the Minister.

If I believe I heard him correctly, he mentioned, obviously, the area beside West One will be lost because of the development due to go there. But I think he mentioned that the spaces at Bishop Canilla House would also be lost and I was wondering why that would be.

1525 **Hon. Prof. J E Cortes:** There will be loss, not necessarily all of them, but there will have to be a widening of the road there in order to account for the cycle lane that will be running along. So there will be a widening of the road, so there will be some spaces lost, but as I say they will be re-provided.

1530 **Hon. D J Bossino:** In terms of the long-term provision that he mentioned, is it exclusively going to be provided or going to emanate from the negotiations that they are currently undergoing in the context of the Rooke development? And is the intention simply to replace those 26 in number, or is the Government looking at providing further parking allocations?

1535 **Hon. Prof. J E Cortes:** It is early days, Madam Speaker. The negotiations on the Rooke Site are not being led by me, but they will provide, I suspect, I think the intention was to provide rather more parking than those 26. But that is not the only thing we are looking at, the transport team is looking at other sites in the area to try and provide some replacement in the medium term.

1540 **Hon. D J Bossino:** May I ask him to provide further detail as to which other sites they are looking at?

1545 **Hon. Prof. J E Cortes:** Madam Speaker, he may ask, but I am not going to let him know because there are other entities involved and we need to discuss those and negotiate them as well. So I do not think it would be fair to make them public at this stage.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, before the House continues, I wonder ... We have been going for two hours, I wonder whether it might be more convenient to stop now for 15 minutes and then come back.

1550 It is my intention that the House should continue with answers to questions until approximately 7 p.m. this evening and then come back tomorrow and continue at about 3 p.m.

So I move that the House should recess for 15 minutes, if you agree?

**Madam Speaker:** We will recess for 15 minutes, but before we do that, when we come back I will take the Supplementaries to questions 277 and 280.

*The House recessed at 5.00 p.m. and resumed its sitting at 5.17 p.m.*

**Q277/2024**  
**Department of Education –**  
**Supplementaries**

**Clerk:** Question 277/2024. The Hon. E J Reyes.

**Madam Speaker:** Yes, we will begin with any Supplementaries there may be for Question 277.

**Hon. E J Reyes:** Thank you, Madam Speaker. Very quick, minor details which I think the Minister will probably have at hand.

In respect of Question 277 I had asked for the details on the number of pupils currently enrolled. It may sound pedantic but there is a reason: these figures of pupils as at, because the academic year started in September and some pupils may have left since then, does the Minister have an indication, is it as a register taken, for example, at the end of February or something?

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I would have to check, but I suspect it is current because the Department does update its figures on a regular basis, but I could not say 100%.

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

I will tell you part of the reason why I asked that because in Questions 278 and 279, both referring to pupils who left during the course of academic year before completion of GCSE. Or, if we take Question 279 before the completion of A-levels means that pupil, at some stage, was registered in either years 12 or 13, and if we look we are taking 279 as an example. On the academic year 2023 to date, if 13 males have left and nine females have left I hope those numbers are not included as pupils currently on the, let's call it nominal roll for the answer 277. So the academic year for 277 could have started with a higher number and then ...

When the Minister gets that information, it helps us tally because it can vary the figures by 20 or 30 pupils, especially in the upper years, mainly, we are talking of years 11, 12 and 13.

**Hon. Prof. J E Cortes:** Yes, I will obtain that clarification. There will have been new pupils enrolled as well. So, I think approximately the figures, no matter where they are taken, are going to be broadly similar. I do not know the purpose of this question, whether there is anything behind what he is trying to determine, but I will find out exactly when those figures refer to.

**Hon. E J Reyes:** Thank you for that. And one other minor thing. In Question 280 the Minister has kindly produced the figures ...

**Madam Speaker:** Sorry, we have not moved on to 280 yet. I believe the Hon. Mr Bossino had a Supplementary on 277. So let us deal with that and then I will give you Supplementaries on 280. Yes, 277.

**Hon. D J Bossino:** Yes, I am very grateful, Madam Speaker.

1595 I asked the Hon. Minister to go through the St Martin's School numbers in his schedule and I would ask him to comment, and if he is able to provide any information in relation to this observation that I have, which is that in answer to questions that we have posed in relation to the new intakes at St Martin's, the numbers have shot up.

1600 I cannot remember the years, but from one academic year to the next, it shot up from around about the average of 6 or 7 to in excess of 20. Albeit, the low 20s, but still an excess of 20 and there was no explanation that the Government could provide as to why that was the case and then that had an effect on the size of the school, which had been recently built and all the rest of it.

1605 But in doing this analysis, the nursery admissions at St Martin's, if you join both genders, the numbers are a very high 43 currently, but then they drop down significantly. So in reception 2019, year 1, 7; year 2 slightly goes up to 15; and then year 3 goes down to 5, and so forth.

1610 But as far as the point that I want to make and I ask him to comment is: does he have a comment to make as to why it is that the numbers go down? Are those children improving and therefore going into mainstream? I know it is almost, maybe, an impossible question for him to answer across the floor of the House at this stage without posing a question.

I am to confer with his colleague, but maybe he gets the drift.

1615 **Hon. Prof. J E Cortes:** Madam Speaker, I catch the drift, indeed. Yes, there is a very simple explanation and this is because a lot of children start in St Martin's nursery reception and the idea is to get as many as possible into mainstream. That is successful to a large number of children, particularly now that we have learning support facilities in almost all the schools and therefore they will shift towards mainstream schools. So that is the explanation.

1620 **Hon. D J Bossino:** Would that be an explanation? Also, if I may, I have done a quick analysis of the Notre Dame lower primary school numbers where one sees an increase of those academic years from 73 to 75 to 81 to 92, and I know that Notre Dame has an LSF facility and I would ask whether that is the reason why they are absorbing children from St Martin's to that particular school?

1625 **Hon. Prof. J E Cortes:** That will be an element but this is a cross section and therefore this does not necessarily reflect everything because obviously this is a dynamic thing. There are some years where the intake is greater and if three years ago the intake, because there happened to be more children born in the equivalent year, is greater than that would be reflected.

1630 So some of it will be children moving from St Martin's, some of it will be people moving into the area – the Notre Dame area is an area with Beach View and now Hassan Centenary which is increasing population size, so the intake may be greater anyway or may have been greater those years for totally different reasons. So it is a combination of all.

1635 **Hon. D J Bossino:** May I also ask if the fact that they are permeating to other schools from St Martin's to other schools and one must assume that that must be because they are capable and have certain abilities which they did not have when they started off at St Martin's and therefore there has been an improvement.

1640 Does that assuage concerns that he may have as to future provision in other facilities, such as St Martin's and the Dr Giraldi Home? I know it is a topic that we will be discussing at the Select Committee when it next meets or when it meets during the course of this Parliament, but does it assuage his concerns in that respect?

1645 **Hon. Prof. J E Cortes:** I think it assuages, but it does not remove. So, clearly the more children who at an early stage are given the support they need to go into mainstream, the less pressure there will be on the other services, but it does not remove the issue completely.

**Hon. E J Reyes:** Thank you, Madam Speaker.

1650 Still on the question of 277 where we have the statistics of the pupils, it sticks out a bit that in respect of year 12 pupils the Bayside School and Westside School numbers have a drastic change from year 12 to year 13 and it crossed my mind, well maybe it is because they are attending more classes in the college part or the consortium, because I look at the number of pupils on the College register they tend to be high.

1655 But for the college, it only provides for year 13 and normally A-level courses is a two-year course or A-level an equivalent, so that would require years 12 and 13, and yet there are no statistics for students in the college in respect of year 12. So I wonder why that year 12 for the college is missing or is the figure 130 and 125 under year 13 really a combination of both 12 and 13? I do not know, I cannot work it out.

1660 **Hon. Prof. J E Cortes:** Madam Speaker, I would need to find out. The change clearly in Bayside and Westside in which we have for Westside 123 females and two males, and for Bayside 125 males and one female, that is the last year of the single gender intake. (*Interjection*)

1665 So then they balance out in lower years because that is when the whole revamped system, part of our education revolution kicks in. But I need to find out whether they have pooled the figures for Gibraltar College, because the education system there is slightly different. They may have pooled the figures, but I will find out.

**Hon. E J Reyes:** Yes, thank you.

Madam Speaker, in respect of Question 280, I am grateful.

#### Q280/2024

#### Leaving school education before GCSE exams – Supplementaries

1670 **Madam Speaker:** All right, let's move on to Supplementaries for 280 now. (*Laughter*) I want to make sure everyone has finished on 277 (*Interjection*) but I think the Hon. Minister is keen to move on to 280 and I agree. So, 280.

1675 **Hon. E J Reyes:** ...unfortunate to see some numbers and so on. But let's look, for example, whichever one you want. Fifteen males left in 2019-20, it could be the case, and it happens unfortunately every year, that he is recorded as a pupil having left before completion of the course but really what that student has done is he has started a course on a particular subject, let's say without offending the Deputy Chief Minister, say he started a degree in history and then halfway through the academic year he feels, 'Oh, I have made a mistake, I really would have been better off doing geography' which he had also done quite well on in the humanities part of his A-level courses.

1680 So what happens is that pupil sometimes leaves halfway in the academic year and then rejoins the next year, coming to an agreement with the Department of Education where they alter the fees for a year and that family ends up paying for it and then he rejoins again.

1685 Does anybody have any indication where those figures provided they are – is 'total' the correct word to use? – total dropouts; or it could incorporate numbers of students who have decided to leave the course, but then later rejoin in another degree.

If he does not have the information at hand perhaps it is something we can bear in mind for the future to provide.

1690 **Hon. Prof. J E Cortes:** Madam Speaker, those are the minority. I believe that these are young people who have left university altogether. I will just double check but that is the way the question

was worded and the way that the Department was asked to answer it. I can check, but I think that that is what I am assuming.

1695 **Hon. E J Reyes:** I accept, Madam Speaker, he has answered a question in the way I worded it. It has not just sprung to mind, but if he does come across the information, we would be grateful. It helps, in fact, it actually helps to understand are there many pupils who take on a course because they had an impression of what the subject was going to entail and then in real life university, especially after the term you say, 'Well, it is not the same as the A-level and I am not as keen and  
1700 I am better off switching subjects.' Just useful information to bear in mind.

**Madam Speaker:** Right, next question.

**Q287/2024**

**D&D Consulting Limited –  
Annual collection of parking fines; contract entry and length**

**Clerk:** Question 287/2024. The Hon. R M Clinton.

1705 **Hon. R M Clinton:** Madam Speaker, can the Government advise how much is D&D Consulting Limited paid annually in respect of the collection of parking fines? When was this contract entered into and what is the length of the contract?

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

1710 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, no money is paid to D&D Consulting Limited and the Government has no contract with this entity.

1715 **Hon. R M Clinton:** Madam Speaker, if I remember correctly from our last discussion about this, it was Gibraltar Car Parks Limited that has the contract and we had a discussion; and I believe, Madam Speaker, it was agreed if I brought the question as to what the contract was, the Minister would be in a position to give me information. Is the Minister telling me he has no information at all about effectively what is a subcontract of a Government company?

1720 **Hon. Prof. J E Cortes:** Madam Speaker, I am saying that the Government has no contract, it is a subcontract and there is no payment. The money is given directly into the Government and as I explained last time, in the case of card payments, I believe, the only deduction is the fee charged by the bank for the transaction, but it is purely a post box and nothing else.

1725 **Hon. R M Clinton:** I am sorry, Madam Speaker, this is a company that is collecting money from the public and is remitting to the Government. Is the Minister telling us that this company is providing this service for free to Gibraltar Car Parks Limited? And if it is providing the service for free, why could not Gibraltar Car Parks Limited do it directly?

1730 The Government has the facility to take payments, the Tourist Office does, the Post Office does it, lots of Government Departments do it. Why in this particular case is this entity being used?

**Hon. Prof. J E Cortes:** Madam Speaker, the information I have is that it is not charging for the service and it is just acting, as I said, as almost an administrative wing of Car Parks. The system is working well, there are no complaints and there is no money lost.

1735

1740 **Hon. R M Clinton:** Madam Speaker, the Minister will forgive me if I am slightly incredulous because D&D Consulting Limited is a private company. It is not owned by the Government, it is owned by a private individual. Why is a private individual providing free services to the Government?

1745 **Hon. Prof. J E Cortes:** Madam Speaker, this is my information. This is a relationship that predates me and the information that I have given is the information I have been provided, that there is no fee paid.

**Hon. Dr K Azopardi:** Can I just make doubly sure that we have asked all the questions that are in relation to that. When he said that there is no fee, did he mean that there is no fee payable by the Government? Or is he also saying that there is no fee paid by Car Parks Limited to D&D?

1750 **Hon. Prof. J E Cortes:** Madam Speaker, the information that I have is that no money is paid to D&D Consulting Limited; from the information that I have is from anyone. That is the information that I have. All I can do is ask the same question again for the third time and I am pretty convinced I will get the same answer, but the information that I have is that no money is paid to them, it is an arrangement between Car Parks and themselves.

1755 **Hon. R M Clinton:** Madam Speaker, I am struggling to understand this arrangement. How does Car Parks or the Government get any comfort that the money will be paid over if there is no contractual agreement at all? I really do not understand how this arrangement works. I really would urge the Minister to exercise a little bit more curiosity as to how this came to be.

1760 How is a private company, owned by a private individual, providing free services to a Government company and we are led to believe, in this House, that it is done for free, for *gratis*, for nothing? But I really need to ask the Minister if he could really go back and ask this question, is there absolutely no *quid pro quo*, or is it that this company is providing the services for free but a sister company is getting paid in kind for services?

1765 If you look on the website you will see it is a sister company to another company that does get contracts from the Government. Is it that this is some sort of loss leader for other contracts? I do not understand how this arrangement could possibly work.

1770 **Chief Minister (Hon. F R Picardo):** Well, Madam Speaker, it is clear that there are more things in heaven and earth than are thought of in the hon. Member's philosophies. (*Laughter*) Just to come back to the Shakespeare that the Hon. Minister was referring to before.

1775 There is an arrangement between the Government, Car Parks and the sister company, which the hon. Gentleman has referred to now, which is remunerated and which he is aware of; and that company which has a relationship, a remunerated relationship with the Government, has determined that the part of its group that is going to be used for the purposes of the receipt of monies which are then paid to the Government, is this company.

1780 There is nothing sinister, strange or peculiar about it, but the fact is that this company receives nothing from the Government for that arrangement. It is a simple straightforward relationship between the group, one of the companies of which has a relationship with the Government.

**Hon. R M Clinton:** So, Madam Speaker, if I understand correctly, the sister company the Chief Minister referred to is, I think, something called JNT Securities. So do they have a contract, and again I would appreciate if the Minister does not have the information with him that includes the collection of parking fees. If so, why on earth can the Government not collect itself? It has the ability.

**Hon. Chief Minister :** Madam Speaker, they do have a contract and we have debated it in this House before. We referred to it in this House before.

**Madam Speaker:** Next question.

**Q288/2024**

**Chief Executive of the Environment Department –  
Serious concerns on overtime**

1790 **Clerk:** Question 288/2024. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise to whom had the Chief Executive of the Environment Department (and her predecessor) raised her serious concerns as in 3.8.9, and I quote: ‘On the inordinate level of overtime earned’ by the management team identified by the Principal Auditor (3.8.1) in his recent report?

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

1800 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Chief Executive of the Environment Department and her predecessor raised these concerns with the former Chief Technical Officer, the former Chief Secretary and his predecessor, with senior officers in the office of the former, former – that is times two – Chief Secretary, with a former Principal Secretary, the current Principal Auditor and the former Principal Auditor.

1805 **Hon. R M Clinton:** I am grateful to the Minister. Would the Minister happen to have the dates on which these concerns were raised and in what form were they raised? Were they in writing?

**Hon. Prof. J E Cortes:** No, Madam, I do not have that information, but since we are several ‘formers’ back it obviously goes back for a number of years.

1810

**Madam Speaker:** Next question.

**Q289/2024**

**Trade links with Africa –  
Government detailed plans**

**Clerk:** Question 289/2024. The Hon. D J Bossino.

1815 **Hon. D J Bossino:** Please detail the plans the Government has to broaden its trade links with Africa.

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

1820 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the main avenue for future trade links with Africa will likely be through our links with Morocco. As Minister responsible for developing links with Morocco, I am exploring these avenues but they are at an early stage.

1825 We are expecting a trade mission from Morocco within the next few months and I will be travelling to Morocco in May to look into this further. Another avenue is through developing further our links with the Commonwealth and as this House knows, this continues to move forward.

1830 **Hon. D J Bossino:** I must say, by way of comment, I am surprised that it is the hon. Member who has answered this question, but of course it is a matter for the Government to decide how they distribute the questions posed by us. I would have thought that this would have been a more appropriate question for Sir Joe Bossano to have answered.

1835 But I am specifically bringing to his attention the speech which was given in the House of Lords very recently on 5th March, by Lord Waverley, who was a crossbencher, and he spoke about and I understand that he met the Minister for Business Development when he came to Gibraltar at the time and he says, and he makes a reference to the Bilateral Trade Agreements which the United Kingdom has, in this case with Sierra Leone, and he makes a reference when posing this question to the Foreign Secretary, Lord Cameron, about Article 12 of the Bilateral BTA between the UK and Sierra Leone, where basically it gives the UK Government the ability to extend free trade agreements to overseas territories. In this case, he was asking specifically about Gibraltar.

1840 Can I ask him to comment whether he can provide any further information in relation to this aspect as I thought this was of interest and it should be aired publicly?

**Madam Speaker:** Yes, the answer.

1845 **Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano):** Madam Speaker because the Sierra Leone Government is very keen to see the Agreement it has with the UK extended to Gibraltar. There is a provision in this agreement, it is about something like 120 countries have got this agreement. It goes back quite a long time, from the 1970s on and all of them have got this clause 12, which allows the United Kingdom to extend the agreement to an overseas territory provided the counterparty accepts it.

1850 So we made representation directly to the UK Government Departments, that is I went jointly with the High Commissioner from Sierra Leone because they were quite happy to consent to the extension, the provision is there, and the position of the UK Government is that they do not think these agreements have produced much value for the UK and that they no longer see any point in extending them to anybody. I do not think they have extended it, ever. It has always been there, nobody has attempted to get it extended.

1855 I saw advantage in that and the principal advantage, of course, for us, is that since part of the Government's strategy is to make Gibraltar a place from which people invest in other countries, it gives a potential investor coming to Gibraltar, setting up a Gibraltar company and then investing with the Gibraltar Company in Sierra Leone, the comfort that he has covered and protected in terms of either remitting dividends or taking his money out again to the same degree that if he had been doing it from UK.

1860 If there is greater security on paper, at least, assuming that it is not insecure, then why should people come here if we were not able to do this and therefore it seemed to me that what I was asking of the UK was something that had no impact on them. We were not asking them to do anything other than deliver what the Treaty intended should be capable of being delivered when it was being drafted and when it was been signed. But since we have not been able to persuade them Lord Waverley that has connections with Sierra Leone, at the request of the Sierra Leone Government, has raised the matter in parliament.

1870 **Hon. D J Bossino:** So to make this point to him that it seems that the UK Government position in relation to the possibility which it has, as the hon. Member rightly points out, of extending free trade agreements under our pursuant to Article 12 to overseas territories, that it is in fact the firm policy of the Foreign Commonwealth Office not to extend these Bilateral Investment Treaty Agreements to British Overseas Territories.

1875 In fact, that note which Lord Waverley makes a reference to in his question to the Foreign Secretary, puts it in those stark and very firm terms. So what hope does the Gibraltar Government have of persuading the Foreign Office that it will change what seems to be a very firm policy in relation to non-extension?



1880 **Hon. Sir J J Bossano:** Well, it is not an approach to doing things that I would ever take, or have ever taken, and then Gibraltar would never have achieved parity by the criteria that the hon. Member has said. The UK Government said they would never allow it and it would never happen; and it did.

1885 The UK has *many* times said no to things and said it would never happen until it happens. So it is something that we think is a value, and in this case we are lucky that the counterparty is the one that is actually pushing for this rather than us. So I do not see why there is any merit in going to the Sierra Leone Government and saying, give up trying to persuade them, because the opposition in Gibraltar thinks it is a waste of time and you are not going to be successful.

It is not something I would want to do.

1890 **Hon. D J Bossino:** No, I think the hon. Members need to calm down a bit. There was no political punch in the question. I am simply pointing out to the hon. Member what is a very firm position as set out by Lord Waverley in his question of the Foreign Secretary – and the question will be coming – whose reply was that he would be looking specifically at the point that he raised in his speech in relation to Gibraltar.

1895 Can I ask the hon. Member whether he has plans to open up these agreements, pursuant to the ability that the UK Government has under Article 12, in relation to other countries and now I raise the point beyond the one that I raised in my former question and beyond the continent of Africa. Is he is he considering other countries pursuant to which he wants to enter into and benefit from the Free Trade Agreements which the UK Government has with other countries?

1900 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I am afraid that the hon. Gentleman in the last limb of what he said, which was actually the question, has confused investment agreements and free trade agreements, which are two completely different things. But if I may just address the preamble of what he has said and in that way answer his question.

1905 The Government of Gibraltar is hugely grateful to Lord Waverley for the work that he does in supporting Gibraltar. Just yesterday, Lord Waverley, as a crossbencher, asked Lord Cameron, the Foreign Secretary, a question in relation to Gibraltar, also in the Lords, in seeking to assist Gibraltar in the context of the treaty negotiations.

1910 As Hon. Members know the relationship between Lord Cameron and the Deputy Chief Minister and I, is extraordinarily close. We work very closely with him and his team, and Lord Waverley is one of those people who I would say is one of our best friends in Westminster, in the Lords.

1915 The fact that he was asking this question in relation to the investment agreement, which is the issue that Minister Bossano was referring to, is a reflection also of his work for Sierra Leone. He was not asking just from the Gibraltar point of view, he was asking, as the Hon. Minister has said in the context of Sierra Leone.

1920 But what he might have said about the Foreign, Commonwealth and Development Office's attitude to the extension of investment agreements to overseas territories is not the position of the Foreign, Commonwealth and Development Office. It is his view, from the crossbenches, of what the Foreign Office's position is. Now, as far as we understand it, that is not an accurate reflection of the position of the FCDO and indeed Lord Cameron said he was going to go away and look at that in the context of Gibraltar, and indeed there are some instances where the FCDO may have a view in respect of overseas territories, which may be different in the context of Gibraltar, not least because of Gibraltar's different geographical reality. For example, the European Union and our future relationship with the European Union, where the attitude of the FCDO and of the British Government has been different in terms of the options given to other overseas territories and the options given to us.

1925 If I can come now, finally, to the last limb of what the hon. Gentleman has referred to, when he has tried to spread his wings beyond Africa, he has talked about our desire to be piggybacking, if I can paraphrase, in respect of UK Free Trade Agreements beyond Africa. The fact is that we are

1930 already a part of Free Trade Agreements extended to us beyond Africa in the context of the post-Brexit reality of the United Kingdom.

We have debated those things in the House. We are part of the FTAs already, for example, with from memory Japan and other territories, or we have the option to form part of them and I must remind him that an investment agreement, as the Hon. Sir Joe Bossano has explained, is *one* thing and an FTA is *another*. And if I may say so, with respect, I think that now in spanning the whole of the globe, we are going a little beyond the scope of the original question, but of course it is a matter for you, Madam Speaker.

**Hon. D J Bossino:** Madam Speaker, I would ask him to do one thing for me. I would ask him to disabuse me of the confusion which he says that I have. That confusion, I think, arises from the manner, perhaps, in which the question was raised in the House of Lords.

Now, is the Government's position that it is the UK Government's position in relation to Bilateral Investment Treaty Agreements, which is very clear and will simply, and it is the policy of the UK Government in respect of Bilateral Investment Treaty Agreements, not to extend those to overseas territories which include Gibraltar, but that the policy is less than clear as far as Free Trade Agreements are concerned.

Those two were conflated by the question in the House of Lords, but I would ask him – he is shaking his head and I am sure he will now provide us with the information. I simply, as innocently as I possibly can, want to ask him to disabuse me of the confusion which he says that I have fallen into.

**Hon. Chief Minister:** Well, Madam Speaker, unfortunately, despite the fact that they attribute to me such greater powers than I ever have or purport to exercise, I am not answerable for how a crossbench peer poses his questions and the Government does not have a position on what the position of the Foreign and Commonwealth Office *is* in respect of investment agreements.

The Government has a view, not a position, of what the Foreign Office's response to the Government has been and it is entirely contrary to what the hon. Gentleman has said. Indeed, it is entirely contrary to what – I am talking just about investment agreements at the moment – the face of the investment agreement says, because the investment agreement actually – and an investment agreement is a treaty – provides that the Foreign and Commonwealth Office or the United Kingdom, as the High Contracting Party, *may* extend to overseas territories, right?

So the United Kingdom, as a High-Contracting Party, is abrogating to itself the possibility to be able to extend to the overseas territories the benefit of the investment agreements and therefore because those are the work of the FCDO, in part, one would imagine that their position is not what the hon. Gentleman says he reads is Lord Waverley's position of what their position is.

But our position, in that respect, is that they have not told us that and neither are we answerable, in this House, for Lord Waverley's view of what the Foreign Office's position is on anything; and on FTAs, Madam Speaker, the position could not be more explicit and demonstrably so. Because on the face of them they provide for the extension to the overseas territories and the reality is that a number of them have already been extended to Gibraltar.

So I am afraid, Madam Speaker, that the hon. Gentleman is asking me for a treatise on something on which I am not required to be answerable in this House, other than to try to clarify for him his views and understanding of the things that have been discussed in another place, and which are the responsibility of another Government.

**Hon. D J Bossino:** Madam Speaker, looking at people's faces around this room I think they are just as confused as I am. The hon. Gentleman has gone round the houses to try and wriggle out of something which is very obvious unless what the hon. Member is saying is that what Lord Waverley said was not true.

It is a quote and I ask him to comment on this, and a mere system. If I read the relevant bit, I think I have already done so. Lord Waverley says – this is him talking when he says, however, a

recent official note, it is not a view, it is not my view, it is not Lord Waverley's view, not Sir Joe Bossano's view, he refers to an official note from the FCDO made the Government's position clear.

1985 That is him and he quotes – and I will not quote the entirety of what he refers to the House of Lords to – but says: 'It is not the policy of the UK Government to extend Bilateral Investment Treaty Agreements to British overseas territories'. He is very clear, this is not a view, it is the official UK Government's position about non-extension. He says I have confused it and I may have done and I accept that, and I attributed that comment to Free Trade Agreements; and as I understood it, he is saying – I *thought* he was saying – that this only applies to Bilateral Investment Agreements.

1990 Now, what is the position? And I would ask him please to clarify because everybody is confused? I am confident that here, everybody in this Chamber is confused by what the hon. Member has just said. I ask him to comment on the quote that I have just given to him of what Lord Waverley says – yes, he is right, Lord Waverley says, and there is no reason to doubt that what he said in the House of Lords is accurate and correct and the truth, the FCDO says in its  
1995 official notes in relation to this issue.

**Hon. Chief Minister:** Madam Speaker, I do not recognise that any of my Ministers appear confused by what I said, (*Interjection*) but we are all very confused by the way that the hon. Gentleman has confused his Bilateral Investment Agreement with his Free Trade Agreements and what it is that this Government is answerable for in this House; and we are not answerable for the things that he tells us – because I have not got it in front of him, but I will take him at face value – that Lord Waverley said, in the House of Lords, that a note from the Foreign and Commonwealth Office said that he quoted in the House of Lords. We are not answerable for that.

2000 I can tell him, Madam Speaker, that in the discussions that Joe Bossano and I have had with the Foreign and Commonwealth Office, no one has told us – in respect of investment agreements, not Free Trade Agreements – that their policy is not to extend them to the overseas territories. But, look, they have not said the word overseas territories, they have said 'Gibraltar'. They have not said, 'We are not going to extend this to Gibraltar because we are not going to extend it to the overseas territories.'

2005 They have said, 'Look, we need to understand the rationale, we are prepared to look at this in detail.' So, Madam Speaker, I hope that has made it abundantly clear to him and to those who he thought from what he interpreted of the looks on the faces he said he had looked at, to reach the conclusions that he said he had reached, in a way that is now abundantly clear.

2015 **Madam Speaker:** Next question.

**Q290/2024**  
**Migrations of Barbary macaques –**  
**Measures to prevent**

**Clerk:** Question 290/2024. The Hon. D J Bossino.

**Hon. D J Bossino:** This is a much more important matter. Are any measures to be put in place to prevent any further migrations of Barbary macaques?

2020

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

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Not from Sierra Leone, Madam Speaker. (*Laughter*)

2025 Firstly, Madam Speaker, the full application of the Schengen Acquis, which requires that the Macaque's passport be stamped before it can roam in Schengen, I guess, Madam Speaker. (Laughter)

2030 It is in the nature of the Barbary Macaque to travel. In the wild in North Africa, groups can travel for many kilometres and young males, in particular, tend to roam in search of new home ranges and other macaque groups. This occurs in Gibraltar also, as we have frequently seen in the past. The movement of the young male, now known as Sir Kingsway, was perfectly normal behaviour.

2035 It is likely that the wide-open stretch of land of the isthmus, now largely covered by the airfield, but formerly also open habitat, has in the past served as a barrier as the macaques avoid open ground where they would be exposed, in their native habitat, to predators and tend to move in woodland, shrubbery or under the shelter of cliffs or their man-made equivalent buildings, walls and other artificial structures.

2040 The construction of the Kingsway Tunnel and associated works has changed the landscape, providing the kind of shelter that macaques seeking new territory will be able to travel along. The macaque team, led by Mark Pizarro – and I must, Madam Speaker, compliment Mark and team members Dale Laguea and Damian Holmes for their work in retrieving the animal – and accompanied by the tunnel managers, have identified three locations where the monkey may have climbed over some fencing and where the top of the fence is not overhanging, which they cannot climb over.

2045 Works are planned to resolve this. In addition, one section of roof on a building by the frontier fence and from which a macaque could jump into Spanish territory, will have works done to similarly prevent access. The Tunnel Team will also be extra vigilant as they monitor the camera network and immediately report any macaque activity near the tunnel.

2050 **Hon. D J Bossino:** We hope, from this side of the House, that it is not the only species which can freely travel to the country to the north, but that will depend (Interjection) sorry? That is right! And also to associate ourselves with the comments that the Hon. Minister made in relation to Mr Pizarro and his team and the wonderful work that they did, because it seems that we clearly have the expertise on *this* side of the Frontier which those on the other side were unable to muster and deploy.

2055 Can I ask him whether that is the totality of the measures which are going to be put in place to try and prevent a repeat of this, because I wonder when Sir Kingsway returned to his pack, whether he has shared notes with his other colleagues as to how best to access Spain and have tapas across the way.

2060 Are there any measures beyond the fence reinforcements which the Government may be considering to prevent a repeat of this and also presumably the fact that they can access the tunnel itself may be an issue which needs to be dealt with and addressed. (Interjections)

2065 **Hon. Prof. J E Cortes:** Madam Speaker, it is a risk, a risk that this monkey now knows the way and I was following it, obviously, and it was all over Spanish media and the hon. Member is absolutely right. The expertise we have here, I think, is unparalleled anywhere in the world on managing these animals and it will show. But there was great co-operation with the Spanish authorities, as I think we all saw it and we all welcomed.

2070 But the monkey was heading north. There was no way that monkey wanted to come back to Gibraltar (Laughter) and it is typical, they try to spread their wings. That monkey had no idea that there were no monkey packs further north. How would it know? So that is a risk, it could go and it could take others with it.

2075 The team tells me that they are satisfied. It is not impossible that they would find their way through. It is a good job that there was only one, had it been a whole group they would probably be resident now in Sierra Carbonera, it would be *very* difficult to get them back. But they tell me that those three locations which they have identified are the likely ones.

2080 They will not climb over an overhanging fence, they cannot do that and go over; and those two areas where that seems to be a problem, and that is being rectified if it has not been already, this answer was prepared a few weeks ago. I need to check. And there is another building which virtually overlooks the Frontier fence and that is probably where they jumped from. So the idea there is to put spikes, like the ones put for seagulls and so on, which they will not like to go over by way of deterring it. So those are the measures that I am told. It is not impossible now, though, that other monkeys will try and hopefully this one will not!

2085 **Hon. D J Bossino:** I am grateful that we are treating this in the manner that it ought to be treated. But I was going to ask him, if I can pull the string of the last comment that he has made, is the expectation – I do not know how this species works – but is the expectation that this is likely to happen again? Are we able to determine that this is more than likely to be a one-off, and that he just made a mistake?

2090 **Hon. Prof. J E Cortes:** I think we all recognise that the monkeys now are roaming much less into urban areas than they used to be. The macaque team is strengthened and has developed its strategies to keep them within the areas as much as possible of the nature reserve.

2095 I cannot say, it is impossible to say whether another one might decide to head north. I repeat, for all they know, the area north of La Linea is populated with monkey packs and they are trying to spread into new territory. They do not know that we are the only ones in Europe.

There was one comment, if I may, somebody actually suggested that they might want to reintroduce monkeys in the Coto Doñana, in Spain, but that has no traction whatsoever. So I think we will still be the only ones in Europe.

2100 **Madam Speaker:** Next Question.

**Q291/2024**  
**The Green Lane –**  
**Easy and safe access**

**Clerk:** Question 291/2024. The Hon. D J Bossino.

2105 **Hon. D J Bossino:** When will the Green Lane be made safe to allow for easy and safe access?

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

2110 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the closure of Green Lane followed a major rock fall that took place in February 2010. A rock fall assessment and cliff stabilisation report was prepared by Golder Associates, a specialist firm of geotechnical engineers, and was received in May 2011.

2115 The report identified that there was a significant risk to all users of Green Lane and identified a series of cliff stabilisation measures along the full length of Green Lane. The cost of these works was identified as being £2.2 million in 2011, which equates to well over £3 million in today's market.

2120 The Government is committed to reopening Green Lane and has stated as much in our recent manifesto. It must be noted, however, that this represents a huge investment of public funds and it is necessary to balance these costs against the benefits, as the reality is that this is not and has never been a very heavily trafficked road and its remaining open is not entirely in the Government's hands as part of it is privately controlled.

**Hon. D J Bossino:** I am glad, although he has caveated the response on the basis of citing certain difficulties and issues, that the Government has the intention of opening it up, and in fact he confirms what the party opposite's position was in relation to this issue during the course of the last General Election.

2125

But given the passage of time – and I do not wish to be critical, we have the impression here that their heart is not really into this – and in fact he makes the point in his caveating bit where it is not a road which is commonly used. I would disagree, I think it can be a road ... and I think in terms of the private area, he is talking about the Rock Hotel section, which would be used more by tourists if available, and we do have interesting historical and artillery sites very close by and the wonderful views you see from there. I think it ought to be, from a touristic point of view, more easily accessible, or just accessible full stop.

2130

But can he give us a timeline as to when he thinks the Government will be in a position to open the road and/or at least – he is shaking his head – a timeline as to when he thinks that the works, the works which are valued at, he says £2.2 million, which is a significant sum I appreciate that, are likely to at least commence?

2135

**Hon. Prof. J E Cortes:** No, Madam Speaker. *(Interjection)*

I think I said it quite clearly that one has to balance these costs against the benefits and the reality is that if I had the £3 million to spend, I would not spend it on that. I think there are many more important things in relation to access to the Upper Rock, to improvements to the Upper Rock, so this is not going to happen any time soon, Madam Speaker, and I would not want to hazard a guess as to when it might be possible.

2140

**Hon. D J Bossino:** Is it, therefore, fair to comment and fair to say from this side of the House, that although it is a manifesto commitment – and one appreciates the things that he has said and the cost element – that it is unlikely to happen even in the lifetime of this Parliament? Or is he able to, at least, commit to concluding the works that need to be concluded and therefore open the road during the lifetime of this Parliament?

2145

They themselves keep on telling us that what they have in their manifesto are not aspirational measures, that they are cast-iron commitments which they will deliver during the course of the four-year term. So is he, seriously, now resigning from that and saying that in fact this is unlikely to happen because, as I said, fair enough, a priority consideration to take account of?

2150

**Hon. Chief Minister:** No, Madam Speaker, what we are saying is that it is not a priority for the first part of the lifetime of this Parliament, but it is a commitment for the lifetime of this Parliament. I am very happy to share with the hon. Gentleman that we are doing the spending round, as it would be called in the United Kingdom now, for what we will come to defend in this House during the budget debate, the Appropriation Bill during the course of June and July, which hon. Members will vote against, although he is purporting to seek that we include in the IDF this £2.2 million now.

2155

I can tell him for nothing that if the Minister were to come in the spending round to see me as Minister for Public Finance, as he will have to in the context of the spending round, to ask me to spend this £2.2 million in this financial year, the answer is going to be no. But that is not necessarily the answer next year or the year after that and this is a lifetime of this Parliament commitment.

2165

So he is completely wrong to suggest that what we consider to be our cast-iron guarantees are somehow going to be vitiated, because the Hon. Minister has given him the answer that he has given him, which is absolutely the right answer to have given him in the context of the first half of the lifetime of this Parliament.

2170

This is a commitment, a manifesto commitment, and it will be honoured during the lifetime of this Parliament. It does not mean it is going to be now and neither should they consider themselves to be time keepers of what our manifesto commitments are. Indeed, when they were in Government they specifically said to us that an opposition should not be a time keeper of the

2175 Government's commitments. Little did we know then that at the end of the lifetime of that Parliament, when all of the meetings of the Parliament were over, their leader then would say, at the end of the day, 'Our manifesto wishes are no more than that' ... Wishes and aspirations, not commitments.

2180 **Hon. D J Bossino:** The hon. Member has to have his dig and that is the way of the Chief Minister and we are used to it and it is almost water off a duck's back. But can I press him on this?

He is saying that if he is asked in the spending round to spend this money now, he is going to say no. Fine, understood. But given his commitment that this is going to happen and this, I assume, is not going to be an easy job to do when you are talking about cliff stabilisation in that stretch of roads, which I know very well, and is going to cost £2.2 million, it is going to take a fair bit of time.

2185 But given his commitment that it is going to be happening during the lifetime of this Parliament, i.e. four years, surely he must be able to say with confidence here and now that the answer, if it is raised in the spending round in the second financial year, will be an emphatic yes.

2190 **Hon. Chief Minister:** Madam Speaker, that is an absolute nonsense of a question for a simple reason. The hon. Gentleman has ascribed to himself the assumption, in cast-iron terms like everything that he does, that it is going to take two years; and that, therefore, the answer must be yes in the second spending round of the lifetime of this Parliament. It is an utter nonsense.

2195 Cliff stabilisation is complex, but it might be six months of complexity, it might be one year of complexity, or it might be three months of complexity. So the hon. Gentleman is reaching conclusions through extrapolations which are entirely nonsensical, as nonsensical as it is, Madam Speaker, that when I say something which is party political it is a dig; and then when he gets up to make preambular references in lengthy questions, it is just, when you pull him up on it, perfectly normal party politics, Madam Speaker, because this Parliament has to be alive.

2200 Well, Madam Speaker, I will do what he should recommend that I should do, given that he has consistently wanted me to fail at the job that I do. I will keep digging.

**Hon. D J Bossino:** Okay, let's try and get –

2205 **Madam Speaker:** A question. Let's get to the question.

**Hon. D J Bossino:** Madam Speaker, let's try and get somewhere here.

Look, quite frankly, the question that I have asked right now, I did not think was particularly long. I am sure the Chair would have called me to order, had it been.

2210 **Madam Speaker:** Is that an invitation? *(Laughter)*

2215 **Hon. D J Bossino:** It is certainly not. If I may put this to him, is he at least able to tell us that when the Hon. Minister Cortes – assuming he is still the Minister responsible for this area of policy – goes to him as the Minister responsible for Finance, either the second or third or fourth financial year – well, more the second than third – that his answer, in relation to this, will be yes?

**Madam Speaker:** That is a hypothetical question. I have been quiet up until now – *(Interjection)* because I was enjoying the exchange –

2220 **Hon. D J Bossino:** Is it? *Is it?*

**Madam Speaker:** But it is a hypothetical question. So we are going to move on.

2225 **Hon. D J Bossino:** Well, it is not a hypothetical question in the sense that – *(Interjection)*

**Madam Speaker:** Well, again, if you say, ‘What would you do if this happens at this time’, it is a hypothetical question. So either if you have another question which is not hypothetical, I will allow it, otherwise I am not going to allow this one.

2230 **Hon. D J Bossino:** No, Madam Speaker, the Hon the Chief Minister said that he is committed to doing these works during the lifetime of this Parliament. He is not willing to say yes, he has actually said the answer is going to be no – he was more than willing to answer that hypothetical question, if we accept that it is a hypothetical question, in relation to this financial year. He said if the Hon. Minister asks me in this spending round to incur this expense, the answer is going to be no. Well, I have pulled that string – *(Interjection)*  
2235 Oh, it is rhetorical, I need to ...

**Madam Speaker:** In any event, the fact that a hypothetical question was answered does not make it right to have been put in the first place; and now we are going to move on. *(Interjection by Hon. D J Bossino)*  
2240 Next question.

**Q292/2024**  
**Pedestrianised road leading to Botanic Gardens –**  
**When to be refurbished and beautified**

**Clerk:** Question 292/2024. The Hon. D J Bossino.

2245 **Hon. D J Bossino:** When will the – 292, yes, Mr Clerk when will the – stretch of pedestrianised road leading to the entrance to the Botanic Gardens be refurbished and beautified?

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

2250 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, at this moment in time there are no active plans.

2255 **Hon. D J Bossino:** Madam Speaker, has there not been a change in Government’s policy attitude in relation to this? I think when I have asked him this question in the past, in the previous House, the answer was much more positive. I do not have it with me, but much more, I do not know if the Hon. Member recalls himself, but much more positive in relation to this.

It is an area – and I must say from a person who walks through the gardens on occasions, that the botanical side of things is looking beautiful. It is looking really nice over a period, I think, of patient work, which I am sure he will recognise when I say that.

2260 But it is that that area, as I understand it, is Government-owned, which is a *long* stretch from the end of the Botanic Gardens to where the Queen’s Cinema used to be, that is in a particularly bad state; and I think it is also the area which, at one point, in the first term they introduced a dog park, I think it was, which I do not think was then much of a success.

2265 But can I press him in relation to that, as to if what I am saying is correct why is it the case that the Government has changed its approach in relation to this stretch of road?

2270 **Hon. Prof. J E Cortes:** Madam Speaker, there has not really been a change; that actually *is* a part of the Botanic Garden’s demise. It is just an area that at the time, 32 years ago now, it was decided that because of the scale of the work that needed to be done, the work would be concentrated inside and that area would have minimal management, which it does. There is removal of plants at certain times of year and the sweeping and cleaning and so on. But it is not



landscaped like the rest of the gardens. This is a potential area for expansion, obviously there are financial implications.

2275 What I answered at that time, that was when we were looking at the new development in Grand Parade with underground parking and a park on the upper area, and this was going to be an extension of that; and that project, at the moment, is paused. It could be picked up again or it could be that the management of the Botanic Gardens now feel that they have the resources to move in and do more landscaping in that area. But at the moment there is nothing active that I can share.

2280 **Hon. D J Bossino:** I urge him to push this because, as I said, I think it is a large stretch of land and it leads into the much prettier and beautiful and satisfying-to-the-eye Botanical Gardens. But can I also ask him not to limit the works that need to be done, they are not limited to landscaping, but also extend I think to tarmacking of the road, which is full of potholes and it is looking in a particularly dire state.

2285 **Hon. Prof. J E Cortes:** Madam Speaker, the area has had some work done to it. There was a wall that was collapsing there that was done not that long ago. So it is kept an eye on, but it is really for the management of the gardens to prioritise and it is a conversation that I have regularly.

2290 **Madam Speaker:** Next question.

**Q293/2024**  
**Motorbike engines –**  
**Noise**

**Clerk:** Question 293/2024. The Hon. D J Bossino.

2295 **Hon. D J Bossino:** What measures, if any, does the Government plan to introduce regarding noise which emanates from motorbike engines?

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

2300 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, measures are already in place. All vehicles, including motorcycles, are checked at the Motor Vehicle Test Centre where the decibel meter is used to ensure they comply with the noise levels that correspond to each vehicle.

2305 In the case of motorcycles, this is normally stamped on the manufacturer's chassis identification plate. Police also monitor this, where they utilise a decibel metre to test vehicles, which they stop suspected of emanating sound above the legal limit. They also bring the vehicles to the Motor Vehicle Test Centre to be tested by the centre. Vehicles found not to comply are issued with a Refusal Notice; and/or if brought in by the police, they are fined.

2310 **Hon. D J Bossino:** Madam Speaker, the reason why I raised this question is, for a long time I thought I was just morphing into a cantankerous middle-aged man but I have realised I was speaking to other people.

**Madam Speaker:** Is that a question? (*Laughter.*)

2315 **Hon. D J Bossino:** It is a statement for now, which is truthful, I am sure. But I have realised that speaking to other people, and younger people indeed, that they have raised the same complaint

to me. So you are literally on the road in Gibraltar and it is something which I think, I do not know, it is featuring more and more. You almost need to stop a conversation to allow the motorbike to go.

2320 **Madam Speaker:** I have to press you for a question, otherwise we are going to take too long.

**Hon. D J Bossino:** I am getting there ... of whatever make because the noise is so loud. So can I please urge him to look into this because he says that measures are already in place but can I ask him to consider the possibility that the measures which are in place are not achieving the aim that they ought to be achieving; and that certainly they are not as ambitious as they should be. The noise emanating from this particular vehicular traffic, is *far* too loud and in my view ought to be stamped out more vigorously and with much more ambition.

2330 **Hon. Prof. J E Cortes:** Madam Speaker for a moment, I did not – (*Interjection.*)  
I will assume there was a question somewhere in there, Madam Speaker. I thought for one moment he was calling me a cantankerous old man. (*Interjection*) No, I was corrected by my hon. Friend because, of course, I am not and I would not dream of calling him that, seeing that he is considerably younger than me anyway.

2335 Madam Speaker, I think that the Test Centre captures it when they come to them. I think it is a question of enforcement by the Royal Gibraltar Police and it is a matter that is repeatedly discussed with them.

**Madam Speaker:** Next question.

**Q294/2024**  
**Review of STTPP –**  
**Results published**

2340 **Clerk:** Question 294/2024, the Hon. D J Bossino.

**Hon. D J Bossino:** When will the results of the review of the Sustainable Traffic, Transport and Parking Plan (STTPP) be published?

2345 **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 STTPP is currently being reviewed with a purpose of both assessing its success so far and updating it to reflect changes in the transport network since its publication. This process will take some months and the results will, of course, be published when it is completed.

2350 **Hon. D J Bossino:** I am grateful for the timeline which the hon. Member was willing to provide across the floor of the House. The stopwatches will start to run on this side of the House. But can I ask him, and it is indeed a manifesto commitment of theirs to conduct a review and hence the question, can I ask him how that review is being conducted? Is it being conducted in-house?

2355 As I understand it, from memory, the STTPP was devised by an outside company when in their first term, I think Mott MacDonald perhaps, for a cost of close to half a million pounds, but can I ask him, who is conducting that review?

2360 **Hon. Prof. J E Cortes:** Yes, Madam Speaker, at this moment it is being conducted in-house by the transport team. If, when the first review is completed or the first assessment is completed,

we find that we need more specialist assistance then we will look at whether we need to engage external experts. But at this moment in time it is the transport team. In fact, I was shown a very first draft this morning. It is proceeding well, and I am looking forward to that assessment. But at the moment it is being carried out internally.

2365

**Hon. D J Bossino:** How does that coincide, if it does at all – I am assuming it does because it is certainly the same subject matter – with the Active Travel Strategy, which is a more recent publication? So, we have had the STTPP, which was much proclaimed by them as something that would revolutionise – borrowing his word – traffic arrangements and transport arrangements management in Gibraltar in their first term.

2370

I think it was Mr Costa who spearheaded that particular initiative at the time, and then we have had the Active Travel Strategy under Mr Balban and now this review. How do these two things ... do they run in parallel? How does it work?

2375

**Hon. Prof. J E Cortes:** The Active Travel Strategy will now inform the STTPP so that they talk to each other. So the STTPP – it is a tongue-twister, no matter how many times I say it, Madam Speaker. The STTPP will be reviewed taking into account the Active Travel Strategy.

**Madam Speaker:** Next question.

2380

**Hon. D J Bossino:** If I may?

**Madam Speaker:** Well, if you are going to ... (*Interjection*) Yes, well, many a thing is said out loud that should not be. But anyway, I will accept that. If you ask a short question, yes, but I am not going to allow a long preamble because otherwise we are going to be here far longer than we need to be.

2385

**Hon. D J Bossino:** In relation to the possibility that outside help may be called upon, is it the intention, once the review has been conducted internally, that once that is completed and he has given us a very short timeline of a few months, that there will be a publication of the results of that review at that point in time, or will that be held back should it be decided that there is a requirement for external input?

2390

**Hon. Prof. J E Cortes:** Madam Speaker, I will take a view at the time of getting that review to see whether it is in a state that can be published or it needs further information. I suspect that we will be able to do it in that timeframe, but we do not know until it is done.

2395

**Madam Speaker:** Next question.

**Q295-297, 300/2024**

**Cycling app/Cycle to work scheme –  
When set up; details; advance stop signs and cost**

**Clerk:** Question 295/2024, the Hon. D J Bossino.

2400

**Hon. D J Bossino:** When will the cycling app be set up?

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

2405 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with questions 296, 297 and 300.

**Clerk:** Question 296/2024, the Hon. D J Bossino.

2410 **Hon. D J Bossino:** Please provide details of the Cycle to Work Scheme.

**Clerk:** Question 297/2024, the Hon. D J Bossino.

2415 **Hon. D J Bossino:** Where does the Government intend to provide further advance stop signs – I think that is a mistake, it should be *lines* – and at what cost?

**Clerk:** Question 300/2024, the Hon. the Leader of the Opposition.

2420 **Hon. Dr K Azopardi:** Madam Speaker, does the Government presently wish to encourage cycling in Main Street?

**Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

2425 **Hon. Prof. J E Cortes:** Madam Speaker, work on a cycling and walking app is ongoing. We do not yet have a date for launching. We are developing a Cycle and Walk-to-Work Scheme and will be consulting stakeholders as the drafting progresses.

The Government hopes to pilot, in relation to question 297, these in some locations soon; and in relation to question 300, the Government will encourage cycling wherever it is safe for both pedestrians and cyclists. We will encourage delivery by bicycles and other non-polluting means in Main Street, but we do not feel at this moment in time that cyclists should be actively encouraged in Main Street and we will encourage alternative north-south routes for cyclists.

2430 **Hon. D J Bossino:** In relation to 295, whilst the hon. Member has not been forthcoming in terms of a timeline, is he able at this stage to state whether this is something which an outside company is likely to be doing for the Government? Or is it something which is going to be done internally?

2435 **Hon. Prof. J E Cortes:** The initial intention is that it should be done internally. Sometimes for some specialist apps expertise has to be sought from outside but the groundwork, so to speak, is being done internally.

2440 **Hon. D J Bossino:** If I may, is this going to be a proper app, if I can put it in those terms, as opposed to the bus tracker which you access through the internet? I think the intention at the time was to eventually set it up as a proper app and that has never happened. Or is it too embryonic a stage for the hon. Member to answer that question?

2445 **Hon. Prof. J E Cortes:** Ideally an app, but we are not certain yet. The bus tracker, even though it is not an app *per se*, is perfectly usable and nowadays with mobile devices, whether it is an app or you check it with your Google or Safari or whatever, it is perfectly adequate. But that decision has not yet been taken.

2450 **Hon. D J Bossino:** What information is it intended, this app, to provide?

**Hon. Prof. J E Cortes:** It is intended to provide suggested walking routes, suggested cycling routes and areas where bicycles can be parked.

2455 **Madam Speaker:** Any supplementaries on 296?

2460 **Hon. D J Bossino:** The hon. Member has, I am sure, I recognise that this is a manifesto commitment, the Cycle-to-Work Scheme, that is for the benefit of those watching and listening. I am slightly surprised that the answer that he has given is not particularly specific and that it seems that what the Government has embarked upon is a process of consultation.

Can I ask him whether he has a vision as to what he thinks, because it struck me as an interesting proposal, as to what he thinks this scheme is likely to provide?

2465 **Hon. Prof. J E Cortes:** Yes, Madam.

**Hon. D J Bossino:** Is the Hon. Minister able to elucidate this House as to what that vision is?

2470 **Hon. Prof. J E Cortes:** Madam Speaker, it is clearly important to consult stakeholders. There are groups very active in the cycling world. There are people who do a lot of walking and the idea is to ... This is not unrelated to the cycling and walking app because this is something that would be reflected there. It is a way of encouraging people to use alternative forms of transport to get to work.

2475 Encouraging cycling, making sure that there are provisions for parking of bicycles at critical places, sharing the health benefits of walking and cycling. A lot has been published on this, only very recently I saw an article on how walking extends people's lives, even if they spend the rest of the time sitting down. So it is this kind of thing which will encourage people to walk to work, and walk and cycle more than perhaps they do at the moment.

2480 **Hon. D J Bossino:** What tax advantages would the Government consider providing to employers in relation to this scheme?

**Hon. Prof. J E Cortes:** Madam Speaker, it is too early to be so specific, this is work in progress.

2485 **Hon. D J Bossino:** So, if I can press him on that, it is actually a fact that the manifesto is much more specific than what the hon. Member with the greatest of respect to him, has just given this House right now. It talks about tax advantages and leasing arrangements. So I would press him on that as to whether the Government has – it is in their manifesto, so they must have had an idea unless they are just meaningless superficial words.

2490 But if we are to take them to their word, this is a cast-iron commitment which they say, 'Ah, well, he says *pesao* from a sedentary position', but they are equally as *pesao* when they make their political points.

But can he say what tax advantages and leasing arrangements the hon. Members are considering to give to employers?

2495 **Hon. Prof. J E Cortes:** I am not in a position to say that this is part of the ongoing process. There will be other incentives to and it is possible that there will be businesses who will be able, perhaps, to give discounts depending on if you can log a walk or cycle, that sort of thing. All these things are up in the air, but I cannot go into any detail now because they are still in their earlier stages.

2500 **Hon. D J Bossino:** In the context of the engagement with, as he puts it, stakeholders: how is he proposing to engage? Because I do not think in that context he mentions employers, which I would have thought would be the most important party in all of this. How does he propose to engage with the interested parties that emanate from the employee sector?

2505 **Hon. Prof. J E Cortes:** Madam Speaker, like I always have done whenever I have had anything like this, by inviting representations, by providing an email for people to send information and comments to; by talking to, in the case of employers, to the organisations like the Federation of

Small Businesses and the Chamber of Commerce in the usual way that one engages, and certainly I have engaged and my colleagues have engaged when we are developing new initiatives.

2510

**Madam Speaker:** Anything on 297?

**Hon. D J Bossino:** In relation to 297, which relates to the question on advanced stop lanes, as I understand it there is only one which is currently in operation which is by Regal House; and he talks about some other locations. Can he be more specific in relation to that? Which other locations are the Government considering introducing this to?

2515

**Hon. Prof. J E Cortes:** Madam Speaker, I am waiting for my team to suggest the best locations where we should look to place these. I do not think it would be helpful if I just gave a list of possibilities.

2520

**Madam Speaker:** Yes.

**Hon. Dr K Azopardi:** So, in respect of 300?

2525

**Madam Speaker:** Did we finish with 297 then? Yes, alright, good. Yes, I was not complaining! *(Interjections)* Let's turn to 300. Supplementaries to 300.

**Hon. Dr K Azopardi:** I was moving on.

2530

**Madam Speaker:** I am grateful to the Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** So, in respect of 300, the hon. Member said that he gave an answer which suggested that they would encourage it if it was safe to do so, and so on and so forth. He did not discount it in Main Street, so what I am asking the hon. Member to reflect on, obviously, Main Street is a pedestrianised area, and his answer was not decisive one way or the other. There was a pilot scheme some years ago which his predecessor carried out in Main Street and they marked the road, and so on and so forth, that I thought had been abandoned.

2535

Now, Main Street is pedestrianised. It is either possible to cycle in it or not possible to cycle in it. Is it going to be encouraged or not encouraged? They must have taken a view as to whether it is safe to do so, permissible to do so. The purpose of the question is that some people have asked me, there is doubt as to the policy there and some people feel it is unsafe to encounter these cycles. So what is the Government's position in that regard?

2540

**Hon. Prof. J E Cortes:** Madam Speaker, the trick here is to de-conflict the two. So after a certain time when there are very few pedestrians in Main Street, then cycling is clearly more indicated. But my answer said that I would *not* encourage it in Main Street when there is a very busy pedestrian presence.

2545

In the case of delivery bicycles and so on, I think that is something that we can encourage, that would normally be during certain hours and not at the peak pedestrian use. So that is what we have to do. We have to de-conflict the two so that it is not dangerous, it is safe.

2550

**Hon. Dr K Azopardi:** But with respect to the hon. Member – and I know he is obviously trying to encourage, or not encourage, people – but that policy is not clear and it is unhelpful. Would it not be better, with the help of officials, to assess when there are times of the day when the street is sufficiently clear for there to be cycling and for them to say, 'Well, you can cycle in future from 9 p.m. to 6 a.m. and then you cannot cycle anywhere else.' Because otherwise it is completely unclear for people to think, 'Well, is it safe, or not safe?'

2555

2560 The Minister has said publicly that he will not encourage it when there is a lot of people. But is it a judgement call?

**Hon. Prof. J E Cortes:** Madam Speaker, this is exactly the sort of thing that is going to be caught in our Cycling and Walk-to-Work Scheme, where we will be consulting stakeholders in order to give these clear guidelines. So it is partly covered by the scheme that we are developing.

2565

**Madam Speaker:** Next question.

**Q298-299/2024**

**Victualling Yard Aquarium project –  
Support of Government**

**Clerk:** Question 298/2024. The Hon. D J Bossino.

2570 **Hon. D J Bossino:** Is the Government supportive of the Aquarium project at the Victualling Yard?

**Clerk:** Answer, the Minister for Education, the Environment and Climate Change.

2575 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with question 299.

**Clerk:** Question 299/2024, the Hon. the Leader of the Opposition.

2580 **Hon. Dr K Azopardi:** Has the Government granted, or will the Government grant, a lease or a licence or other permission to use the Victualling Yard site for the purposes of an aquarium; and if so, on what terms?

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

2585 **Hon. Prof. J E Cortes:** Madam Speaker, as a preamble to my answer, clearly, the Government will support projects which are intended to improve the tourism product to Gibraltar. Having said that, the Government has a duty to ensure that such projects are in keeping with policy, that the relevant expertise to manage the projects is available locally and that the project will in no way affect our international reputation.

2590 There are some concerns, which were expressed recently when it was discussed in DPC, if I may just add that, for a project of this nature and the level of expertise required to ensure that such a project meets all the relevant policies, Government criteria and legislation. So we will await the answer to these questions as the planning process progresses.

In relation to question 299, clearly, it is too early to say.

2595

2600 **Hon. D J Bossino:** I have not identified in his answer, although I get the sense that the hon. Member himself is not particularly supportive of this project, I will leave it at that. But I have not been able to identify, in his answer, an emphatic yes or no; and if I may say so, about their comments, this has been the way that the Hon. Member has chosen to answer pretty much *all* of his questions in this House this afternoon, but so be it.

Is the Government supportive of this particular project; and I put to the hon. Gentleman, I am sure he is aware the concerns which have been raised by the gentleman he referred to earlier in relation to the Barbary macaque, Mr Mark Pizarro, the concerns that he has raised on public radio,

2605 where he has mentioned environmental concerns, concerns in relation to cruelty to animals and all the rest of it. I am surprised – and this is why I make the comment at the beginning of my question – that these are things which chime with the hon. Gentleman opposite. We know him, we have known him for a very long time.

2610 **Madam Speaker:** Either put the question or stop. Question?

**Hon. D J Bossino:** Can I ask the Hon. to press him to state with clarity and sincerity whether he and the Government, of which he forms a part, is supportive of this aquarium project – not any other project, *this* aquarium – and the intention to build an aquarium in the Victualling Yard?

2615 **Hon. Prof. J E Cortes:** Madam Speaker, I refer the hon. Member to the answer that I have just given a few moments ago.

2620 **Hon. D J Bossino:** No, (*Interjection*) I cannot allow the hon. Member ... (*Interjection*) No, this is disrespectful to this House. I have pressed him sincerely in relation to a point. He has been less than frank in relation to his answer and I need to press him. (*Interjections*)

The question is: is the Government supportive of this project, yes or no? It is a very simple question which is capable of a very simple response and not what he has fed this House in his formal reply. So I am afraid, Madam Speaker, that this point needs to be pressed further.

2625 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Government refers the hon. Gentleman to the answer given a few moments ago on behalf of the Government.

2630 **Hon. Dr K Azopardi:** Madam Speaker, in relation to my question which is: has the Government granted or will the Government grant a lease or a licence or other permission? The Minister said it was too early to say. Too early to say because it is going through planning? So, for example, is it that the Government's decision in relation to whether or not it grants a lease will be decided on the planning aspect? Because normally – and the hon. Member has been a Member of the DPC for a very long time. Normally the planning issue is one issue, but there is also the Government as landlord has formed a view.

2635 Can I put it this way? *If* planning permission is granted, will the Government grant a lease? So has the Government taken the decision that it will grant the lease subject to planning?

2640 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, in order to assist the House, the position of the Government says that we will wait for the application to be considered in full by the DPC and see whether that full planning is granted or not. But I think my hon. Member also indicated there were other concerns on issues in addition to planning, which were also important and would also form part of that consideration.

2645 **Hon. Dr K Azopardi:** Issues not relating to planning, like what? Can the hon. Member give us a bit more detail?

**Hon. Prof. J E Cortes:** Madam Speaker, I refer to the answer that I just gave that it is important that these projects in no way affect Gibraltar's reputation, and that we have to ensure that all such projects meet relevant policies, legislation, etc.

2650 **Hon. Dr K Azopardi:** And I speculate: is it that those aspects relate to some of the criticisms that have been made in relation to the possible view that it might be seen to be a *cruel* project in that sense, in terms of how you treat the fish? Is that one of the aspects that the Government is concerned about?



2655 And can I ask, now that I am on my feet, to move it on as well: is it that the Government is in discussions with the relevant party in terms of the land issues, or are they not discussing it at all?

**Hon. Prof. J E Cortes:** Madam Speaker, I think that the answer that I have given, even though the hon. Members opposite do not think is clear, is very clear. We are in a stage, along a process and we are not in a position to say anything further than what I have already said.

**Hon. D J Bossino:** I will ask, no, I said it from a sedentary position I had not stood up yet. The Hon. Chief Minister, please, needs to calm down. (*Laughter*) I need to press him on this. I need please an answer to my question and then he repeats the answer in response to the Hon. the Leader of the Opposition. The hon. Member refers to reputational issues, this is serious!

2665 He has said it publicly across the floor of the House. What are these reputational issues? We can guess and we can speculate, but that is not good enough. The hon. Member needs to answer what are the reputational issues which are of concern to him and the Government?

**Hon. Chief Minister:** Madam Speaker, the hon. Gentleman has set out the tenor of the issues that concern us in his first answer, which the hon. Gentleman does not appear to like. But what are the reputational issues relating to aquaria? I suppose the same ones that relate to the aquarium in Seville, the aquarium in London, the aquarium in Barcelona, the aquarium in Madrid, the aquarium in Miami, the aquarium in New York.

2675 Some of them, obviously, are reputational issues that you can get over. But what we are not going to do, because it is not fair to anyone, is to conduct the negotiation with the party that was the highest bidder in a tender process across the floor of the House with *them*. So the hon. Gentlemen have the answer that we gave a few moments ago, and that remains the answer on behalf of the Government.

2680 **Madam Speaker:** Next question.

**Q301/2024**  
**Speed mileage indicators –**  
**Why removed**

**Clerk:** Question 301/2024, the Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, why have speed mileage indicators that had previously been installed in some roads and were visible to the driver been removed?

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

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the speed detection radars have not been removed. Only one was removed at Winston Churchill Avenue on the approach to the runway as a result of the opening of Kingsway, as it was no longer needed as the runway crossing by vehicles was no longer allowed.

2695 **Hon. Dr K Azopardi:** I am not sure if we are talking about the same thing. What I meant by speed mileage indicators, for example, he says it has not been removed, so I will tell him more precisely what I meant. What I meant by the speed mileage indicators is those speed mileage indicators that were, for example, on Queensway and in Rosia Road that would *electronically* show the speed at which you were travelling before you arrived. Those were removed.

2700 My view was that they were helpful in terms of reminding people of what speed they were travelling and so that you could keep within the speed limit. Those have been removed. I do not know why.

2705 **Hon. Prof. J E Cortes:** Madam Speaker, the consensus on this side of the House from driving or walking in that area, or cycling in that area, is that they are still there and my answer tells me that the only one that was removed was the one to cross the runway, because vehicles are not allowed across the runway any longer. If there are some that are missing that we are not aware of, that is certainly the answer that I have been given.

2710 **Hon. Dr K Azopardi:** Well, I will certainly check the information that I have and if the hon. Member is happy to provide information to me outside of this House, I will write to him on that basis.

**Madam Speaker:** Next question.

**Q302/2024**  
**Governor's Parade Bin Store –**  
**Results of review**

2715 **Clerk:** Question 302/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** What was the cost of the bin store constructed on Governor's Parade and who advised as to its technical size or took the decision of the need for such a facility?

2720 **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 cost of the bin store was £156,195.58. This was from the lowest tender submitted. The decision for this bin store was taken by myself on the advice of my cleansing division in the Department of the Environment, the reason being that the previous temporary structure was too small to accommodate the increase in refuse and recycling in the area.

2725 **Hon. Dr K Azopardi:** Does the hon. Member accept that while it might be functional, it is incredibly aesthetically unpleasing?

2730 **Chief Minister:** Beauty is in the eye ... (*Banging on desks.*)

**Hon. Prof. J E Cortes:** Madam Speaker, I was about to say beauty is in the eye of the beholder, so clearly the Chief Minister and I are at one; and not just on this I may add, Madam Speaker.

2735 There was a dire need for increased space for refuse and in fact this is one of the elements of discussion that we had with the Chamber of Commerce where we were concerned that businesses were placing rubbish on the street, on Main Street particularly, and not taking it to a bin store.

2740 The answer was, 'Well, there is not enough space.' So that is what drove the increase in space. Very difficult to find space for a bin store and we have tried many a time in many areas, and this was one that we took the hit or the loss, I think, of one maybe one or two car parking spaces, and created this bin store because businesses in the area were clamouring for it. Beauty is indeed in the eye of the beholder, but the necessity was clearly there.

**Madam Speaker:** Next question.

**Q303/2024**

**Felling of 102-year-old eucalyptus tree –  
How decisions are taken**

**Clerk:** Question 303/2024, the Hon. the Leader of the Opposition.

2745

**Hon. Dr K Azopardi:** I was biting my tongue about the bin store! (*Laughter*) I am not going to ask any questions on it.

Who took the decision to fell the 102-year-old Eucalyptus Tree on Rosia Road last month (*Interjection*) and how are such decisions taken?

2750

**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, this is the question that I absolutely love.

2755

Madam Speaker, the tree had perished, it had perished about two years ago and the main branches had been cut back in order to prevent them falling.

Consideration was being given to using the trunk for a sculpture, but it was found that there was a large amount of decay in the trunk, exacerbated by the bracket fungus known as chicken of the woods, *Laetiporus sulphureus*, which causes serious damage to trees. This meant that it was not suitable for carving and the remaining trunk and branches a potential danger, so the decision was taken to remove it.

2760

The Department of the Environment's Green Areas Team meets with me every fortnight. While I chair these meetings I consider that I contribute my technical knowledge rather than any political direction. At these meetings, among other green area-related matters, all tree-related issues are discussed. When there are concerns about any tree, an assessment is carried out by the team and the Gibraltar Botanic Gardens, and decisions taken when the results of the assessments are presented.

2765

In the case of trees with suspected decay, the tree is surveyed with a specialised instrument known as a resistograph driven by a drill motor a long, thin needle is inserted into the trunk in order to gain an idea of its density, which allows the operator to identify areas of substandard structural integrity, such as decay.

2770

In every case where a tree has to be removed, arrangements are made for replacements to be planted. Madam Speaker, we perform many miracles in the Department of the Environment, but we still have to perfect the *Lazarus* trick for the common eucalyptus tree.

2775

**Hon. D J Bossino:** *Bueno pero* coming from him.

**Madam Speaker:** Yes, any supplementaries?

2780

**Hon. Dr K Azopardi:** I only have one. I will not be asking the hon. Member whether he has a resistograph in his home, although I was tempted.

Given the end of his answer, what plans are there now to replace the tree? Is it going to be another eucalyptus or is it something else; and can the hon. Member explain to us what will happen now?

2785

**Hon. Prof. J E Cortes:** Madam Speaker, there is already a tree in place just beyond it. It is very difficult to put it there because it is a large trunk and there is no way you are going to remove it and plant something there. So in the planter just behind, I believe the *Erythrina* coral tree has already been planted. I have not checked yet, but that was the information that I had. If it has not been planted, it is imminent.

2790

**Adjournment**

**Chief Minister (Hon. F R Picardo):** Madam Speaker, given the hour, I move that the House should now adjourn until three o'clock tomorrow afternoon, when we will start dealing with questions to me and then continue with questions to other Members. It is the Government's intention to deal tomorrow only with questions given the number outstanding and the time at which we will reconvene. So I move the House should now adjourn to 3 p.m. tomorrow.

**Madam Speaker:** I now propose the question, which is that this House do now adjourn to 3 p.m. tomorrow and I now put the question which is that this House do now adjourn to 3 p.m. tomorrow. Those in favour? (**Members:** Aye.) Those against? Passed. This House will now adjourn to 3 p.m. tomorrow.

*The House adjourned at 6.55p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.02 p.m. – 6.05 p.m.**

**Gibraltar, Thursday, 14th March 2024**

## Contents

<b>Questions for Oral Answer .....</b>	<b>4</b>
Chief Minister .....	4
Q359/2024 Employees on sick leave – Broken down by month .....	4
Q360/2024 Import Duty – Collected February 2024 .....	6
Q361/2024 Total loan facility availability – Gibraltar Football Association/Stadium Development Limited – Advancement of monies .....	6
Q362-63/2024 Government Agency offices list – Moving to privately owned accommodation .....	7
Q364-65/2024 Chief Secretary’s written protocol – Opposition’s access to head Civil Servants in advance of General Election .....	7
Q366/2024 New relationship for Gibraltar – Talks/negotiations with EU .....	11
Q359/2024 Employees on sick leave, continued .....	15
Deputy Chief Minister .....	18
Q358/2024 Current parcel Post Office – Using Rooke site or another purpose .....	18
Justice, Trade and Industry .....	19
Q335/2024 Offices designated for Probation and Community – Current locations; working from home .....	19
Q336/2024 Health care insurance disabled challenges – New and/or separate schemes ....	19
Q337-39/2024 Firearms licences in Gibraltar – Current numbers; bespoke database cost; RGP up to date and accurate .....	20
Q340/2024 RGP British Gibraltar territorial waters – Daily patrols and times .....	22

Q341-44/2024 Replacing Magistrates Courts database and Criminal Justice System – Progress updates; completion date .....	22
Q345/2024 Principal Auditor’s report – ITO computer application’s sole programmer reliance .....	25
Q346/2024 Admiralty Marshal Sub-Fund – Omitted in error in Gibraltar Courts Service returns .....	25
Q347-48/2024 Income Tax and Company Tax collected – January 2024 and February 2024	26
Q349-350/2024 Post Office parcel facility – Current Government support.....	26
Q351-52/2024 Europe India Gateway Red Sea cable – Gibtelecom financial or technical complications .....	28
Q353-54/2024 Gibraltar’s removal from FATF grey list – Legislative steps, wider support, resources to secure change of status.....	29
Q348/2024 Income Tax and Company Tax collected – Supplementaries .....	31
Inward investment and the Savings Bank.....	31
Q355-56/2024 General Sinking Fund balance – 1st February 2024 .....	31
Q357/2024 Rooke site residential home project – Original borrowing from the Savings Bank .....	32
Procedural.....	34
<i>The House recessed at 4.45 p.m. and resumed its sitting at 5.00 p.m.</i> .....	34
Health, Care and Business.....	34
Q304/2024 <i>Guardian ad litem</i> services – Numbers/individuals on register.....	34
Q305/2024 St Bernadette’s Centre – Initial plans engagement/discussions with architects	35
Q306/2024 Mount Alvernia Residential Care Home – Number on waiting list.....	37
Q307/2024 Head of Older People’s Services – New role or replacement of existing position .....	38
Q308/2024 Seeing GHA physiotherapist – Length of current waiting list.....	39
Q309/2024 Prosthetic limbs and maintenance – Cost to GHA over years .....	40
Q310-11/2024 Obesity within Gibraltar – Gathering relevant data to monitor indications .	41
Q312-13/2024 Health care professionals/nutritional values of food – Patients in St Bernard’s; conferring with caterers.....	42
Q314/2024 Dedicated telephone appointment lines – Primary Care Centre free; Children’s Health Centre to pay .....	43
Q315-16/2024 Post-partum aftercare for new mothers – Checks and follow-up care provided .....	43
Q317-23/2024 Specialist incubators for transport of babies – Fitted out in GHA ambulances; costs .....	45
Q324-25/2024 Consecutive hours for nurses – Numbers per shift .....	48
Q326-29/2024 GHA’s mental health facilities – Nurses’ training revised and up to date .....	50
Q330/2024 Modulab stock controls – Implementation in Pathology Department.....	53
Q331/2024 Medical Board report tabled – Reasons behind delay.....	53
Q332/2024 Companies/Individuals feed back into grid – Details.....	53

Q333/2024 Time-of-use tariffs – Energy efficiency and benefits.....	54
Q334/2024 Emergency water pipeline to Spain – Fully installed.....	55
<b>Questions for Written Answer .....</b>	<b>56</b>
<i>The House adjourned at 6.05 p.m.....</i>	<i>56</i>

# 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*]

## Questions for Oral Answer

### CHIEF MINISTER

#### Q359/2024

#### Employees on sick leave – Broken down by month

**Clerk:** Meeting of Parliament Thursday, 14th March 2024. Chief Minister's Questions.  
5 Question 359/2024. The Hon. J. Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Government provide statistics as to the number of  
employees on sick leave from 2019 to date, broken down by month within the following services:  
10 Gibraltar Fire and Rescue Service; Royal Gibraltar Police; HM Customs Gibraltar; Gibraltar Borders  
and Coast Guard Agency; Ambulance Service; and HM Prison Service?

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, we can, but before I do can I just comment  
15 that – and I am sure the whole House will want to join me – in wishing all the very best to the  
Gibraltar GFA team playing right now against Iceland in the under-16 Development Tournament,  
and for all of the rest of the games that they have over this weekend.

In answer to the question, Madam Speaker, I pass the hon. Lady a schedule with the  
20 information requested.

25

30



ANSWER TO QUESTION 359

Gibraltar Fire & Rescue Service		Royal Gibraltar Police		HM Customs		HM Prison		Borders & Coastguard Agency		Ambulance Service	
Month / Year	Total Number of Employees	Month / Year	Total Number of Employees	Month / Year	Total Number of Employees	Month / Year	Total Number of Employees	Month / Year	Total Number of Employees	Month / Year	Total Number of Employees
Jan-19	25	Jan-19	39	Jan-19	41	Jan-19	16	Jan-19	52	Jan-19	8
Feb-19	23	Feb-19	36	Feb-19	36	Feb-19	10	Feb-19	44	Feb-19	11
Mar-19	22	Mar-19	38	Mar-19	42	Mar-19	13	Mar-19	44	Mar-19	7
Apr-19	18	Apr-19	31	Apr-19	29	Apr-19	12	Apr-19	38	Apr-19	6
May-19	25	May-19	34	May-19	35	May-19	11	May-19	31	May-19	5
Jun-19	27	Jun-19	27	Jun-19	29	Jun-19	12	Jun-19	44	Jun-19	5
Jul-19	29	Jul-19	33	Jul-19	38	Jul-19	15	Jul-19	50	Jul-19	7
Aug-19	30	Aug-19	29	Aug-19	38	Aug-19	18	Aug-19	41	Aug-19	4
Sep-19	23	Sep-19	32	Sep-19	27	Sep-19	21	Sep-19	38	Sep-19	10
Oct-19	27	Oct-19	40	Oct-19	34	Oct-19	15	Oct-19	43	Oct-19	8
Nov-19	27	Nov-19	48	Nov-19	41	Nov-19	18	Nov-19	47	Nov-19	5
Dec-19	34	Dec-19	51	Dec-19	46	Dec-19	11	Dec-19	44	Dec-19	7
Jan-20	28	Jan-20	43	Jan-20	53	Jan-20	11	Jan-20	50	Jan-20	10
Feb-20	34	Feb-20	44	Feb-20	40	Feb-20	17	Feb-20	49	Feb-20	6
Mar-20	11	Mar-20	45	Mar-20	21	Mar-20	14	Mar-20	30	Mar-20	6
Apr-20	8	Apr-20	32	Apr-20	13	Apr-20	9	Apr-20	15	Apr-20	4
May-20	11	May-20	26	May-20	4	May-20	2	May-20	18	May-20	2
Jun-20	20	Jun-20	27	Jun-20	9	Jun-20	10	Jun-20	18	Jun-20	5
Jul-20	31	Jul-20	29	Jul-20	30	Jul-20	13	Jul-20	26	Jul-20	12
Aug-20	27	Aug-20	41	Aug-20	36	Aug-20	10	Aug-20	34	Aug-20	6
Sep-20	17	Sep-20	35	Sep-20	28	Sep-20	16	Sep-20	32	Sep-20	8
Oct-20	25	Oct-20	47	Oct-20	30	Oct-20	15	Oct-20	33	Oct-20	6
Nov-20	27	Nov-20	55	Nov-20	24	Nov-20	15	Nov-20	33	Nov-20	1
Dec-20	10	Dec-20	47	Dec-20	15	Dec-20	15	Dec-20	30	Dec-20	2
Jan-21	10	Jan-21	92	Jan-21	8	Jan-21	7	Jan-21	15	Jan-21	3
Feb-21	15	Feb-21	46	Feb-21	11	Feb-21	14	Feb-21	15	Feb-21	2
Mar-21	29	Mar-21	53	Mar-21	29	Mar-21	16	Mar-21	35	Mar-21	2
Apr-21	20	Apr-21	32	Apr-21	20	Apr-21	16	Apr-21	21	Apr-21	6
May-21	31	May-21	33	May-21	25	May-21	23	May-21	23	May-21	6
Jun-21	22	Jun-21	57	Jun-21	29	Jun-21	22	Jun-21	37	Jun-21	8
Jul-21	25	Jul-21	40	Jul-21	33	Jul-21	9	Jul-21	41	Jul-21	7
Aug-21	23	Aug-21	41	Aug-21	38	Aug-21	16	Aug-21	37	Aug-21	8
Sep-21	24	Sep-21	58	Sep-21	48	Sep-21	14	Sep-21	38	Sep-21	8
Oct-21	28	Oct-21	56	Oct-21	34	Oct-21	24	Oct-21	42	Oct-21	7
Nov-21	29	Nov-21	79	Nov-21	42	Nov-21	16	Nov-21	37	Nov-21	7
Dec-21	26	Dec-21	70	Dec-21	44	Dec-21	20	Dec-21	34	Dec-21	14
Jan-22	13	Jan-22	82	Jan-22	25	Jan-22	18	Jan-22	33	Jan-22	11
Feb-22	24	Feb-22	67	Feb-22	27	Feb-22	15	Feb-22	26	Feb-22	16
Mar-22	31	Mar-22	91	Mar-22	32	Mar-22	26	Mar-22	39	Mar-22	15
Apr-22	21	Apr-22	94	Apr-22	8	Apr-22	21	Apr-22	35	Apr-22	6
May-22	26	May-22	59	May-22	44	May-22	18	May-22	37	May-22	11
Jun-22	30	Jun-22	65	Jun-22	34	Jun-22	17	Jun-22	33	Jun-22	11
Jul-22	27	Jul-22	62	Jul-22	39	Jul-22	17	Jul-22	37	Jul-22	14
Aug-22	29	Aug-22	64	Aug-22	41	Aug-22	21	Aug-22	40	Aug-22	8
Sep-22	25	Sep-22	47	Sep-22	28	Sep-22	20	Sep-22	33	Sep-22	6
Oct-22	32	Oct-22	66	Oct-22	49	Oct-22	17	Oct-22	49	Oct-22	7
Nov-22	35	Nov-22	88	Nov-22	48	Nov-22	17	Nov-22	31	Nov-22	8
Dec-22	35	Dec-22	69	Dec-22	49	Dec-22	10	Dec-22	44	Dec-22	11
Jan-23	29	Jan-23	69	Jan-23	41	Jan-23	18	Jan-23	29	Jan-23	8
Feb-23	19	Feb-23	68	Feb-23	35	Feb-23	15	Feb-23	43	Feb-23	7
Mar-23	22	Mar-23	80	Mar-23	56	Mar-23	23	Mar-23	37	Mar-23	8
Apr-23	28	Apr-23	67	Apr-23	37	Apr-23	15	Apr-23	31	Apr-23	4
May-23	29	May-23	82	May-23	39	May-23	19	May-23	32	May-23	9
Jun-23	32	Jun-23	56	Jun-23	40	Jun-23	15	Jun-23	34	Jun-23	11
Jul-23	32	Jul-23	64	Jul-23	38	Jul-23	15	Jul-23	34	Jul-23	10
Aug-23	32	Aug-23	76	Aug-23	31	Aug-23	16	Aug-23	47	Aug-23	11
Sep-23	32	Sep-23	73	Sep-23	36	Sep-23	16	Sep-23	41	Sep-23	6
Oct-23	35	Oct-23	76	Oct-23	43	Oct-23	23	Oct-23	47	Oct-23	11
Nov-23	36	Nov-23	94	Nov-23	36	Nov-23	23	Nov-23	36	Nov-23	10
Dec-23	37	Dec-23	89	Dec-23	32	Dec-23	18	Dec-23	46	Dec-23	15
Jan-24	33	Jan-24	89	Jan-24	37	Jan-24	17	Jan-24	40	Jan-24	11
Feb-24	17	Feb-24	60	Feb-24	36	Feb-24	18	Feb-24	35	Feb-24	4

35 **Madam Speaker:** All right, let's move on to the next question and I will allow the hon. Member some time to consider that then we will come back for Supplementaries.

**Q360/2024**  
**Import Duty –**  
**Collected February 2024**

40 **Clerk:** Question 360/2024. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise the amount of Import Duty collected for the month of February 2024?

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, yes, the Import Duty collected for February 2024 is £10,843,925.59.

50 **Madam Speaker:** Next question.

**Q361/2024**  
**Total loan facility availability –**  
**Gibraltar Football Association/Stadium Development Limited –**  
**Advancement of monies**

**Clerk:** Question 361/2024. The Hon. R M Clinton.

**Madam Speaker:** Is there a next question?

55 **Hon. R M Clinton:** Sorry, Madam Speaker, I had not heard it.  
Can the Government advise how much is the total loan facility it has made available to the Gibraltar Football Association and/or Stadium Development Limited and from where are the monies advanced?

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, further to the answer to Question 221/2024, Her Majesty's Government of Gibraltar has to date made available £565,449.81 to Stadium Development Limited in respect of management services and design for the new stadium.

65 **Hon. R M Clinton:** Madam Speaker, I do not think I have heard the second part of my question as to where were the monies advanced from. Is it, for example, the Improvement Development fund or Government company, or the GDC?

70 **Hon. Chief Minister:** I said Her Majesty's Government of Gibraltar. So a Government General Account, I assume, Madam Speaker. I am told that it is an advance account opened on behalf of Stadium Development Limited. *(Interjection)*

**Hon. R M Clinton:** I am sorry, one last question, Madam Speaker.  
75 In terms of the number of £560,000-odd that he mentioned, is that the current outstanding or is that the amount of loan facility, that I was specifically looking for? Is there a facility, for example, of £1 million of which £565,000 has been drawn down on?

80 **Hon. Chief Minister:** It is the current amount outstanding, Madam Speaker, there is not a limit that has been set. We have agreed to a system with the amounts that they need during the course of the development period. That is to say, the plans, the architect's fees, etc.

**Madam Speaker:** Next question.

**Q362-63/2024**  
**Government Agency offices list –**  
**Moving to privately owned accommodation**

85 **Clerk:** Question 362/2024. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide a list of the current Government/Government agency offices, which the Government is planning to move to privately owned accommodation.

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with 363.

95 **Clerk:** Question 363/2024. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide a list of Government office premises which are currently vacant.

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

**Hon. Chief Minister:** Madam Speaker, I refer the hon. Gentleman to my answers to Questions 83 and 242/2024. The Government has a manifesto commitment to provide a good working environment for its employees and in light of this the Government will make an announcement about its planned relocations in due course.

105 Madam Speaker, the only Government office premises currently vacant is 16 Governor's Parade.

**Madam Speaker:** Any supplementary? Next question.

**Q364-65/2024**  
**Chief Secretary's written protocol –**  
**Opposition's access to head Civil Servants in advance of General Election**

110 **Clerk:** Question 364/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, I take the opportunity to adopt also the remarks of the Hon. the Chief Minister in relation to the well wishes of this House, to the GFA under-16 players playing right now.

115 Will the Government agree to ask the Chief Secretary to devise a written protocol that would ensure that the Opposition have access to heads of Civil Service Departments within a defined period, well in advance of the next General Election and within the calendar year within which the next General Election is due?

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

120 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 365.

**Clerk:** Question 365/2024. The Hon. the Leader of the Opposition.

125 **Hon. Dr K Azopardi:** Will the Government agree to ask the Chief Secretary to ensure there is a written protocol in place for the next General Election that would allow all candidates access to Government or agency authority premises under controlled conditions during the 30-day campaign period?

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

130

**Hon. Chief Minister:** Madam Speaker, the policy of the GSLP Liberal Government, since we were elected in 2011, has been to allow the Opposition to engage with senior civil servants in what is commonly referred to as 'access talks', where an administration approaches the end of a parliamentary term or General Election is imminent.

135

This was set out in the 2011 New Dawn GSLP Liberal General Election manifesto. Thereafter, Madam Speaker, a press release was issued to this effect on 23rd September 2015, it was press release 647/2015. This was also directly communicated to the Opposition at the time and to the then Leader of the Opposition ahead of the 2015 General Election by letter of the Chief Secretary dated 23rd September 2015.

140

It was an offer that was not taken up which made sense, Madam Speaker, given that they had refused *my* request in 2011 for such access talks. I understand the same was true in 2019 and 2023. Indeed, this policy position of the GSLP Liberal Government was recently specifically referred to in a letter from the then Acting Chief Secretary to the Hon. Mr Sacarello of 25th October 2023.

145

Incidentally, I would add that when I requested such access talks in 2011, Madam Speaker, from the party of Members opposite, I was specifically refused. I am, therefore, surprised they have changed their position, but I welcome the GSD's U-turn or *volte face* on this issue.

150

**Hon. Dr K Azopardi:** Madam Speaker, I am not going to enter into a discussion with the hon. Member on the issue of U-turns, because there are plenty of U-turns which are ostensibly being made by Members on that side of the House. I gather from his answer that he has stated what their policy is but what I specifically asked him is whether there will be a written protocol.

Now, he has directed me to a press release and a letter. I am not sure that any of those actually answer the point of there being a written protocol, which I have asked for.

155

So I repeat the question: in light of the fact that, what is underlying the question is that we both agree, it appears, that it is important for there to be a policy on access talks for the future and in my question a policy which also is condensed into a written protocol. Does he agree that there should be discussions on a written protocol if one does not exist already?

160

**Hon. Chief Minister:** Well, Madam Speaker, I do not know what it is that the hon. Gentleman thinks we are doing which is a U-turn in any way. I am not surprised, however, that he makes that reference without particularising it, as is ever the case with him. He makes generalisations, which he does not descend to particularising, but so be it. The question is not about U-turns, it is about access talks.

165

It is not, Madam Speaker, that we both now agree, it is that they now agree with us, which I am very pleased to see. Therein lies the *volte face* or the U-turn, at least at a party level. Madam Speaker, a written protocol in respect of these matters is not, in my view, something that he and I need to engage in. It is a matter for the Chief Secretary; and as I understand it, the Chief

170 Secretary already deals with these matters in communication with senior heads of Department and sets out how these things would be done should the offer ever have been taken up.

But unfortunately, as Members opposite did not take up the offer, which was entirely in keeping with their approach at the time that they were in Government that these things should not happen, it is for that reason that, I believe, there has not been any need to set anything out in writing.

175

**Hon. Dr K Azopardi:** I cannot speak for 2015, although I am being told that that may not be strictly the case in relation to that year. Certainly from my perspective going forward, without having a history lesson as to what did or did not happen in relation to previous elections, I think we are both saying that it is good for there to be a principle of access talks; and if the hon. Member is saying that the reason that there has not been a written protocol is because it is not being taken up, I am not going to enter into whether that is or is not accurate, if that is his belief is he content that I should write to the Chief Secretary to engage in such discussions, aiming at clearly demarcating the procedure going forward?

180

**Hon. Chief Minister:** Well, Madam Speaker, let me start at the beginning of that.

185

He says that he is not certain that what I have said about 2015 is actually what happened. I have a copy of the press release from the Government issued on 23rd September 2015 and it reads as follows:

The Chief Minister, the Hon Fabian Picardo QC –

– as I was at the time –

... MP, has asked the Chief Secretary, Mr Ernest Gomez, to contact the Leader of the Opposition, Daniel Feetham in order to facilitate contact with senior civil servants in the run up to the General Election. Such contact is permitted by convention in the United Kingdom in the months before a General Election is due. The GSD denied Mr Picardo such contact when the GSLP / Liberals were in Opposition. Mr Picardo then committed himself to allow such contact if he became Chief Minister and is now acting on that commitment. The Chief Minister said: 'I have changed many things about the way the Government deals with the Opposition. This is just one of them. I have also ensured that Opposition Members of Parliament have been invited to Government functions, something the GSD had in many instances stopped doing. Another thing I do is invite the Leader of the Opposition to the events of Gibraltar day in London. So now I am going further in establishing better democratic rules for the functioning of party politics in Gibraltar by allowing the operation of this convention based on the UK Westminster model. This means that communication by the Opposition with senior civil servants on their proposed policies can now happen, as set out in our manifesto.'

190

And, Madam Speaker, on the same day, 23rd September 2015, this letter issued from the Chief Secretary to the then Leader of the Opposition, Daniel Feetham:

Dear Daniel,

I write further to the correspondence between the Chief Minister, the Hon. Fabian Picardo QC, MP and my predecessor as Chief Secretary in an acting capacity, Mr Richard Armstrong, in the run up to the last General Election, that is to say, the 2011 General Election.

In that correspondence, the former GSD administration denied Mr Picardo, the then Leader of the Opposition, the opportunity of communicating with senior civil servants in respect of pledges he wished to discuss in the event, which did transpire, that the GSLP Liberals were to form Government.

That is his way of referring to the glorious New Dawn of 9th December 2011.

As Mr Picardo pledged then in Government. He would reverse that decision and allow a future opposition to have access to senior civil servants for the purpose referred to above. In the circumstances, I am inviting you to commence such contact. The contact should be established directly through me or Frank Carreras, the senior administrator. I look forward to hearing from you should you wish to avail yourself of the Chief Minister's offer.

That letter was not replied to.

195 Madam Speaker, this is not a history lesson: this is confirmation that we have implemented the policy that there should be Opposition contact with the Civil Service in the run up to a General Election, if the Opposition so wish. If the Opposition does not wish, they do not need to engage.

Now, what is it that would then happen? Well, it is very simple, Madam Speaker, the Chief Secretary would facilitate those contacts. I do not think, given what I am telling him, that it is up to the Leader of the Opposition to write to the Chief Secretary to establish what the Government's policy already is. It is already the Government's policy that they can have that contact.

200 The mechanism in which that contact will be carried out is in keeping with the UK Convention of how it is carried out. In my view, there is no need for there to be a written protocol to provide for how that contact is to be carried out, because it is very simple: it is carried out with the senior civil servants, it is carried out in private, the information is not shared with Ministers, and Members of the Opposition do not make statements about the things that the Civil Service tell them in the context of those access talks. All of the information is to be available in the event of them winning an election, but they can use it to develop policy in the run up to a General Election. That is the whole purpose.

205 So, Madam Speaker, that is my view, but I do not stand in the way of the Leader of the Opposition writing to whoever he wants. Indeed, it is a matter entirely for him. If he wishes to write to the Chief Secretary, the Chief Secretary will consider how to reply. But I imagine that he will very likely reply on the basis of what I have just set out, because that is what he and I have discussed in the run up to the last General Election; and what I have discussed with other Chief Secretaries in the run up to previous General Elections, when I have had the honour and privilege of being the person calling those General Elections and ensuring that *this* policy, which is a GSLP/Liberal policy implemented from when we won the General Election in 2011, is implemented going forward.

215 It is not a policy of the GSD; it is not a policy being made now because the GSD are proposing it, it is a policy that the GSD were against in Government and the GSLP Liberals have implemented in Government.

220

**Madam Speaker:** The Hon. Mr Azopardi.

**Hon. Dr K Azopardi:** Madam Speaker, I do have another Supplementary, but I am just going to give way if Madam Speaker is happy for my colleague to my left on a small issue.

225

**Hon. R M Clinton:** Madam Speaker, as a Member of the Parliament from 2015 I can actually say I attended such a meeting in the offices of the Financial Secretary. So the offer was taken up.

230 Now, whether there is any documentary evidence or any letters exchanged, I cannot at this stage recall, but I can certainly tell the House that I did attend such a meeting in the offices of the Financial Secretary. I just say that for the information of the House.

**Hon. Chief Minister:** I am very pleased to hear that, Madam Speaker, because if that is the case, then it is further evidence of the fact that there does not need to be a protocol. Because I was not even told that they had taken it up, which is in keeping with the rule set out in the UK that that exchange is confidential to the then senior civil servants and the Members of the Opposition who take up the offer.

235 **Hon. Dr K Azopardi:** Madam Speaker, I am grateful too for the clarification of the Hon. Mr Clinton; and indeed can I just say as a preface when I said that what the Chief Minister had said was not exactly accurate – because this is what Mr Clinton was whispering to me at the time – I was talking about precisely what my hon. Colleague has clarified.

240 I was not saying that there had not been a press release and I was not saying that there had not been a letter issued by the Chief Secretary, and nor have I suggested – because I know it was

245 there – that it was not in the 2011 manifesto of the Members opposite the so-called what, in his mind only, is the Glorious New Dawn.

Can I just ask, because he talks about these exchanges and he says there is no need for a written protocol: is it the case that the policy extends not just to the so-called access talks, but to the period of the 30-day campaigning period during the election. Does it extend to that? And if not, is it something that the Government is happy to extend this to?

250

**Hon. Chief Minister:** Madam Speaker, the hon. Gentleman is insufficiently precise when he puts his remarks and that is something which is not at all in keeping with the rigour that we have to have when we address this House.

255 The hon. Gentleman has said in his preamble that it is only, he said, *only* in my mind that 9th December 2011 was a glorious new dawn. Only in my mind. Well, Madam Speaker, I can think of this of one more person who thinks it was a glorious new dawn, let alone all of the others who sit on this side of the House and who have sat on this side of the House since 2011.

260 Our families, our supporters, indeed, the party that I represent is, as I understand it, the party with the largest number of Members in Gibraltar. So, I guarantee the House that it should not be misled by the statement from the Hon. the Leader of the Opposition, which he made vehemently, that I was the only person who thought that 9th December 2011 was a glorious new dawn.

265 Indeed, Madam Speaker, the hon. Gentleman has Members sitting in his ranks who emailed me at the time congratulating me on my victory and wishing to work with me thereafter, and *did* work with me thereafter and exchanged many emails with me thereafter as a result of the glorious new dawn of 2011. But be that as it may, Madam Speaker, I said 90 days; 30 is inclusive of 90 so yes, absolutely it would be inclusive of the 30 days of the General Election campaign.

**Madam Speaker:** Next question.

#### Q366/2024

#### New relationship for Gibraltar – Talks/negotiations with EU

270 **Clerk:** Question 366/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, will the Chief Minister comment on the state of talks on the negotiations leading to the conclusion of a Treaty for a new relationship for Gibraltar with the EU following the round of talks held in London on 28th and 29th February 2024?

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

280 **Chief Minister (Hon. F R Picardo):** Madam Speaker, of course, on 27th February together with the Deputy Chief Minister, the Attorney General and the Chief Secretary, I travelled to London to attend meetings which took place in the next day, 28th February. The meetings were internal UK-Gibraltar meetings with senior UK Foreign, Commonwealth and Development Office officials, including the Ambassador and Head of the UK Mission to the European Union, Lindsay Croisdale-Appleby.

285 The purpose of the meeting was, at a high level, to take stock of where we have got to in our negotiations with the European Union, review the progress made in recent rounds of discussions with the EU Commission and identify the issues outstanding. With respect to those outstanding points decisions were jointly made on how to approach these difficult issues and how to do so in a manner which respects the limits of our well-defined and oft-repeated lines on sovereignty, jurisdiction and control.

290 As a result of these meetings negotiating teams now have an agreed strategy set and they have received the political steers required to navigate the continuing negotiations. We now expect a very intense period of discussions with different parties and at all levels, as we attempt to wrap up what is required to be settled.

295 Madam Speaker, for reasons I have already explained I will not be drawn into providing any finer detail on what it is that we discussed with our UK colleagues during these meetings. We are at a stage where to find a compromise on the final issues at stake, which are the most complex issues which separate us from a treaty, negotiators on all sides need the space to persuade themselves to agree solutions. In my judgement, airing any details at this sensitive moment would impede the progress of that process.

300 **Hon. Dr K Azopardi:** Well, then, the hon. Member knows that we are giving him ample space, although I do ask this question from time to time because I think it is in the public interest to ask the question and for him to comment publicly on these issues.

305 Can I ask him, because we are two weeks away from Easter, are there programmed talks over the next two weeks of a political and/or technical nature? Is there going to be a formal round, a Ministerial round? Is he going to go to talks? Is there something in the diary on these issues?

**Hon. Chief Minister:** Madam Speaker, the hon. Gentleman knows that I have never complained that he asked this question, I think is absolutely appropriate and I have never suggested that he should not ask the question.

310 Madam Speaker, there are such dates in the diary.

**Hon. Dr K Azopardi:** Madam Speaker, in relation to, obviously we are going to an intense period, as he says and indeed since I tabled this question we have had the visit of the Minister of State Leo Docherty, and also there was an exchange between Mr Docherty and the Bill Cash interest of the EU Scrutiny Committee; and indeed there were reported remarks by Lord Cameron yesterday reported in the press today in relation to the issue of timescale.

315 And I wanted to ask him about that. I know that his answer previously has been that he does not want to be drawn on a timescale, and indeed Lord Cameron said the same this morning, at least reported in the press this morning.

320 He did make a point, though, which I had not seen expressed in that way before because I had understood that of course there was an eagerness for there to be a conclusion, or at least in terms of setting parameters – if perhaps I take the word ‘eagerness’ out – in terms of timescales that we were looking at the period of Easter or April in the run up to the European elections. But I had understood that were an agreement not possible by then it might be possible then to renew matters after the European elections.

325 But Lord Cameron did introduce an element which I had not seen expressed in that way before, which is where he talked about the fact that after European elections, of course, you have got what they call in German the *Spitzenkandidat*, a change in personnel or indeed in the presidency of the European Commission and that may impact on talks, I assume.

330 So I am asking him: does he have a view in terms of timescale as to the importance of reaching an agreement before the European elections because of that dimension?

**Hon. Chief Minister:** Madam Speaker, Lord Cameron was not speaking this morning. Indeed, he was not speaking yesterday for it to be reported today. He was speaking on 12th March, which is two days ago. His reference to the *Spitzenkandidat* is about who is the *candidate* to be the President of the European Commission, and the candidate to be the President of the European Commission for the EPP is President von der Leyen, who will repeat as *Spitzenkandidat*.

335 Therefore, Madam Speaker, my view is that we should all wish to do this as soon as possible. We should all wish to ensure that we do not waste a day in the context of the negotiation. But our view is that even after the European election it is possible for us to continue the negotiation.



Of course, there may be a change in the European Commission, *Spitzenkandidat* von der Leyen may not succeed in her bid to continue as European Commission President, or Vice President Šefčovič may not be the Vice President of the European Commission and he has been extraordinarily helpful in the process of this negotiation as an interlocutor at a senior European level.

345 But he may continue to be the Vice President of the European Commission, and indeed if he does not continue as Vice President of the European Commission, whether or not Miss von der Leyen continues as President, those who take over may be equally helpful and desirous of reaching a positive conclusion to the negotiation between the United Kingdom and the European Union in respect of Gibraltar.

350 Of course, there will have to be a hiatus in the period when there is not a European Commission and even if both von der Leyen and Šefčovič were to return to their posts, some of those who make up the cabinets may change and the negotiation may, therefore, suffer a further hiatus.

355 But we would certainly want to continue negotiation were it is not possible to have concluded the negotiation by the time that the European election is held, or indeed by the time that the European Parliament has been dissolved. This is why we will not set a deadline, although there is what the Minister of State, Leo Docherty, I thought very eloquently described in Gibraltar, as a 'moment of political compression'; because one of the entities here, which is the European Union, is going into its electoral period for its universally elected Chamber, which is the European Parliament, and that then leads to the election of those who form the European Commission.

360 I hope that is helpful.

**Hon. Dr K Azopardi:** Yes, Madam Speaker, and can I ask him: are we closer now than we were to a conclusion when I asked this question last time a month ago?

365

**Hon. Chief Minister:** Yes, Madam Speaker, and to death probably as well.

**Hon. Dr K Azopardi:** Indeed! Madam Speaker, can I also ask him: apart from the unblocking of principles, which I imagine is still necessary because there are issues that remain to be negotiated, alongside that is there treaty drafting happening?

370

**Hon. Chief Minister:** Madam Speaker, yes, different sides are drafting different views of what the treaty should look like.

375 **Hon. Dr K Azopardi:** I see, but those drafts are being exchanged around a 'common draft treaty', or have we not reached that stage yet?

**Hon. Chief Minister:** Madam Speaker, I would not want to venture to say that we have a draft treaty.

380

**Hon. Dr K Azopardi:** I understand that and I am going to ask the question, but if the hon. Member feels that he cannot answer it, I understand it and then perhaps we can have a discussion behind the Speaker's Chair.

385 What I was really asking is: while there might not be a whole template that is going around, are there at least parts of the treaty that are being exchanged between parties, or are parties just simply keeping their drafts to themselves?

**Hon. Chief Minister:** Well, Madam Speaker, I would not say that parties are keeping their drafts to themselves, but I would say that parties *have* their drafts. That is not to say that anything is agreed and this is progressing on the basis that nothing is agreed until everything is agreed; and I do not think it is useful, at this stage, for me to say more, but there is nothing or very little that

390

could be shared by way of *agreed* text that we know is going to be the text that will surface in the event of there being an agreement.

395 That is why I have indicated to the hon. Member that I anticipate that things will get much more intense in coming weeks, because as you get towards the end that is when the text is going to have to be crystallised into what will be the agreed text. One side's view of what the text should say and another side's view of what the text should say, will have to become a common view of what the text should say in respect of each part, so that our view of how a particular chapter should be drafted will have to be accepted by the other side, and we might have to accept the  
400 other side's view of how another chapter may have to be drafted.

Of course, as the hon. Gentleman knows and every Gibraltarian knows, in Gibraltar the issues are not just issues of principle. Even when you have got over an issue of principle, how you write something down can give rise to 20 more new issues of principle. Indeed, in some contexts, just whether we talk about an issue or issues, plural or singular, is an issue of principle and so he knows  
405 as well as I do how devilishly difficult the detail can be.

**Hon. Dr K Azopardi:** Can I just ask, finally, Madam Speaker, given the imminence of the European Parliament elections and notwithstanding what has been said about the possibility of crystallising either towards the end of March or hopefully in April, because obviously that election  
410 involves MEPs and so on – and he is negotiating with the EU and the UK and so on, and Spanish parties – does he envisage that the talks would continue if there is no agreement by April, right up to the time of the European Parliament elections?

**Hon. Chief Minister:** Well, Madam Speaker, it is not for nothing that I said during the course of my New Year's message that this was a time for patience and stoic calm, because we cannot allow  
415 another party's timetable to determine whether or not a negotiation which is important to Gibraltar, should or should not continue.

As far as we are concerned, unfortunately, because 96% of us voted to remain, we no longer vote in European parliamentary elections, we are negotiating with the European Union, and the  
420 European Union continues whether or not its parliament is dissolved and its Commission changes.

So as far as the Government of Gibraltar is concerned, I cannot speak for the Government of the United Kingdom but the indication given to us, of course, is the same, but I would not pretend to stand here and speak for the United Kingdom. But the Government of Gibraltar – as far as we are concerned, and we believe the Government of the United Kingdom – would be ready to  
425 continue with a new European Commission and with a new European Parliament to negotiate that which we might not have been able to agree before a European parliamentary election; as is the case in the context of our discussions and negotiations with the United Kingdom, in the context of whatever may be on the table when a general election is called in the UK or indeed when general elections have been called elsewhere.

430 If the Government changes in the same way as if the Commission changes, you might have a different dynamic, you may be more advanced in some areas and further set back in other areas. So we are not going to be the ones to get up off the table simply because the time has come for a Europe-wide election to be held.

But I do want to want to say, Madam Speaker, given the hon. Gentleman has said this is his last  
435 supplementary on the subject, because he referred to the fact that there had been some exchanges with Bill Cash, etc., that none of the things that Sir Bill was saying – and I am always grateful for his attitude in wanting to ensure scrutiny of Gibraltar matters from the European Scrutiny Committee – none of the things that Sir Bill is saying should have caught anyone by surprise in Gibraltar. I am sure they did not catch him by surprise.

440 Indeed I am surprised that some of them appear to have caught Sir Bill by surprise because I have gone back and looked at *my* evidence before that Committee and I had already said that there was going to be a Schengen border at Gibraltar Airport and the issue was how it was going

to be managed. I have already said, on a number of occasions, that we would be aligning closely with the European rules in some respects.

445 Nobody has ever talked about UK/Spain joint management of the Airport, that would not be agreed by a Government of Gibraltar. So patience and stoic calm and whatever the outcome of the negotiations by the time that the European Commission and Parliament are dissolved, if we have not been able to conclude an agreement we would be happy to continue with whoever takes over, if whoever takes over is happy to continue to talk to us.

450

### Q359/2024

#### Employees on sick leave, continued

**Madam Speaker:** We will come back now to Question 359. Does the Hon. Mrs Ladislaus have any Supplementaries?

455 **Hon. J Ladislaus:** I am grateful for the provision of the table.

Just looking at the figures, and I am by no means an accountant, but if one looks at the figures at the commencement of – I am looking at the Royal Gibraltar Police figures – if one starts 2019 to 2021, you note that the figures there at the highest there were 50-odd police officers on sick leave. Thereafter, from 2021 onwards, we see an upward trend, an alarming rise I would say, because the figures come to the 90s at their highest.

460 The most recent report – and I have to refer to it because I think it is relevant – from the Police Federation still suggests that a lot of officers have low morale.

Does the Hon. Chief Minister believe that this has anything to do with the amount of sick leave that has been taken? Because the numbers are concerning, not least because back in October there were 34 missing from the RGP contingent.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I am always going to be concerned if a number of officers are on sick leave because it may not just be related to morale, it may be related to something that is happening at work. I do not know whether there was a particularly big brawl on one occasion and officers were struck and had to be off, etc. But the hon. Lady can look at the numbers and can see how they develop over time.

470 She is making a correlation that may or may not be relevant and I think it is almost to ask me to do crystal-ball gazing. For example, in April 2022 and March 2022 I can tell her there were almost 7% of officers on sick leave. In October 2023 there were 3.3% on sick leave. In January 2024 and December 2023 it was 5.7% and 5.3%, and then down to 3.7% in February 2024.

475 So you can look at these numbers and see how the numbers increase, how they come down. In terms of seminal moments in the history of the RGP, given the things that the hon. Members keep banging on about, in June 2020 it was 0.8%, in July 1% and in August 0.8% and then it goes up a little, comes down a little.

480 In the ambulance service, Madam Speaker, we had I think at one stage – let me just have a quick look – almost 8% sick leave in February 2022 and 1% or 2% the following month. Some of these things may be related to flu, they may be related to people taking more sick days in January and in December than they do in other months; and it seems to be something which is difficult to relate in particular to a survey or not a survey. I would say that is to try and reach a conclusion is to speculate when you can look at numbers in all of the other services that the hon. Lady has referred to, and find examples of higher percentage of absenteeism as a result of sick leave in any one month than she has pointed me to in those particular months. So I do not think that she can make the extrapolated conclusions she is intending to make.

485

490 **Hon. Dr K Azopardi:** Madam Speaker, can I just ask the hon. Member where he is getting his statistical correlations from because looking, with my poor eyesight, at the list on the Royal Gibraltar Police and there are figures in the 70s and 80s, that to me just on a rough calculation, it just seems to me that is almost like 25% of the force or something like that.

495 So I am not sure where he is getting this 7% or 3% or 2% in relation to *what*. Is it on a specific day? Because these numbers look much higher in terms of a percentage of the total force, if these are police officers. If there are 70 or 80 on sick leave in a particular month is he giving us a statistic for the day or is he giving us a statistic for the month? And if it is for the month, how does this make sense in terms of the table he has provided, which suggests that the 70 or 80 employees in the RGP, at any given month on sick leave, when they have got perhaps about 300 officers?

500 **Hon. Chief Minister:** Well, Madam Speaker, they asked for it on the basis of a monthly statistic, so they have been told the number of people who have been off sick in that month. It does not mean that they are all off sick for the whole month; and therefore if it is 290 police officers and 70 people off would mean one quarter of the force was not available for the whole of January. 505 But that is not the case. They have asked for it monthly, they have got the numbers that have been off sick in that month, but maybe one of them has been off for half a day, another one has been off for a day, etc.

510 **Hon. Dr K Azopardi:** I see, so by that answer that it might be that we have asked for a monthly figure so in the month, for example, there is 80 employees, 80 officers off sick, or another month 70 or 86 or whatever, 90. So that suggests that almost a quarter or a third of police officers are on sick leave every single month. Isn't that right?

515 **Hon. Chief Minister:** Well, Madam Speaker, perhaps yes, perhaps it does suggest that, but not for more than a day, for example, in some instances; and the figure is not too different in Customs, where you have a lower base where you have 170 people, but you have a figure of up to 40 in some months.

520 You have the same in Borders and Coastguard where the complement is 129 and you might have 37, almost 40, in one month, 38 in another, 45 in another. So you have got a third who are off in any one month, and the same may be true in the ambulance. Which leads me to the conclusion, Madam Speaker, it is probably true in respect of every Department. Because when I have had this looked at in preparation for today, I am told that there is nothing outstanding or extraordinary in respect of the absenteeism figure for sick leave in any of these Departments compared to the other Government Departments; because if you are looking at a Department and 525 you are saying how many people have been off sick in any month, you look at them all and they may all have been sick once.

For example, if the hon. Gentleman asked in respect of my Department where we might be 20 on my floor, in January how many people were off sick? The answer might be 20, because they might all have taken a day because there was a lot of flu at that time and it was laying people low. 530 So you would say to me: how can a Department with 20 people have 20 people off? You were empty for January.

Well, no, one of us was off at least one day in January and that is the way that the hon. Members have asked us to do the figures. We have been able to do it. I suppose we would give them every day if we had nothing else to do other than to satisfy their desire for statistics. 535 We could probably sit down and break it down day by day, but I venture to say that the answer I would get from the Civil Service if I asked for that would be to say that that answer was too laborious for them to be able to provide in the time available, or indeed at all.

540 **Hon. J Ladislaus:** I am grateful for the answer. Just one further question and I do take this opportunity, before I did not state it, but I take this opportunity to congratulate the recruits from the RGP who actually passed out this morning.

So, just one further question: does the Hon. Chief Minister feel that we have enough within the contingents of these individual Departments to ensure disruption is kept to a minimum and to keep the services running?

545

**Hon. Chief Minister:** Madam Speaker, these Departments which have been highlighted – the Royal Gibraltar Police, the Borders and Coastguard Agency, HM Customs, the Ambulance Service, the Gibraltar Fire and Rescue Service and the Prison are all Departments where we have increased the complement considerably in the time that we have been elected. Considerably. And we have been attacked by hon. Members opposite for increasing the cost of the public sector.

550

We have increased the cost of the public sector by putting public sector wages up, when we have not been facing public finance problems as a result of the pandemic; and we have increased the cost of the public sector by increasing the number of people employed in the public sector. We have been told by hon. Members opposite on a number of occasions that they consider the public sector is bloated.

555

So, Madam Speaker, in that context, having increased the complement of each of these Departments by more than these Departments ever had available to them in the time that they were in office, and then having faced their criticism for having increased the public sector, I think that these Departments know that the Government has been prepared to listen to them when they have said that they do not have the resources.

560

We have not always been able to give every Department head everything that they ask for. And I caution hon. Members to not go down the route of pretending that if they were in Government they would give every head of Department the number of people that they would be asking for. Because I can guarantee the hon. Lady that she would find that every Department head would come and tell her that they need *double the number of people that they have already*.

565

But having said that, what is important is that we do not just congratulate the recruits today we congratulate the people who run the Royal Gibraltar Police, HM Customs, the Ambulance Service, the BCA, the Prison Service and all of the other public sector Departments for the magnificent work that the public sector does in Gibraltar day in, day out. Because there are many who criticise the public sector, there are many who criticise law enforcement, but they should all remember that when the pandemic struck it was the public sector that kept Gibraltar going and that kept Gibraltar safe.

570

**Madam Speaker:** Yes.

575

**Hon. C Sacarello:** Thank you, Madam Speaker.

Would the Hon. Chief Minister be able to clarify whether or not these figures on the Police Force, which may possibly correlate with a similar level of sickness levels across the board, there is, nonetheless, a distinct jump between the first two years and the second two-and-a-bit years of almost doubling the amount of sick leave?

580

Has anyone within any Department looked into why there was this sudden jump and disparity, and has it anything to do with the survey on morale etc., within the force?

**Hon. Chief Minister:** Madam Speaker, I really do not understand how the hon. Gentleman, and indeed the hon. Lady who asked the same question, thinks that it is possible to reach a conclusion (*Interjection*) for such a subjective proposition. The hon. Gentleman says from a sedentary position, that that is not his question but that is exactly what he has asked.

585

He has asked whether somebody else, not me, has been able to reach the conclusion that the hon. Lady has asked me whether I can reach and I said, 'Look, I do not think you can reach that conclusion.' And I have said, 'If you look at the rates, they are more or less the rates that you expect in other places.'

590

The Commissioner of Police has said that we have had issues in the Royal Gibraltar Police, he said so publicly on television and on radio. Is that manifesting itself in sick leave? Are the things

595 that we are reading in the Federation's surveys, something about morale, something that we are seeing manifest in the statistics? Well, maybe.

As a layperson, I might even be tempted to say probably but is it statistically, empirically provable that one is leading to the other? And can a third party reach that conclusion, which is what the hon. Gentleman has asked me? Well, no, Madam Speaker, because one is *objective* and the other is *subjective*, so you cannot marry those two. You just cannot.

600 And so the hon. Gentleman can ask me again if he likes, in another way, but I am going to give him the same answer.

**Madam Speaker:** Next question.

**DEPUTY CHIEF MINISTER**

**Q358/2024**

**Current parcel Post Office –  
Using Rooke site or another purpose**

**Clerk:** Questions to the Deputy Chief Minister.  
605 Question 358/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, will the site of the current parcel post office be absorbed into the development of the Rooke site, or be used for another purpose?

610 **Clerk:** Answer the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the site of the current parcel post office will not be absorbed into the development of the Rooke sites. It will be part of the location of the new fire station.  
615

**Hon. Dr K Azopardi:** I see, this is a fire station that will be paid by the developer of the Rooke site. Is that right?

**Hon. Dr J J Garcia:** The cost of the fire station was covered by the premium paid by the developer of the Rooke sites.  
620

**Hon. Dr K Azopardi:** Are there now developed plans for that fire station, and if so when does the Government expect a tender, presumably, to issue for the works for that site?

625 **Hon. Deputy Chief Minister:** So, Madam Speaker, there is a draft concept design, which I understand has been cleared with the management at the fire station, but the first step before there is a tender would entail the project going to planning, going to the DPC first.

**Hon. Dr K Azopardi:** Although the cost was covered by the premium, this is a project that will be run by the Government, presumably, and the tender will issue from the Government?  
630

**Hon. Deputy Chief Minister:** Yes, Madam Speaker.

**Madam Speaker:** Next question.

JUSTICE, TRADE AND INDUSTRY

Q335/2024

Offices designated for Probation and Community –  
Current locations; working from home

635 **Clerk:** Justice, Trade and Industry Questions.  
Question 335/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Could the Government provide clarification on where the offices designated  
640 for Probation and Community offices are: a) currently located; b) whether all Probation and  
Community offices are working from these premises or working from home?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, due to the  
645 dynamic workload of the Probation Team and the Community Service Officer they have always  
conducted all client interviews at the offices of 16 Governor's Parade.

Probation Officers also have a designated office within the Gibraltar Court Service. Given the  
nature of their work they are also able to undertake administrative work; for example, writing  
reports from home. They also participate in meetings and training online.

650 With regard to the Community Service Officer's role, the overall majority of the work is  
undertaken outside of the office environment working in the community.

**Hon. A Sanchez:** Could the hon. Member confirm what senior management structure is in place  
655 to confirm that those on probation and community service are seen face-to-face and are receiving  
adequate support?

**Hon. N Feetham:** Madam Speaker, that is not a Supplementary to the question that was asked,  
that is an entirely new question. If the hon. Lady gave me notice of that question and tabled notice  
660 of that question, I would have endeavoured to have the information here today, but it is not a  
Supplementary to the question that she has asked.

The question was very specific and it was with regard to *where* the relevant officers discharged  
their working duties.

**Madam Speaker:** Next question.

Q336/2024

Health care insurance disabled challenges –  
New and/or separate schemes

665 **Clerk:** Question 336/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Considering the significant challenges faced by individuals with disabilities  
and/or pre-existing conditions in obtaining health care insurance, particularly when travelling to  
Spain and incurring high premiums, would the Hon. Minister contemplate incorporating  
670 provisions within the newly proposed scheme, or alternatively to establish a separate scheme to  
address the needs of these individuals?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

675 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, as the Government stated in its press release dated 8th March 2024, we will review if the scheme can be extended in terms of eligibility, age and geographical location in six months.

680 **Madam Speaker:** Any supplementary? Next question.

**Q337-39/2024**  
**Firearms licences in Gibraltar –**  
**Current numbers; bespoke database cost; RGP up to date and accurate**

**Clerk:** Question 337/2024. The Hon. J Ladislaus.

685 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm how many people currently hold firearms licences in Gibraltar?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

690 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Questions 338-339.

**Clerk:** Question 338/2024. The Hon. J Ladislaus.

695 **Hon. J Ladislaus:** Madam Speaker, does the RGP have a bespoke database which has been created solely for firearms licensing? And if not, why? If it does have a bespoke database, what was the cost of its development and implementation?

**Clerk:** Question 339/2024. The Hon. J Ladislaus.

700 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm whether all records held by the RGP in respect of firearms licences are up to date and accurate?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

705 **Hon. N Feetham:** Madam Speaker, the RGP's current system holds 501 records that combines 'in-force' and 'revoked' licences. Providing a response that distinguishes between both categories outlined will require a manual exercise to reconcile this data with the hard copies of such records.

The RGP confirms that its current licensing records are up to date. The accuracy of records held is dependent upon a number of factors, including the data provided by applicants. Personal information already held is verified during the licensing renewal process.

710 The RGP has a database of firearms licensing records. This is not a bespoke system. The RGP has explored a number of options to update or replace the current IT solution, including modifications to the 'Personal History' module of the Integrated Criminal Justice System, a bespoke firearms module with the same IT platform and a bespoke commercial IT solution.

715 The RGP continues to explore options for a cost-efficient IT solution with which to replace the current system.

**Hon. J Ladislaus:** I am grateful for the answer. I am just going to break each of those into different questions.



720 In respect of whether the RGP has a bespoke database, in the Auditor's reports 2016-17 and 2017-18 at page 233, the Commissioner had stated that having a bespoke database created solely for firearms licensing, so that was happening at the time according to that, and that if it was achieved they would be able to streamline the process and have a more efficient working procedure.

725 It seems, given that you cannot distinguish between those licences that are in force and those licences which have been revoked, that that procedure has not yet been achieved. Does the Hon. Minister expect that the new system he has spoken of will deliver that streamlining and that efficiency?

730 **Hon. N Feetham:** Yes, Madam Speaker.

**Hon. J Ladislaus:** We have not yet heard, and I did ask it, at what cost to the Taxpayer?

**Hon. N Feetham:** I do not have that information immediately available to me, Madam Speaker.

735

**Hon. J Ladislaus:** I am grateful for that answer. I did ask it in the question that I submitted and I would be grateful if it could possibly be provided to me in writing.

**Hon. N Feetham:** I will do.

740

Thank you very much.

**Hon. Dr K Azopardi:** Can I just ask for clarification, the hon. Member says there are 501 people on the records who either have a licence in force or a revoked one. So is it not possible for the RGP to give a figure at any given moment on how many people in Gibraltar have a valid renewed licence?

745

So for me to understand his answer – because I think the answer to that is not given what he said, it is simple enough, at least on the face of his answer – but can I just understand because he may know the mechanics more than I do after discussion with the RGP? If someone walks into the RGP and has been arrested with a firearm, is there no easy computerised way of checking whether someone has a firearm licence or not?

750

**Hon. N Feetham:** Madam Speaker, the information that I have available to me in terms of supplementary information is that the existing legislation does not oblige applicants to provide the RGP with updates to changes to personal information at any time other than at application or renewal. That information relating to changes of firearms and ammunition is notified to the police and verified as part of the licensing process; and that is part of the process the RGP have, over the years, introduced residential and premises inspections to verify the firearm and ammunitions held by licensees, as well as the storage of arrangement.

755

That is the information that was made available to me by way of supplementary information. If there are more specific questions, I am very happy to put that down in writing to you following this parliamentary session.

760

**Hon. Dr K Azopardi:** That would be helpful, perhaps once he understands our concerns.

So again just pulling the thread from what he said, the renewal process: is this an annual renewal process, does the Minister know? So what I am asking is, because there is a renewal process, because it was in his original answer, so when people are renewing is there not a computerised log or list, which is the 2024 list which is kept so that there can be easy verification because he suggested in his original answer, I cannot really tell without there being a manual check, which suggests that there is not a list kept?

765

770 If the overall figure is 501 of in force and revoked, and revoked contains historic figures, surely the number of people holding actual renewed firearm licences would not be such a long list, so it would be possible to produce one if one is not available now.

775 So I am asking really two questions: (1) is there not a list in existence for the calendar year of the renewal; and (2) if not – and he has explained in his answer to the supplementary just now that there is no requirement, for example, to ask for particulars, etc. – are there regulations that he needs to look at that he would be looking at to try to improve the system?

**Hon. N Feetham:** Madam Speaker, I will have to come back to the hon. Member.

780 **Madam Speaker:** Next question.

**Q340/2024**  
**RGP British Gibraltar territorial waters –**  
**Daily patrols and times**

**Clerk:** Question 340/2024. The Hon. J Ladislaus.

785 **Hon. J Ladislaus:** Madam Speaker, are there daily patrols by the RGP of British Gibraltar territorial waters; and if so are patrols conducted at all hours of the day?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

790 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, the RGP marine patrols of British Gibraltar Territorial Waters do not operate under a defined schedule. Patrols are conducted based on a combination of factors including, but not limited to, Gibraltar's threat level, intelligence reports under Marine Strategic Threat and Risk Assessment.

795 It would not be sensible in the public interest to disclose to potential bad actors any aspect of how, when and why patrols are conducted.

**Hon. J Ladislaus:** I am grateful. I can understand the concern behind that and I would be grateful if the Hon. Minister would agree to, perhaps, a conversation behind the Chair on this matter.

800 **Hon. N Feetham:** Absolutely, Madam Speaker, thank you.

**Madam Speaker:** Next question.

**Q341-44/2024**  
**Replacing Magistrates Courts database and Criminal Justice System –**  
**Progress updates; completion date**

**Clerk:** Question 341/2024. The Hon. J Ladislaus.

805 **Hon. J Ladislaus:** Can the Hon. Minister provide an update as to the progress which has been made in replacing the Magistrates Courts computer database and in relation to the development of the proposed Integrated Criminal Justice System in respect to the Magistrates Courts and when the project is expected to be completed?

810 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Questions 342 to 344.

815 **Clerk:** Question 342/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, has work commenced on the Supreme Court and Court of Appeal phases relating to the Integrated Criminal Justice Database. If not, when is work expected to commence and by when are those projects expected to be completed?

820

**Clerk:** Question 343/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, with regard to the Integrated Criminal Justice System in relation to the Royal Gibraltar Police, can the Hon. Minister confirm whether the following outstanding tasks have now been completed and if not an estimated date of completion?

825

- Getting the investigation prosecution agencies forward in terms of full case management
- Getting the probation module live with their application
- Getting the road traffic collisions application live
- Getting the firearms module live
- Assistance to the RGP in getting the property application configured and tested, and
- Demonstrations of the latest technology platform and the receipt of feedback.

830

**Clerk:** Question 344/2024. The Hon. J Ladislaus.

835

**Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister provide an update as to how much has been spent on the Integrated Criminal Justice System project to date, to include the cost for all Departments benefiting from the software?

840 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Hon. N Feetham:** Madam Speaker, with regard to the Magistrates Court, despite meetings between the Gibraltar Court Service and the software developers, there has not been much progress as the solutions offered have not been able to deal with the court processes adequately.

845

There are also other concerns raised by the judiciary which have not been resolved. Work has therefore not commenced on the Supreme Court and Court of Appeal phases, due to the more complex nature of these courts processes and the concerns raised by the judiciary.

I have been informed by the Gibraltar Courts' Service that they are satisfied with the existing Magistrates Court system, and as such there is in their view no need for this Integrated Criminal Justice System to include them. The total amount spent on the Integrated Criminal Justice System project to date is £3,544,042.89.

850

With respect to the Case Management module, the RGP uses the module to prepare charges and digital dockets. Development of other modules has not yet been completed; however, a working group has been established to update case preparation procedures. The use of the module will be expanded to include the digital storage of case management files.

855

The RGP platform does not include a probation module. The Probation Service has, however, confirmed that they have been integrated into the system and have requested several changes to the visual and functional layout, which requires changes to the software. They are awaiting notification that the changes have occurred.

860 With regard to the Road Traffic Collisions module, the system has been operational since April 2022. The Firearms module did not form part of the original configuration of the system. In respect of the Property module work on the lost and found property has been completed, subject to changes requested by the RGP to enable this aspect of the module to go live. The current target date for RGP testing of this part of the module is the 1st April 2024.

865 In respect of demonstrations of the latest technology platform and the receipt of feedback, this has not yet taken place.

**Hon. J Ladislaus:** Grateful. I am just looking at the figure spent in total and it is over £3.5 million. Given that the Auditor's report dates back, obviously, to 2016-17, why was the Magistrates Court module continued with if it was not going to be put into use?

**Hon. N Feetham:** Madam Speaker, I was not the Minister at the time. I do not have that information immediately available to me.

875 **Madam Speaker:** Any more Supplementaries?

**Hon. Dr K Azopardi:** Can I just ask on the £3.5 million, so if I have understood the hon. Member's answer he said the Magistrates Court staff are happy with the system they have now having discussed it at length, so they are keeping their system. The Supreme Court and Court of Appeal work has not commenced because of concerns of the judiciary.

880 So what is the £3.5 million being spent on? Is that solely in relation to the RGP, or other things?

**Hon. N Feetham:** Madam Speaker, I do not have that breakdown of the figures at the moment with me.

885 **Hon. Dr K Azopardi:** So, would the hon. Member be willing to send us, perhaps, the breakdown of the spend of the £3.5 million, if he obtains it?

**Hon. N Feetham:** Yes, Madam Speaker.

890 **Hon. Dr K Azopardi:** Can I just ask, before I give way to my hon. Colleague, he said that the work on the Supreme Court, Court of Appeal had not commenced because of concerns of the judiciary. Can he expand on that, what kind of concerns do the judiciary have in relation to this system?

895 **Hon. N Feetham:** Madam Speaker, there were ongoing concerns from the Chief Justice, which were never satisfactorily addressed by the developers as to the segregation of information held by the courts and the potential for it to be accessed by other justice stakeholders.

900 **Hon. J Ladislaus:** Madam Speaker, can the hon. Gentleman comment as to whether the system can be maintained by Government IT experts, or does this have to be maintained externally?

**Hon. N Feetham:** Madam Speaker, I do not have that information available to me.

905 **Madam Speaker:** Next question.

**Q345/2024**

**Principal Auditor's report –  
ITO computer application's sole programmer reliance**

**Clerk:** Question 345/2024. The Hon. R M Clinton.

**Hon R M Clinton:** Madam Speaker, can the Government advise how it has addressed what the Principal Auditor's recent report in section 3.1.143 described as a, quote: 'serious weakness in  
910 having the ITO computer application significantly reliant on one sole programmer who is based in the United Kingdom', end quote.

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**915 Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, the statement made by the Principal Auditor in his recent report reflects the position at the time under which the Income Tax Office had a high degree of dependency on the UK programmer.

HM Government of Gibraltar had already identified the significant risk posed to the integrity and continuity of such important IT systems and has subsequently implemented various strategies  
920 and solutions in order to regularise this; namely the implementation of a permanent contract with the UK programmer and the employment of two IT officers who are being trained with a view of ensuring local specialised succession planning.

**Hon R M Clinton:** Madam Speaker, I am glad to hear those steps are being taken by the Income  
925 Tax Office as the Minister has just set out. Can I ask the Minister: the programme the Income Tax Office is using, is this a programme that is owned by a third party or is it a bespoke in-house developed programme that this external UK-based programme is effectively maintaining?

**Hon. N Feetham:** Madam Speaker, I do not have that information available to me at present.  
930

**Hon R M Clinton:** Well, will the Minister be able to at least, or does the Minister know whether the ITO, the Income Tax Office system, is an off-the-shelf purchased system or one that was developed specifically for the Income Tax Office?

**935 Hon. N Feetham:** I do not, Madam Speaker.

**Madam Speaker:** Next question.

**Q346/2024**

**Admiralty Marshal Sub-Fund –  
Omitted in error in Gibraltar Courts Service returns**

**Clerk:** Question 346/2024. The Hon. R M Clinton.

**940 Hon R M Clinton:** Madam Speaker, can the Government provide the missing information in respect of the Admiralty Marshal Sub-Fund for the financial years 2013-14, 2014-15 and 2015-16 which is noted by the Principal Auditor in section 3.6.2, as omitted in error in returns by the Gibraltar Courts Service?

**945 Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, information relating to monies held on deposit by the Admiralty Marshal for financial years 2013-14, 2014-15, 2015-16 had not been provided by the office of the Admiralty Marshal to the Treasury. The office  
950 of the Admiralty Marshal has ascertained that there were nil deposits at each of the relevant financial year ends, namely 2014, 2015 and 2016. This represents the missing information as noted by the Principal Auditor.

**Madam Speaker:** Next question.

**Q347-48/2024**  
**Income Tax and Company Tax collected –**  
**January 2024 and February 2024**

955 **Clerk:** Question 347/2024. The Hon. R M Clinton.

**Hon R M Clinton:** Madam Speaker, can the Government advise the amount of Income Tax collected in each of the following months: January 2024 and February 2024?

960 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 348.

965 **Clerk:** Question 348/2024. The Hon. R M Clinton.

**Hon R M Clinton:** Can the Government advise the amount of Company Tax collected in each of the following months: January 2024 and February 2024?

970 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Hon. N Feetham:** Madam Speaker, the amount of Income Tax collected for the months of January and February 2024 are as follows: Month January 2024, £28.96 million; February 2024, £20.44 million.

975 The amount of Company Tax collected for the months of January and February 2024 are as follows: Month January 2024, £3.12 million; February 2024 £38.8 million.

**Madam Speaker:** I beg your pardon? (*Interjection*) All right. We will return to 348 for any Supplementaries in a little while. Next question.

**Q349-350/2024**  
**Post Office parcel facility –**  
**Current Government support**

980 **Clerk:** Question 349. The Hon. D J Bossino.

**Hon. D J Bossino:** Is the Government supportive of the Post Office parcel facility as currently designed?

985 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 350.

990 **Clerk:** Question 350/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Who will be paying for the relocation of the Parcel Post Office and what is the envisaged cost?

995 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Hon. N Feetham:** Madam Speaker, the Government is fully supportive of the current design of the new Post Office parcel post facility. This has been designed in full consultation and agreement with the Royal Gibraltar Post Office management. This will be a modern, purpose-built facility that meets all the requirements to be able to deliver the necessary services now and into the future.

The relocation of the Parcel Post Office will be a Government-led project. It will be paid for by the Government. The project will be put out to tender and it is, therefore, not in the Government's best interest to give an indication of the estimated cost.

1005 **Hon. D J Bossino:** Madam Speaker, as far as the Supplementary to my question, which is 349, the question focused on the design and the Hon. the Minister refers to consultation which he has conducted with the management of the Gibraltar Post Office. But I was more concerned about wider considerations and consultation and in that context I think we have exhausted, in previous questions yesterday in this House, the issues in relation to parking spaces.

1010 But can he give any consolation to those bicycle users from the design that I have seen, although the description suggests that a wider pavement will be allowed for, is there a consideration to allow for bicycle traffic to utilise that along that pavement? As I understand from the answers we have had previously this afternoon, there is going to be a cycle lane opposite, but I wonder whether that is being taken care of by the cycle lane opposite and will not be considered  
1015 for the pavement by the Post Office as currently designed?

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** If I may assist, Madam Speaker, the plan – and the plans are being developed and designed now – is that there will be a bicycle lane on each side of the road.

1020

**Hon. D J Bossino:** So just to be absolutely clear, this is Bishop Caruana Road and the intention is for there to be a cycle lane on the east side and indeed on the west side, which is where this structure is going to be built. It is just that it was not clear from, at least, the blurb that was produced in support of the application.

1025

**Hon. Prof. J E Cortes:** Madam Speaker, that is correct. I think I referred to that yesterday in one of my answers.

**Madam Speaker:** Any Supplementaries to 350? Next question.

1030

**Q351-52/2024**

**Europe India Gateway Red Sea cable –  
Gibtelecom financial or technical complications**

**Clerk:** Question 351/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, what are the financial or technical implications for Gibtelecom of any damage caused to the Europe India Gateway cable in the Red Sea?

1035

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 352.

1040

**Clerk:** Question 352/2024. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Has the Government discussed with or been informed by Gibtelecom as to the reports of damage to the Europe India Gateway cable in the Red Sea?

1045

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Hon. N Feetham:** Madam Speaker, the Europe India Gateway Consortium, of which Gibtelecom is a founding member, has a budget for the maintenance of the cable system and can deal with any faults. Additional costs may be applicable for repair options which will be shared amongst the members of the consortium.

1050

As such, there are no additional financial or technical costs for the company associated with any damage to the Europe India Gateway cable, whether in the Red Sea or elsewhere. Within the Red Sea Maintenance Zone of the Europe India Gateway the repairs are being conducted by E-Marine, a subsidiary of the Etisalat Group.

1055

Gibtelecom has not briefed the Government on the cable break of the Europe India Gateway cable crossing the Red Sea. Cable cuts are not unusual and frequently happen all around the world. As such, consortiums like the Europe India Gateway join maintenance zones with repair vessels whose purpose is to restore cut cables as quickly and efficiently as possible.

1060

**Hon. Dr K Azopardi:** So the hon. Member has said that they have got a budget for maintenance and then that any additional costs are shared out between the participants. One of the participants would be Gibtelecom, but he then says that there will be no cost.

But presumably at this stage, the repairs being conducted, he is not in a position really to say that there will be no cost because he does not know whether the costs will be absorbed by the existing budget for maintenance given that he also says that any additional costs would be shared by participants in the scheme. So I am just asking for clarification. Or is it that he *is* in a position to say that the estimate of costs will be absorbed within the current maintenance budget?

1065

**Hon. N Feetham:** Madam Speaker, I can only restate the answer that I have given. These questions were put to Gibtelecom, clearly they are in the position to be able to provide the Government with the information. The information that they have provided is precisely what I have read out.

1070

I cannot elaborate more than what I have been given, but I am happy to go back. If the hon. Member raises more specific questions in relation to the information that I have given, I am very happy to go back to Gibtelecom and write to the hon. Member and clarify any points that he seeks clarification on today.

1075



1080 **Hon. Dr K Azopardi:** Well, I thought I had asked a very specific question. My very specific original question was, 'What are the financial technical implications for Gibtelecom?' And he says there is a budget for maintenance, then there are additional costs that will be shared among the participants.

1085 So because I have asked about the financial and technical implications and he says he has put those things to Gibtelecom, I would have thought that he would have had more information provided by Gibtelecom as to the estimate of costs, whether it would be absorbed within the budget maintenance; and if not, to what extent would the contribution of Gibtelecom be?

1090 So if he wants more specific questions, really that is what I am talking about but I thought that they came within the ambit of my original question. So I would ask him, if he may, to ask specifically, he has indicated that Gibtelecom has not briefed the Government – well, not briefed the Government formally, although he has indicated he has been in touch with Gibtelecom about these questions. So will he be in touch with Gibtelecom on these other matters and perhaps he can write to me on that matter?

1095 **Hon. N Feetham:** I will do, Madam Speaker.

**Madam Speaker:** Next question.

#### Q353-54/2024

#### Gibraltar's removal from FATF grey list – Legislative steps, wider support, resources to secure change of status

**Clerk:** Question 353/2024. The Hon. the Leader of the Opposition.

1100 **Hon. Dr K Azopardi:** Madam Speaker, do the Government envisage taking any legislative or other steps or strengthening wider support or resources to ensure that Gibraltar's removal from the FATF grey list is maintained?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

1105 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 354.

**Clerk:** Question 354/2024. The Hon. the Leader of the Opposition.

1110 **Hon. Dr K Azopardi:** Do the Government envisage taking any steps following the removal of Gibraltar from the FATF grey list so as to ensure the wider industry awareness outside of our shores on this change of status?

**Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

1115 **Hon. N Feetham:** Madam Speaker, as Members of the Council of Europe body, Moneyval, Gibraltar will continue to undergo a peer review process of how it meets the FATF standards. Gibraltar was last assessed in December 2019 and the next Moneyval evaluation has already been scheduled to take place in April 2027.

1120 Whilst this may seem like a long time away, preparations are already in hand with stakeholder authorities to ensure that Gibraltar is able to keep up with the evolving international standards. As Minister with responsibilities for Justice, Trade and Industry, Madam Speaker, I chair a Steering Committee that considers all aspects of our preparedness in this respect.

1125 The Steering Committee meets formally every month and consists of the following stakeholder  
authorities: National Co-ordinator for Anti-Money Laundering and Countering the Financing of  
Terrorism; The Gibraltar Financial Intelligence Unit; The Office of Criminal Prosecutions and  
Litigation; The Royal Gibraltar Police; HM Customs Gibraltar.

And each of the four supervisory authorities: the Gibraltar Financial Services Commission; the  
Gaming Commissioner; Legal Services Regulatory Authority; and the Office of Fair Trading.

1130 The Registrar of Ultimate Beneficial Owners and the Income Tax Office also form part of this  
Committee, together with staff from my Ministry.

Madam Speaker, another group, an Interagency Working Group meets every two weeks to  
identify issues that may need to be escalated to the Steering Committee, as well as identify  
workflows and legislative improvements that may be required going forward.

1135 International co-operation is a key aspect of an evaluation process, and again each of the  
agencies are ensuring that there is sharing of good practices with our counterparts in other  
jurisdictions. We also take a lot of learning away when participating in international fora, which  
can then be applied locally.

1140 With regard to the second question, Madam Speaker, immediately upon Gibraltar being  
delisted by the FATF, I wrote to the Finance Centre Council and attached a letter for circulation by  
the Finance Centre Council to its constituent Members and to be distributed more broadly among  
their networks, to update them on the change of status and increase awareness outside Gibraltar.

1145 Upon subsequently receiving the official confirmation letter from the President of the FATF  
confirming that Gibraltar had been white listed, I did the same. My Ministry intends to engage  
with the local industry to discuss how we can undertake initiatives to market Gibraltar and how  
best to take advantage of the current position.

**Hon. Dr K Azopardi:** I think we welcome the latter part – not that I do not welcome the rest of  
it – but I certainly welcome the latter part in relation to the second question, which is the  
1150 engagement with the industry in respect of what can be done to disseminate this information.  
Because the Hon. Minister will understand the point when I say that, of course, the grey listing  
was damaging and bad news gets out there, but to recover the position takes time.

1155 So it is not just simply a question of being relisted, white listed, by the FATF there needs to be  
an effort to put out information. So we welcome what he has said and in relation to all the other  
information he has provided in his answer.

Can I just ask specifically two things, if I may, while I am on my feet?

1160 First of all, he has given us the composition of the Steering Committee that he chairs, which  
I am grateful for. Is this a new Committee that has been created since, for example, what  
happened with the grey listing? Is it new Committee? Is he aware it is a new Committee? How  
often does it meet?

1165 And can I just ask, because he gave us quite a long explanation about the meetings that are  
being held to *monitor* the situation, but did not indicate whether any legislative steps are  
necessary. Is he satisfied that as things stand today – obviously things may change – but as things  
stand today, no legislation needs to change to underpin this effort?

**Hon. N Feetham:** Madam Speaker, the Steering Committee and the Interagency Working  
Group were there already and were set up by my predecessor, Albert Isola. I have been, obviously,  
actively involved since we were elected on 12th October.

1170 With regard to whether or not the Government expects there to be any legislative changes,  
the answer is of course there are bound to be legislative changes that would come about for one  
simple reason, Madam Speaker, and I would direct the hon. Member to the latest  
recommendations made by the FATF just two days ago with regard to the register of Ultimate  
Beneficial Owners and that, I am told and advised, will require certain possible legislative  
amendments in Gibraltar.

1175 To the extent that these are early days, I am absolutely certain that work will need to be done that we will identify areas where we will be required to make legislative amendments for no reason other than that the FATF standards are evolving, and therefore to the extent that something comes out which member states will need to implement into National Law, that will clearly also include Gibraltar.

1180

**Madam Speaker:** Right. I will come back now to Question 348 and ask the Hon. Mr Clinton whether he has any Supplementaries?

**Q348/2024**

**Income Tax and Company Tax collected –  
Supplementaries**

**Hon R M Clinton:** Thank you, Madam Speaker.

1185 In respect to Question 348, if I may ask the Minister the number you gave for Company Tax collected in February 2024 was £38.8 million, if I heard him correctly. I would just ask him whether there is anything in that number that is out of the ordinary because if we were to go back to previous years – 2023 was about £26 million, the year before that £31 million, the year before that £29 million.

1190 Is there any exceptional tax receipt or Company Tax receipts that he has information on for the month of February 2024?

1195 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, in relation to the Company Tax collected in January and February of the previous year, this is the supplementary information that I have in front of me. For January 2023 that was £4 million, so what we are saying is – yes, £4.05 million; and for February 2023 the information that I have available to me in front of me is that that figure was £37.59 million. So we are talking about a difference of £37.59 million *versus* the £38.8 million.

It is not a significant difference in numbers, is it?

1200 **Hon. R M Clinton:** Madam Speaker, it would appear that we have different numbers. The numbers that I was quoting from last year were numbers that the Chief Minister's Office had provided to us and it would appear that your numbers are different to the ones that we were given last year, but obviously it may be that the number I have for March will be then lower if he has an element of overlap. So I think we will leave it and we will wait and see what the number is for March.

1205

Thank you.

**Madam Speaker:** Next question.

**INWARD INVESTMENT AND THE SAVINGS BANK**

**Q355-56/2024**

**General Sinking Fund balance –  
1st February 2024**

1210 **Clerk:** Questions to the Hon. Minister for Inward Investment and the Savings Bank. Question 355. 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 date, being 1st February 2024?

1215

**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 with Question 356.

1220

**Clerk:** Question 356. 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 Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date being the 1st February 2024?

1225

**Clerk:** Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

**Hon. Sir J J Bossano:** Madam Speaker, the General Sinking Fund, gross debt and aggregate debt for January 2024 were at the same level as December 2023. The cash reserves and net debt figures were as follows: on 1st February cash reserves £73.2 million; net debt £771.6 million.

1230

**Madam Speaker:** Next question.

#### Q357/2024

#### Rooke site residential home project – Original borrowing from the Savings Bank

**Clerk:** Question 357/2024. The Hon. D J Bossino.

1235

**Hon. D J Bossino:** What was the original borrowing from the Savings Bank in respect of the residential home project at the Rooke site?

**Clerk:** Answer, the Hon. the Minister for Inward Investment and the Savings Bank.

1240

**Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano):** Madam Speaker, the original funding provided by the Savings Bank in respect of the residential home project at Rooke site was £2 million.

1245

**Hon. D J Bossino:** I expected the figure to be higher, Madam Speaker. So could the –  
(*Interjection*)

**Madam Speaker:** Put the question.

1250

**Hon. D J Bossino:** [*inaudible*] and... Could the magic be in the words 'original borrowing'? So can I press the Hon. Minister further and ask him: what further lendings have been made by the Savings Bank in respect of this particular project, beyond the initial £2 million?

1255

**Hon. Sir J J Bossano:** Beyond the official £2 million, the £2 million was in 2021, so in the following years further borrowing took place depending on the level of work ... As the project has progressed and the amount of money that was needed to finance it has been funded by the Savings Bank purchasing loan notes.

1260 So for example, the actual modules from China were expected to come in at about £20 million and in fact came in just under £18-plus million, and that was done in one payment. So there was about £2 million in the first year, then around £20 million for the modules and then the local part of the building to date has had about £16 million. So that would be about £38 million if you take the three figures that I have given him.

1265 The initial part went predominantly to architects, planning and getting planning permission, connections of electricity on the site and all that; and therefore there was in the middle the element that was imported from China and then there have been local contractors and something like 20 different local companies and suppliers that have had the last figure that I have given you.

**Hon. D J Bossino:** If I were to pose a slightly different question to the hon. Member, he will recall that this arose in the context of the supplementary questions that I was asking in the last session of the House. If I were to ask a specific question, he has been helpful in providing further information in respect of the beyond £2 million figure.

1270 But if I were to ask a specific question at the next meeting of the House, would he be in a position to provide us with specific amounts rather than a rough calculation of what, at that stage, would have been the current amounts in terms of the lending?

1275 **Hon. Sir J J Bossano:** If he puts a specific question, I will give him a specific answer.

**Hon. D J Bossino:** I am grateful for that and also, if I may, if I can take him back to the question and answer session with aspects of this project at the last session, where he said that it would be possible that further calls would be made for financing in respect of this project. This was raised, Madam Speaker, if you will recall, in the context of delays in payments and he gave us a long explanation as to why that may or may not have been the case. But he did say that there may be a possibility of a further call of funds.

1280 So can I ask him whether there has been, since last month, a further call of funds? As I understand it, we are at the moment at £30 million, but does he expect that there will be a further call of funds as a result of the delays and the issues that we discussed at the last session?

1285 **Hon. Sir J J Bossano:** It is very difficult to know what to expect, because this is not a project that is being done by a single company. The fundamental element which was the modules, there was a price negotiated with the factory and that was a fixed price.

1290 For the work that is happening now we have different components that have to be done, which is in the traditional side of the building, this sourced in Gibraltar and predominantly the Gibraltar supplier is getting it from Spain.

1295 Some of these goods were expected to cost less and finally cost more. So I cannot predict whether they will need any more money because I am only at the end of providing the funding, I am not at the end of actually negotiating with the subcontractors the prices of different elements in the building.

**Hon. D J Bossino:** As far as the building is concerned and in the context of the loan amounts which have already been deployed as far as this project is concerned, does he continue to be satisfied that the building, I think he said on the last occasion, is in effect the security that the Government has for repayment of that loan?

1300 Is he satisfied that the building is in effect more than, at this stage, £30 million? Is that understanding and analysis correct?

1305 **Hon. Sir J J Bossano:** Well, I can tell the hon. Member that before the election, I had a customer who was willing to pay £50 million for it.

1310 **Hon. D J Bossino:** But will there not be a concern, would he not agree with me, that should there be further calls or funds that he has, at this stage it seems, from a very rudimentary perspective; and based on the information that he has provided across the floor of the House for the last two meetings, headroom of about £20 million?

Is that analysis correct?

**Hon. Sir J J Bossano:** I have not got any concerns now, Madam Speaker.

1315 **Madam Speaker:** Next question.

### Procedural

**Clerk:** Questions to the Hon. the Minister for Health, Care and Business.  
Question 304. The Hon. A Sanchez.

1320 **The Chief Minister (Hon. F R Picardo):** Before the hon. Member continues, I think the hon. Lady is the last Minister who is going to be answering questions. So I wonder whether this might be the convenient moment to take the recess now and return at 5 p.m.?

**Madam Speaker:** All right. We will take a 15-minute recess and we will come back at 5 p.m.

*The House recessed at 4.45 p.m. and resumed its sitting at 5.00 p.m.*

### HEALTH, CARE AND BUSINESS

#### Q304/2024

#### ***Guardian ad litem services – Numbers/individuals on register***

1325 **Clerk:** Question 304/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Regarding Question 129 of 2024, could the Minister clarify the following:

(a) Will the services of a *guardian ad litem* provided by the same individual in all 13 cases requiring the services since 2022, or by different individuals? If by different individuals, how many?

1330 (b) What is the current number of *guardian ad litem*s on the register as of the present date?

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

1335 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, of the 13 cases since 1st January 2022 to date, there are three *guardian ad litem*s on the list that have been appointed in 12 of the cases; with the Care Agency being appointed by the court on one occasion. At present, the Gibraltar Court Service has three persons on the *guardians ad litem* list.

**Madam Speaker:** Next question.

**Q305/2024**

**St Bernadette's Centre –  
Initial plans engagement/discussions with architects**

1340 **Clerk:** Question 305/2024. The Hon. A Sanchez.

**Hon. A Sanchez:** Could the Government provide details on any engagement or discussions with architects regarding initial plans for a new facility to replace, enhance or extend St Bernadette's Centre? If so, could the Government furnish further details on this engagement?

1345

**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 has been in discussions with architects from Gamma Architects Limited. Discussions have commenced on the current and future needs and demands of St Bernadette's resources. However, there has been no consultancy agreement signed with them to date.

1350

**Hon. A Sanchez:** Could the hon. Member elaborate on the possible location of this new facility or site?

1355

**Hon. G Arias-Vasquez:** Madam Speaker, the proposed new site is Commonwealth Park, the area where the Department of Education is currently based.

**Hon. A Sanchez:** Could the hon. Member share any details on whether they are consulting with any stakeholders in relation to this project?

1360

**Hon. G Arias-Vasquez:** Madam Speaker, the process has commenced of discussions with the different stakeholders, in particular the current employees of the St Bernadette's Centre and all the stakeholders involved there. We are encouraging the architects to reach out to as many stakeholders as possible, so that everyone feeds into the discussions of what it is that they need in that space.

1365

**Hon. A Sanchez:** And will this be a Government project? Will this be a project that will be undertaken and funded for by the Government?

1370

**Hon. G Arias-Vasquez:** Madam Speaker, at present that is the intention.

**Hon. A Sanchez:** Can the Minister elaborate on the different facilities that are going to be incorporated into this new site? Does she have any ideas or can she elaborate on the vision that is intended for this new site?

1375

**Hon. G Arias-Vasquez:** Madam Speaker, at present I cannot elaborate on any details. What I can say is that we are engaging with the stakeholders that are presently providing the services at St Bernadette's in order to ensure that their needs are met.

1380

In terms of the vision, we currently have a site and the vision is obviously a bigger, better project to better provide for the needs of the users of the service.

**Hon. A Sanchez:** And in terms of the current St Bernadette's Centre site does the Government have any ideas for what will happen with that site and what that site will be used for?

1385

**Hon. G Arias-Vasquez:** Madam Speaker, we do not have any details to date on that. If the centre moves, the centre moves in its entirety to a new site. So St Bernadette's would not be in

the current site. But we have no idea what that plot would be used for, and I imagine that would be put out at a later date.

1390

**Madam Speaker:** Yes.

**Hon. D J Bossino:** May I encourage the hon. Member to widen the consultation process to parents, if I may suggest that? To her, it may indeed be the case that is already happening or indeed the intention. But by way of specific question, although she says that she does not have much in the way of detail, given that there is a challenge – and there are many challenges in this area, not just in relation to these services which are provided, which I think in many respects are excellent – but also in terms of costs.

1395

But there is one specific area which is respite care, which is so very important, not just for the affected individual but also for the people around him or her and I think specifically for family members it is an incredibly important service. At the moment, as I understand it, there are very limited beds available. I think, I stand to be corrected, but the number is four and given that the hon. Member has said that she wishes to improve the service, in that specific context does she have an idea of how many beds this facility is likely to provide?

1400

I appreciate it is a specific question, but I think it would be useful for all of us to have that information available.

1405

**Hon. G Arias-Vasquez:** Madam Speaker, first of all, thank you very much for the compliment on the services, I will take that with grace. What I would say is that at the moment, we are at the stage of looking at the floor plans and looking at how many metres squared we can actually fit in the service.

1410

So I do not have specifics on the number of rooms that will be provided for respite, for example, or the specifics on how the area will be laid out. What I can say is that we are looking at numerous different options, because there have been numerous families that have approached us with the issue of respite and we are looking at numerous different options of how that can be improved and increased, in fact.

1415

**Hon. D J Bossino:** And I appreciate that it is an incredible job that the public servants do in that particular facility in terms of the great amount of tension that there is because of the demand that there is on a very limited supply. But in that context, is she also considering the point that has been raised, I think, *ad nauseam* across the floor of the House, which is the increasing demands that there will be for this facility?

1420

I am sure it is a point that some of us will be discussing in the context of the Select Committee on Special Needs, but it is something which is certainly of grave concern on this side of the House, as I am sure it is on that side of the House, that there will be a greater demand flowing from – we can see already an indicator of the trouble ahead, so to speak, given the numbers – the huge influx that we have seen in St Martin's over the last two or three years.

1425

So can I ask her specifically whether this is being considered from a policy and political level by her?

1430

**Hon. G Arias-Vasquez:** Madam Speaker, first of all, I do wish to reiterate that statement and to applaud the great work that many of these workers do. I spoke about it at the Care Agency Awards recently and I have to confess that I was not aware of the amount of work that goes on behind the scenes in different areas of the care agencies portfolio. So I do take that on and I do reiterate the thanks that we give these workers and the praise that we give these workers, because they do provide an incredible service.

1435

However, in order to answer the question specifically: yes, we are looking at future-proofing the facility and we are looking at numbers and the increase in numbers. So when I talk about looking at the floor plans and looking at the number of metres squared that we are dedicating to



1440 this, we are looking at the number of metres squared that we have now and what we need to increase that facility; what we need to increase that facility for different age groups and indeed what we would need to do in order to increase the capacity further in the future if that need is required.

So yes, we are looking at future-proofing it to increase the capacity as and when required.

1445

**Hon. D J Bossino:** If I may, although the question is specifically in the context of St Bernadette's, are there also plans – because this arose yesterday in relation to Dr Giraldi Home and the services provided there – is the vision to unify those services in the same location or is Dr Giraldi going to be placed elsewhere?

1450

**Hon. G Arias-Vasquez:** Madam Speaker, the idea is to unify those services, to move the entire facility from where it is presently to Commonwealth Park and to have Dr Giraldi. That is the vision at present, it may change, it is not set in stone yet; but the vision, at present, is to set Dr Giraldi's alongside St Bernadette's in Commonwealth Park.

1455

**Madam Speaker:** Next question.

#### Q306/2024

#### Mount Alvernia Residential Care Home – Number on waiting list

**Clerk:** Question 306/2024. The Hon. A Sanchez.

1460

**Hon. A Sanchez:** Could the Government provide an update of the number of people currently on the waiting list for Mount Alvernia Residential Care Home?

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

1465

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the model of care delivered in the elderly residential services assesses individuals for bed suitability across all the ERS sites, not just Mount Alvernia. But the current waiting list for the ERS, not just Mount Alvernia, is 335 individuals.

1470

**Hon. A Sanchez:** Grateful for that answer. Would the hon. Member happen to know if one of the floors in Mount Alvernia Residential Care Home is currently under refurbishment?

**Hon. G Arias-Vasquez:** Not to my knowledge, but I can ask and get back to you on that.

**Madam Speaker:** Any other Supplementaries?

1475

1480

**Hon. D J Bossino:** Madam Speaker, if I may, in the context of the Rooke Residential Home, is the intention – and this arises from the question because it does deal specifically with Mount Alvernia. Given that this is a significant number, we are talking about 335 and I appreciate the hon. Lady talks about this is an ERS-wide response and not specific to Mount Alvernia, but is it the Government's intention to continue to receive people in the Mount Alvernia Residential Home? Is that the intention? Or will it be a stop to that in terms of new entrants to that particular facility?

**Hon. G Arias-Vasquez:** So, Madam Speaker, if I can just break down the numbers, because 335 seems like an awful lot but in fact if I break that down, there are 12 waiting to enter into Mount

1485 Alvernia or other ERS facilities that are deemed high priority. There are 65 that are over 90-years-old, but 230 out of that list are non-urgent cases that look to be re-housed in Mount Alvernia.

1490 So these individuals may have placed their names on the waiting list for a raft of different reasons. I think it is important to break down those numbers. But in direct answer to the question: yes, it is the aim of Government, as it currently is, every bed that becomes available in Mount Alvernia is being refilled by a person in the community; and it is the aim of Government to continue with that policy, but not just in Mount Alvernia – in Mount Alvernia, in the John Mackintosh Wing and in I would say Bella Vista but it is not Bella Vista it is the residential home up in Hillside.

1495 **Hon. D J Bossino:** And if I may because, I think, in terms of the alarm that may have been caused as a result of the provision of that figure, which is 335 and she has, I think, assuaged our concerns slightly in relation to that alarm. She bunches up, she splits it into three and the final category, which is 230 in number, she describes as non-urgent.

1500 In that, and I am relying on responses that we have had from the Minister for Economic Development in the past in the previous Parliament that there are people who future-plan, so there are 60-year-olds who have no issues, if I can put it in those terms, who put their names down for the future.

1505 Is that a correct analysis of what we are dealing with here in the categorisation of those individuals who are classified as non-urgent?

**Hon. G Arias-Vasquez:** Madam Speaker, I do not have a breakdown of exactly what the categories are. But, absolutely, there are people in those 230 that are on that list for a whole raft of different reasons, including future-proofing, but I cannot give you a specific breakdown of how many would be on that list or for what reason.

1510 **Hon. D J Bossino:** Just to press her on that I presume she cannot provide us with that information here and now but if we were to file a question she would, I imagine, it is on the basis of not having the information available with her today, as opposed to impossible to provide in the future?

1515 **Hon. G Arias-Vasquez:** So, Madam Speaker, I am not certain that when someone goes to put their names on a list for Mount Alvernia, we ask for the reasons that they are on the list. It might be a case that we can discern what the reason is and we can determine if it is future-proofing, or we might not. So I am not certain that I *can* provide that information for that reason, but if that information is available I will certainly share it.

1520 **Madam Speaker:** Next question.

**Q307/2024**  
**Head of Older People's Services –**  
**New role or replacement of existing position**

**Clerk:** Question 307/2024. The Hon. A Sanchez.

1525 **Hon. A Sanchez:** Could the Government clarify whether the position of 'Head of Older People's Services' is a newly created role, or if it has replaced an existing position? If it has replaced an existing position could the Government specify which role it has replaced?

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

1530 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, just to pick up on a point that the hon. Member raised before, I have just got confirmation that there is no floor being refurbished in Mount Alvernia at the moment.

In answer to Question 307, Madam Speaker, the position of Head of Older People's Services was created in August 2023 following the retirement of the person who held the substantive post of Care Manager with Nursing Responsibility. The post was also known as the Director of Elderly Residential Services.

1540 **Hon. A Sanchez:** I am grateful for that answer. Could the hon. Member confirm whether there is currently someone covering this post on a permanent basis at the moment?

**Hon. G Arias-Vasquez:** Madam Speaker, I can confirm that there is someone covering this person on a permanent basis.

1545 **Hon. Dr K Azopardi:** And can I ask, just for clarification, so when the hon. Member says this post was created in August 2023 when the Care Manager at Nursing services, I think she said –

**A Member:** Care Manager with Responsibility –

1550 **Hon. Dr K Azopardi:** – or Care Manager, stood down. Is this in effect a change of title or is it a change of role?

So, they have lost one post which had a different role or maybe a partly overlapping role and they have created a different role? Or they have just changed the title but it is exactly the same role that was being conducted by the person who stood down in August 2023?

1555 **Hon. G Arias-Vasquez:** Madam Speaker, the change arrangement was organised in a period where the GHA was independent, so I am giving my impression of what has happened and I have received email confirmation. So, the post is a renaming of the post of Care Manager with Nursing Responsibilities and it carries out the same duties as the individual who was a Care Manager with Nursing Responsibilities/Director of ERS who had it previously. So it is a renaming of the same position.

1560 **Hon. Dr K Azopardi:** And the person filling the post is a qualified nurse. Is that the core qualification of the role?

1565 **Hon. G Arias-Vasquez:** Madam Speaker, I believe the individual is a matron at the moment that is fulfilling the role, which is a very similar qualification the previous individual held.

**Madam Speaker:** Next question.

#### Q308/2024

#### Seeing GHA physiotherapist – Length of current waiting list

1570 **Clerk:** Question 308/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, how long is the current waiting time to see a physiotherapist within the GHA?

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

1575 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, physiotherapy offers a wide range of services, each with separate waiting lists. For physiotherapists within St Bernadette's Hospital the information is as follows: for acute referrals it is three working days, for sub-acute referrals it is three weeks, and routine referrals it is four and a half months.

1580

**Hon. J Ladislaus:** I am grateful for those replies.

I am slightly concerned about some of those replies, simply because I have heard reports of very long waiting lists where individuals have been waiting for more than three years in order to be referred, and not to be referred but to actually see a physiotherapist.

1585

What would the Hon. Minister propose to do in respect of such individuals?

**Hon. G Arias-Vasquez:** Madam Speaker, the information that I have available is that the waiting list for sub-acute or routine referrals is at four-and-a-half months. I am not sure a waiting list of three years is accurate; however, I am happy to review those cases if they do exist. *(Interjection)*

1590

We have a have a complaints procedure in the Ministry, and all of these cases tend to come to us. I can go through the compliments of physios, I can go through the hours of the compliments of physios, it would surprise me if there is a case that has been referred and it is on a waiting list for three years.

1595

**Madam Speaker:** Now the Supplementaries, next question.

#### Q309/2024

#### Prosthetic limbs and maintenance – Cost to GHA over years

**Clerk:** Question 309/2024. The Hon. J Ladislaus.

1600

**Hon. J Ladislaus:** Madam Speaker, what has been the cost to the GHA of providing prosthetic limbs and maintenance of those prosthetics to service users in the following years, broken down by month 2019, 2020, 2021, 2022, 2023 to date.

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

1605

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I now hand over a schedule with the information requested.

1610

1615

**Answer to Question 309**

	2019	2020	2021	2022	2023	2024
Jan	£2,948.00		£15,703.43		£222.53	£2,387.96
Feb					£950.25	£8,240.99
Mar		£26,537.47	£5,842.97	£9668.95	£3,518.44	
Apr	£720.00				£55.00	
May	£900.00					
June					£190.16	
July	£3,692.00		£758.46		£9,412.45	
Aug		£12,136.95				
Sept	£237.00	£9,832.18			£8,323.67	
Oct	£1,443.00	£1,112.30	£15,802.61	£13543.29	£2,520.22	
Nov			£1,017.47		£856.37	
Dec	£950.58			£9,862.03		

1620 **Madam Speaker:** All right, we will move to the next question and then come back to that one.

**Q310-11/2024**  
**Obesity within Gibraltar –**  
**Gathering relevant data to monitor indications**

**Clerk:** Question 310/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, is the GHA gathering relevant data to assess and monitor annual baseline indications of obesity within Gibraltar?

1625

**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 311.

1630

**Clerk:** Question 311. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, what are the plans within the GHA to tackle obesity within Gibraltar?

1635

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

**Hon. G Arias-Vasquez:** Madam Speaker, the GHA together, importantly, with Public Health collect relevant data in relation to obesity across a number of different areas, which mainly include health and lifestyle service, child measurement programmes and measurements captured with the primary care electronic patient record.

1640

Information will be published shortly as part of the Joint Strategic Needs Assessment and utilised to monitor progress against the Six-Steps Whole Systems Plan approach to obesity. The six steps are: the setup, the building of the local picture, mapping of the local system, action, managing the system network, and reflect and refresh of the system.

1645

**Madam Speaker:** Any Supplementaries?

1650 **Hon. J Ladislaus:** Madam Speaker, would the Hon. Minister ... is it her view that Gibraltar has an obesity problem?

1655 **Hon. G Arias-Vasquez:** Madam Speaker, I think, along the lines of most Western nations we are facing an increase in children's weights. I think that the Joint Strategic Needs Assessment looks into this and provides answers as to where we are in the spectrum and what we need to do in relation to this.

**Hon. J Ladislaus:** Does the Hon. Minister feel that the programme that has been rolled out to tackle obesity in Gibraltar is being successful?

1660 **Hon. G Arias-Vasquez:** Madam Speaker, we are in the process of rolling it out. So the Joint Strategic Needs Assessment is a website that will have all the information available on it, which will be rolled out shortly. So if we did not think that this was going to work, and in particular if the Director of Public Health did not think this was going to work we would not be rolling it out.

1665 So absolutely, yes, we do think this needs to be monitored and we are looking into it and there is a specific scheme in place in order to address these issues, not just along the lines of obesity but numerous others as well, and we believe the programme that will be put in place will address the problem.

**Madam Speaker:** Next question.

#### Q312-13/2024

#### Health care professionals/nutritional values of food – Patients in St Bernard's; conferring with caterers

1670 **Clerk:** Question 312/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, is there any input from health care professionals in respect of the nutritional value of the food provided to patients admitted to St Bernard's Hospital and do they confer with caterers as to menus?

1675 **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 313.

1680 **Clerk:** Question 313/2024. The Hon. J Ladislaus.

1685 **Hon. J Ladislaus:** Madam Speaker, what was the expenditure to the GHA of the food provided to patients admitted to St Bernard's Hospital in the following years, broken down by month: 2019, 2020, 2021, 2022, 2023, 2024 to date.

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

1690 **Hon. G Arias-Vasquez:** Madam Speaker, in relation to Question 312, health care professionals do indeed provide input in respect of the nutritional value of food served to patients. The Hospital dieticians ensure patients dietary requirements are met and are constantly in liaison with and advising the catering department accordingly.

In respect of Question 313, I now hand over a schedule with the information requested.

**Answer to Question 313**

	2019	2020	2021	2022	2023	2024
Jan	£79,264.75	£76,217.33	£71,892.27	£66,394.08	£96,779.41	£125,938.94
Feb	£21,629.11	£46,782.54	£27,985.89	£41,720.82	£33,716.13	£69,995.13
Mar	£5,447.75	£44,328.70	£43,936.51	£69,962.50	£79,645.17	
Apr	£86,337.57	£46,374.55	£54,622.63	£6,600.28	£52,629.56	
May	£66,121.32	£18,705.33	£17,025.15	£38,721.87	£49,692.36	
June	£9,379.74	£47,211.08	£25,597.56	£72,398.41	£59,646.99	
July	£77,610.04	£31,156.00	£19,681.21	£38,824.52	£44,992.68	
Aug	£1,154.00	£33,555.63	£51,784.21	£78,544.17	£63,017.09	
Sept	£51,581.33	£56,238.73	£66,820.48	£52,478.06	£30,535.65	
Oct	£83,484.42	£43,595.46	£71,436.22	£62,293.98	£80,034.50	
Nov	£38,164.35	£51,784.46	£61,342.09	£41,027.81	£54,489.54	
Dec	£57,740.02	£37,135.64	£64,818.87	£31,678.99	£36,705.22	

1695 **Madam Speaker:** All right, we will move on to the next question, although that is two schedules we need to come back to.

**Q314/2024**

**Dedicated telephone appointment lines –  
Primary Care Centre free; Children’s Health Centre to pay**

**Clerk:** Question 314/2024. The Hon. J Ladislaus.

1700 **Hon. J Ladislaus:** Madam Speaker, for what reasons is there a charge when calling the dedicated telephone line for appointments at the Children’s Health Centre, when the dedicated telephone line to make an appointment at the Primary Care Centre is free of charge?

**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 reason for the charge is twofold.

Firstly, the free trial service for the dedicated children’s telephone line as instructed by the Government was never implemented by Gibtelecom.

1710 Secondly, I can assure the House that starting from this week the children’s appointment line will be toll-free when calling from Gibtelecom number.

**Madam Speaker:** Next question.

**Q315-16/2024**

**Post-partum aftercare for new mothers –  
Checks and follow-up care provided**

**Clerk:** Question 315/2024. The Hon. J Ladislaus.

1715 **Hon. J Ladislaus:** Madam Speaker, what post-partum aftercare does the GHA currently provide to new mothers and does that care include internal checks, checks to determine whether there has been a prolapse, pelvic floor checks, checks for diastasis recti and a smear?

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

1720 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question with Question 316.

**Clerk:** Question 316/2024. The Hon. J Ladislaus.

1725 **Hon. J Ladislaus:** Madam Speaker, in the event that a post-partum check by the GHA of a new mother reveals issues, is follow up care being provided?

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

1730 **Hon. G Arias-Vasquez:** Madam Speaker, yes. In the event that the post-partum check by the GHA of a new mother reveals issues, the patient will be followed up according to best clinical practice and NICE guidelines.

1735 Regarding specific post-partum aftercare, midwives provide *post-natal* care for the first six weeks post-partum and any concerns will be addressed during this time.

Mothers are also scheduled for their postnatal review at eight weeks *post-partum*. This review, which is performed by a GP or general practitioner, involves a check for diastasis recti, a check for prolapse, discussion regarding pelvic-floor exercises, a mental health assessment and a discussion regarding contraception.

1740 Their smear history is also reviewed to ensure that this is up to date. If this is not the case, they are then booked in for a smear after 12 weeks following current guidelines for post-partum smears.

**Hon. J Ladislaus:** I am grateful for the answer.

1745 Again, we have received recent complaints that suggests that women are not receiving comprehensive post-partum care and that is resulting, unfortunately, in them having to go privately, particularly in respect of pelvic-floor checks.

What would the Hon. Minister suggest could be done in order to stop this from occurring?

1750 **Hon. G Arias-Vasquez:** Madam Speaker, once again, there is a complaints office that is based in the Ministry at the moment. We have not heard any complaints of post-partum checks. In fact, the maternity ward, the maternity care received in the ward and the maternity post-partum care is often one that is praised rather than criticised.

1755 So if there are any such complaints, I am happy to receive them at our office and we can review them.

**Hon. J Ladislaus:** I am grateful and I have nothing but praise having gone through the maternity ward myself, twice. Nothing but praise for them.

1760 But the point, I think, being made is once they are discharged from the maternity ward and there do continue to be issues and one does know when one has a new born that at times is not the right time to make the these complaints.

So I would urge the Minister to look further into this area because there have been a fair amount of complaints made. I would be grateful.

1765 **Hon. G Arias-Vasquez:** Madam Speaker, first of all, delighted to take that up; but I am unclear as to who the complaints have been made because they are certainly not being made to my office.



So, delighted to take that up if there are any issues, but none have been received at my office about any post-partum care, or to clarify or at Patient Advocacy and Liaison Service (PALS), the GHA complaints office.

1770

**Hon. J Ladislaus:** Just as a response, but also as a question. I take that point, nevertheless I emphasise that at the stage which some of these mothers are at, they are new mothers, they have just had babies, they might not be in the frame of mind to go and make a complaint, an official complaint. Nevertheless, the complaints are being received by us as Members of the Opposition; and again I would ask that the Hon. Minister look further into this.

1775

**Hon. G Arias-Vasquez:** Madam Speaker, I take that point and I know how difficult the post-partum period can be. It is very bizarre, however, that somebody does not feel it necessary to go to PALS or to come to the Ministry with a complaint and yet has the energy and focus of mind to go to the Opposition with a complaint. *(Interjection)*

1780

As I have said, if there are any such complaints, we are more than happy to look into the services being provided. But to date, my office or PALS have not received any complaints about maternity or post-partum care, and in fact this is one of the areas that is often praised within the GHA. So very happy to listen to complaints, but we have not received any.

1785

**Madam Speaker:** Next question.

#### Q317-23/2024

#### Specialist incubators for transport of babies – Fitted out in GHA ambulances; costs

**Clerk:** Question 317/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can all vehicles within the current fleet of GHA ambulances fit specialist incubators for the transport of babies?

1790

**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 318 to 323.

1795

**Clerk:** Question 318/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, are the St John's Ambulance, High Dependency Unit ambulances considered appropriate and safe by medical staff and paramedics to carry out the task of emergency Level 3 transfers?

1800

**Clerk:** Question 319/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, has the St John's Ambulance High Dependency Unit ambulance been repaired? And if so, what was the cost of repairs and did the GHA settle the invoices for those repairs?

1805

**Clerk:** Question 320/2024. The Hon. J Ladislaus.

1810

**Hon. J Ladislaus:** Madam Speaker, for how much longer will the GHA need to rely on external providers to provide High Dependency Unit ambulances for emergency level-three transfers?

**Clerk:** Question 321/2024. The Hon. J Ladislaus.

1815

**Hon. J Ladislaus:** Madam Speaker, how many emergency Level 3 transfers to Spain have there been in the months of January 2024 and February 2024 and were those transfers all affected by the *Helicopteros Sanitarios* High Dependency Unit ambulance?

1820

**Clerk:** Question 322/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, has the GHA received invoices from *Helicopteros Sanitarios* for the month of January 2024, in respect of services rendered regarding emergency Level 3 transfers to Spain?

1825

**Clerk:** Question 323/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, what was the cost of contracting the High Dependency Unit ambulance from *Helicopteros Sanitarios* for the month of January 2024 and has that agreement now come to an end? If not, what was the cost of contracting the High Dependency Unit ambulance for the month of February 2024?

1830

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

1835

**Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 317, at present none of the current GHA ambulances can accommodate an incubator. The process that is used to transport incubated babies is to call for a specialist Spanish ambulance. The new GHA ambulances, which are awaiting delivery, *will* allow such transfers.

In answer to Question 318, Spanish Law mandates as from December 2023 that ambulances of over 10 years cannot operate in such a capacity. Consequently, St John's Ambulances HDUs are no longer considered for Level 3 transfers.

1840

In answer to Question 319 the cost of the repairs to the St John's HDU ambulance is £1,171.25. This has been settled by the GHA. As at 21st February 2024 the GHA no longer relies on external providers for the provision of HDU ambulances for emergency Level 3 transfers.

1845

In answer to Question 321 one Level 3 transfer was carried out in January and two in February. The three transfers were affected by *Helicopteros Sanitarios* HDU ambulances.

In answer to Question 322, yes.

And in answer to Question 323, the cost of contracting the High Dependency Unit ambulances from *Helicopteros Sanitarios* is as follows: from 12th January 2024 to 12th February 2024 cost is €43,531.36; 13th February to 20th February the cost is €11,608.40.

1850

The contract with *Helicopteros Sanitarios* ended at 8 o'clock in the morning on 21st February 2024 after providing five weeks of cover.

**Hon. J Ladislaus:** I am grateful for those answers. I will just try to unpack them one by one.

1855

As regards 317, which is whether the vehicles can fit the specialist incubators, what is happening in the interim? My apologies, she did answer that question. (*Interjection*)

In respect of the St John's Ambulance High Dependency Unit ambulances, I understand that the contract with *Helicopteros Sanitarios* has now ended, so what is in place in the interim until the new ambulance arrives, therefore?

1860

**Hon. G Arias-Vasquez:** Madam Speaker, as a consequence of our legislation implemented in respect of the HDU-level transfers, those transfers are now effected by our frontline ambulances,

which have been temporarily converted for this purpose. We also have an agreement with *Helicopteros Sanitarios* for a standby Level 3 vehicle should this be necessary.

1865

**Hon. J Ladislaus:** On the subject of the new ambulance, has that now arrived in Gibraltar and has it been converted to spec?

1870

**Hon. G Arias-Vasquez:** To my knowledge that has not arrived in Gibraltar, but it should be arriving by the end of the month.

1875

**Hon. J Ladislaus:** We have heard that the GHA settled the costs of the repairs to the St John's Ambulance. For what reason did the GHA settle the costs when St John's Ambulance is, to my knowledge, a private entity?

**Hon. G Arias-Vasquez:** Madam Speaker, the arrangement to my understanding, and I need to confirm this, is that if we use the ambulances we pay for the repairs. As we used the ambulances we therefore paid for the repairs.

1880

**Hon. J Ladislaus:** I am grateful for that, but if I can just go back and have the Minister potentially give me some further information as to that point. She says the agreement is that if the GHA uses the ambulances, then they pay for repairs. Is there a specified number of hours that the GHA must use the ambulances for? Or, how does that clause work within that agreement?

1885

**Hon. G Arias-Vasquez:** Madam Speaker, as I have told the hon. Member previously, for specifics like this I need to prepare specifically. So if you ask me the question in advance, I am more than happy to prepare that information and provide it and share it across the House, that is not a problem. But I do not have the information available with me.

1890

**Hon. J Ladislaus:** In respect of the new ambulance, could I just confirm that that is actually a High Dependency Unit ambulance?

1895

**Hon. G Arias-Vasquez:** Madam Speaker, as I believe I have confirmed before, it is a High Dependency Unit. I am relying here purely on memory, but I believe I have confirmed before that it is a High Dependency Unit ambulance.

**Hon. J Ladislaus:** Could I just ask: how many operational ambulances does the GHA currently have?

1900

**Hon. G Arias-Vasquez:** Madam Speaker, again with respect, if you want specifics on the operations, I believe this question has been asked before. But if you want specifics on the fleet etc., please ask me the question specifically and I will provide that information.

1905

**Hon. J Ladislaus:** Can the Hon. Minister perhaps confirm whether the ambulances that remain operational are considered to be in good condition and good enough condition to be on the roads and to be operating?

1910

**Hon. G Arias-Vasquez:** Madam Speaker, when we required additional ambulances, we rented the additional ambulances and there was a contract with *Helicopteros Sanitarios* to make sure that the need of every Gibraltarian was met if they required an ambulance. I think that answers the question.

If we thought that there were more ambulances required, we would enter into a similar contract as we have done previously. I am informed that the need is adequately met.

1915 **Hon. J Ladislaus:** Does the Hon. Minister agree, perhaps, that she just said that when the GHA requires ambulances we rent them. Can the Hon. Minister agree that if new ambulances had been ordered previously, when they should have been, this would not now be a problem and we would not be incurring the costs of having to rent these new ambulances?

1920 **Madam Speaker:** Well, I am not sure it is an entirely hypothetical question, but if the Minister wants to raise the issue that it is hypothetical, then I will listen to you.

**Hon. G Arias-Vasquez:** Madam Speaker, it is an entirely hypothetical question and when we do, as I have said in the past, an ambulance is being ordered, the ambulance will arrive soon. And if we felt that there was a need for more ambulances we would have acquired more ambulances.

1925 **Hon. J Ladislaus:** With respect, I do not think there is anything hypothetical about asking the question. I believe it is logical, but anyway if the ambulances had been ordered sooner we would not now be incurring the costs of having to rent ambulances because we do not have a high-dependency unit available to us. (*Interjection*)

1930 **Madam Speaker:** No question? Is there a question on the end of that? What is the question?

**Hon. J Ladislaus:** Is that correct or is that not a correct assumption to make?

1935 **Chief Minister (Hon. F R Picardo):** Madam Speaker, with the very greatest of respect to all hon. Members, if any question is prefaced with an 'if', it is likely to lead to a hypothesis. Now, if the ambulance had been ordered sooner maybe they would not have arrived on time and we would have had to rent anyway. If the ambulances had been ordered sooner, maybe they would have broken down sooner and we might have had to rent.

1940 'If' leads us only to one conclusion that something *might* have happened and therefore, Madam Speaker, if the hon. Lady simply wants to say if they had been ordered sooner, they would have arrived sooner. Even that, she might say, is logical, but is not necessarily the case. The Parliament is here to deal with facts.

1945 If they have been ordered on a particular date, we will know when they arrive and if we can be asked on what day were they ordered, on what day will they arrive, we will give the facts, which is what we are here to do. We have to be very careful when we give information in Parliament because it has to be correct. It *has* to be correct.

1950 If we give information which is not correct, hon. Members will at the next session say it is disgraceful, 'You gave information which is not correct. You have to correct the record.' So we cannot, in all conscience, answer the hon. Lady's question knowing that the information we will give is correct, whether she wants to assume it is logical or not.

1955 **Hon. J Ladislaus:** I am grateful for that answer, but I will put the question to the hon. Lady at the next parliamentary session.

**Madam Speaker:** Next question.

**Q324-25/2024**  
**Consecutive hours for nurses –**  
**Numbers per shift**

**Clerk:** Question 324/2024. The Hon. J Ladislaus.

1960 **Hon. J Ladislaus:** Madam Speaker, how many consecutive hours is a nurse employed within the GHA currently allowed to work?

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

1965 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 325.

**Clerk:** Question 325/2024. The Hon. J Ladislaus.

1970 **Hon. J Ladislaus:** Madam Speaker, how many hours per shift are nurses employed within the GHA currently working and what is their shift pattern in terms of days on shift and rest days?

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

1975 **Hon. G Arias-Vasquez:** Madam Speaker, the number of hours per shift that nurses within the GHA can work vary between department and vary between services. The majority of nurses undertake an eight-hour or 12-hour shift.

The shift pattern can vary from five-day working pattern with two-days' rest, or a four-day working pattern with three-days' rest. The maximum allowed schedule shift for a nurse is 12.5 hours. However, if the need arises, they can be allowed to work additional hours as a result of an emergency situation or to ensure safe care delivery to patients.

1980 **Hon. J Ladislaus:** I am grateful again for the answer; and again we have had reports that there have been nurses known to work a period of two weeks solidly without taking a day off.

1985 Could the Hon. Minister comment as to what is being done to address that issue?

**Hon. G Arias-Vasquez:** Madam Speaker, this could be for a variety of different reasons and I would suggest that if there are those sorts of issues they are raised with HR. This could be because they have agreed with colleagues to cover shifts. This could be for *numerous* different reasons.

I cannot stand here and give the hon. Member opposite a suitable reason or what has happened, but I would suggest that anyone in that circumstance raises that issue with HR, raises that issue with my Ministry, or raises that issue with a person that might be able to look into it, if indeed there is something incorrect with the manner in which they are doing their shifts.

1995 (*Interjection*)

**Madam Speaker:** Yes.

2000 **Hon. E J Reyes:** Thank you, Madam Speaker. Can I ask?

**Madam Speaker:** Yes, put the question.

2005 **Hon. E J Reyes:** She said previously in the answer that shifts for consecutive working hours for nurses could range between eight and 12 hours. During those periods that the nurse is on shift is there a standard, or at least ideal break somewhere in between because, no matter what situation you work in – but especially if you are looking after patients, it is your job – is there a minimum break that should be given somewhere between or is a nurse expected to be 12 hours on his or her feet continuously?

2010 **Hon. G Arias-Vasquez:** Madam Speaker, I am pleased to be able to say that the shifts are exactly the same as when the hon. Gentleman was in Government. The shift patterns have not

changed, they are identical; and any flexibility is to ensure patient safety and maximum patient care. So, it is exactly the same system that has always been the case with the nurses' shifts in the Hospital.

2015

**Hon. E J Reyes:** Thank you, Madam Speaker.

I appreciate in the answer you are saying, it is as when I used to sit on that side. But I have not had a reply to my answer. If a nurse goes in, let's say at 8 o'clock in the morning and his or her shift is until 8 o'clock in the evening is there at least a guideline towards management, or the Sister in charge of the ward, to give that particular employee a break in a normal situation, save emergencies in a hospital, which you never know what is going to happen from one minute to the next.

2020

Is there a standard, say, half-an-hour break or something towards lunchtime or something? That is what I am trying to get at, what the situation is today as at 14th March 2024, in the year of our Lord.

2025

**Hon. G Arias-Vasquez:** Madam Speaker, I think that the hon. Member is asking me about consecutive shifts and you were asking me about lunch breaks in between. The guidelines followed are the guidelines, again, that have always been in place and the guidelines for legal work-force policy. There is a 12.5 hour shift because the 12 hours are the hours worked on the ward and the half hour is the handover. This has always been the case for time immemorial.

2030

**Madam Speaker:** Next question.

#### Q326-29/2024

#### GHA's mental health facilities – Nurses' training revised and up to date

**Clerk:** Question 326/2024. The Hon. J Ladislaus.

2035

**Hon. J Ladislaus:** Madam Speaker, are all nurses employed within the GHA's mental health facilities provided with training prior to taking up their role, and is that training revised and kept up to date?

2040

**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 327, 328 and 329.

2045

**Clerk:** Question 327. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Government provide statistics as to the number of nurses employed within the GHA's mental health facilities who have taken sick leave between 2019 to date, broken down by month?

2050

**Clerk:** Question 328. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, how many nurses and nursing assistants are currently employed at Ocean Views, broken down by nurses employed directly by the GHA and those employed via agencies?

2055

**Clerk:** Question 329. The Hon. J Ladislaus.

2060 **Hon. J Ladislaus:** Madam Speaker, is the current contingent of nurses and nursing assistants at Ocean View sufficient to meet demand?

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

2065 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 326, all nurses employed within the GHA's mental health facilities are given an induction orientation to the mental health facilities and the services they provide. This includes prevention and management of violence and aggression (PMBA), infection control, manual handling, basic life support and an overall induction into the current mental health policies.

2070 Relevant training is reviewed as and when necessary, dependent on the criteria laid down by the respective accrediting body; and furthermore all issues relating to training or implementation of any type of training specific to mental health is discussed and agreed by senior management and taken to executive level for ratification and final approval.

In answer to Question 327, I now hand over a schedule with the information requested.

**Answer to Question 327**

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2019	13	14	10	10	8	12	8	10	18	19	18	14
2020	20	20	21	22	22	15	-	19	15	13	14	16
2021	16	19	18	14	9	15	23	14	12	17	22	-
2022	19	16	18	14	19	-	12	16	14	8	16	10
2023	13	12	14	10	20	17	16	18	15	13	19	12
2024	15	10	-	-	-	-	-	-	-	-	-	-

2075 I will just carry on. In answer to 328, currently the GHA directly employs 45 nurses and 19 nursing assistants at Ocean Views. In addition, two nurses are employed by UK agencies and nine nursing assistants are employed by local agencies.

2080 In answer to Question 329 the current complement is sufficient to meet demand and there have been no recorded instances where demand has been greater than the available complement of the nursing staff.

**Hon. J Ladislaus:** Madam Speaker, we have heard that nurses do get training, obviously, as and when they arrive at the GHA's mental health facilities.

2085 Could the Hon. Minister confirm whether all these nurses are bilingual and proficient in both English and Spanish?

**Hon. G Arias-Vasquez:** Madam Speaker, I cannot confirm or deny that. I do not have the information available.

2090 **Hon. J Ladislaus:** I am grateful for that answer and I will ask the question, if needs be, separately; but just by way of explanation as to that question, perhaps that could assist in the information gathering.

2095 There have been reports of nurses speaking only Spanish so that some patients who speak only English – and we are, after all, British – are left in difficulties particularly in this area of medicine where it is crucial that the patient can actually communicate with the carer. So I would ask for the Minister to look into that as it is rather important.

2100 **Hon. G Arias-Vasquez:** Madam Speaker, I am very grateful for that question but given that there are 45 nurses and 19 nursing assistants employed directly by the GHA, it would surprise me that in that complement of 45 nurses and 19 nursing assistants, they are unable to speak English and Spanish, particularly because of a residency requirement that is required in order to employ someone directly by the GHA.

2105 So I would imagine that most of those people employed by the GHA are able to speak English and Spanish. The two nurses that are employed via UK agencies, I would also be very surprised if they are unable to speak English. And again, Madam Speaker, this is a subject that we have not heard any complaints with and I would suggest that most of these people that are complaining would come to either my office, PALS, the Mental Health Support Team, the Mental Health Directors and inform them of these issues and let them know that these are concerns.

2110 **Madam Speaker:** You have Supplementaries?

2115 **Hon. Dr K Azopardi:** Can I just ask the Minister in relation to 328, the number of nurses employed, she said 45 direct and I think a further nine through agencies. So of those how many are RMNs?

**Hon. G Arias-Vasquez:** Madam Speaker, once again, I would ask the Opposition and I would ask the hon. Member to provide me with notice in advance of the questions and I can provide happily that information across the floor.

2120 **Hon. Dr K Azopardi:** Yes, it is just that the question asks about the number of nurses, so I was asking that Supplementary because I would imagine that sometimes her officials would have broken down the nurses in relation to whether they were RMNs or not.

So I was asking in case she had the supplementary information in front of her. I am not sure that notice is necessarily required. But would she be able to write to me on that?

2125 **Hon. G Arias-Vasquez:** Madam Speaker, if the hon. Member writes to me asking me the question directly I am more than happy to reply with the information requested.

**Madam Speaker:** Now the Supplementaries.

2130 **Hon. Dr K Azopardi:** Madam Speaker, we can play that game but I have asked the question, would she be able to write to me. Is the answer no, because I have to write to her?

2135 **Chief Minister (Hon. F R Picardo):** Madam Speaker, as a matter of practice on this side of the House, we are very concerned that if we say that we are going to write to hon. Members and we fail to do so because we have a very heavy workload, they will then say that we have failed to deliver on an undertaking.

2140 So the hon. Gentleman will know that all we say to him when he asks me and other Members also say the same thing, absolutely no problem in putting this down in writing in a letter instead of getting to the next meeting of the House, but please just write to me asking me that and I will reply because the letter prompts the reply rather than going away from here, potentially forgetting, and then in effect failing the parliamentary equivalent of an undertaking to respond to the hon. Members.

2145 **Hon. Dr K Azopardi:** The hon. Member knows, at least certainly, my practice has never really been that way. When I have asked Ministers before would they write to me, invariably they have and if they have not and they have forgotten, well, I have tabled a question. But I will certainly write to the hon. Lady on this issue, although I do not think that practice necessarily should always be the case. If Ministers agree and then they forget, I understand that and I will file a question.



2150 **Madam Speaker:** Any other Supplementaries? Next question.

**Q330/2024**  
**Modulab stock controls –**  
**Implementation in Pathology Department**

**Clerk:** Question 330/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, when was the Modulab system of stock controls implemented within the Pathology Department?

2155

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the Modulab Stock Module was initially implemented within the Pathology Department's Haematology section in 2017. Once in full use with the Haematology section it was then cascaded to other sections within the Department by 2021.

2160

**Madam Speaker:** Next question.

2165

**Q331/2024**  
**Medical Board report tabled –**  
**Reasons behind delay**

**Clerk:** Question 331/2024. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, when will the latest Medical Board report be tabled and what are the reasons behind the delay in tabling this document?

2170

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, there is no such thing as a Medical Board report.

2175

**Madam Speaker:** Any Supplementaries?

**Hon. J Ladislaus:** No, Madam Speaker, I will be re-tabling that one on the basis that the spelling is incorrect.

2180

**Madam Speaker:** Next question.

**Q332/2024**  
**Companies/Individuals feed back into grid –**  
**Details**

**Clerk:** Question 332/2024. The Hon. C Sacarello.

**Hon. C Sacarello:** Can the Hon. Minister please confirm how many companies and individuals currently feed back into the grid and can the Hon. Minister please provide details of these?

2185

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, today there are four companies that have completed the installations and two private residences that feed back to the grid.

2190

**Hon. C Sacarello:** Madam Speaker, would the hon. Member be kind enough to elucidate, as the question asks, as to details of these? Would she know the names of the companies, please?

2195

**Hon. G Arias-Vasquez:** Madam Speaker, there are four companies.

They are: Park Solar One that provides services to new harbours, Europa Business Centre, Mid-Harbours Estate.

There is the Energy Vision Group that provides services to the Europa Sports Stadium, Bassadone World, Special Olympics, University residential block and the Lathbury Stadium.

2200

Renewergy which provides services to St Joseph's School, the Cruise Liner Terminal and Gibraltar University. And Green Resources which provides services to the GASA swimming pool and St Bernard's Hospital.

The private residences are 50 Europa Views and 8/1, 8/2 and 8/3 Armstrong Steps.

2205

**Hon. C Sacarello:** Much obliged, Madam Speaker, for the hon. Member's response there. Would her Government know when this availability or ability to feed back into the grid will be rolled out to the rest of the general public, including estates, private and Government?

2210

**Hon. G Arias-Vasquez:** Once again, I would ask for that specific question to be tabled so I can get a specific response from the Gibraltar Electricity Authority.

**Madam Speaker:** Next question.

#### Q333/2024

#### Time-of-use tariffs – Energy efficiency and benefits

**Clerk:** Question 333/2024. The Hon. C Sacarello.

2215

**Hon. C Sacarello:** Has the Government and the GEA considered implementing a time-of-use tariff, offering off-peak energy discount incentives for consumers, which would bring energy efficiencies to the grid while passing on those benefits to its clients, the consumers?

2220

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

2225

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GEA continues to look at potential ways of incentivising the efficient use of energy by all its consumers. However, implementing a time-of-use tariff, offering off-peak energy discount incentives to consumers like, for example, implemented in the UK, would not work for Gibraltar as major power grids have different commercial and technical constraints which are not present in Gibraltar due to our size and lack of interconnectivity to other grids.

2230 In the UK, power demand is met on a daily basis by dispatching the required generating capacity from different power stations. These power stations and installations use different technologies to generate power, for example, nuclear, gas, oil, coal, renewables; and in the case of the UK an interconnector from France.

2235 Power demand during any 24-hour period varies depending on the time of day, with the peak usually occurring in the early evening and the minimum in the early hours of the morning. Due to the relatively poor flexibility of some of the base-loading plant in the UK – for example, nuclear – the Economy 7 tariff, which is this time-of-use tariff, was introduced in an attempt to incentivise consumers to increase the country’s minimum consumption to a value above a threshold where inflexible power plants which required a long-lead time to restart, would need to be stopped. This practice is not being recommended when operating, for example, nuclear power plants.

2240 In Gibraltar, due to the nature of the size of our grid, we only operate flexible, and that means quick to start and stop plant technology, that is we use engines and not turbines powered by high-pressure steam boilers, and therefore there are no technology restrictions on plants being dispatched to meet maximum; or in this particular case more relevantly, minimum power demands.

2245 **Hon. C Sacarello:** Madam Speaker, thank you very much for that information by the way, which was very detailed.

Would the hon. Member be willing to share any reports or studies carried out for our knowledge to avoid questions where the information is already available, obviously in writing?

Thank you.

2250 **Hon. G Arias-Vasquez:** Madam Speaker, I do not think there are any reports, as such, this information has been provided to me by the GEA. I am happy to go back and ask for the information and if the hon. Member writes to me, again I am happy to share that information with him.

2255 **Madam Speaker:** Next question.

#### Q334/2024

#### Emergency water pipeline to Spain – Fully installed

**Clerk:** Question 334/2024. The Hon. C Sacarello.

2260 **Hon. C Sacarello:** Is the option of an emergency supply water pipe, sorry, water pipeline to Spain, which former Minister Isola referred to following the 2022 fire at Power’s Drive Tunnel, now fully installed, such that it would be possible to flick the switch, as it were, if another emergency were to occur?

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

2265 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, AquaGib informs us that the 2.7 km pipeline from the Waterworks reservoirs to the border are approximately 80% complete. The remaining 20% relates to the section across the Sundial roundabout from the Cross of Sacrifice, along Winston Churchill Avenue and up to Hesses Bastion.

2270 The cost to the Taxpayer, both monetarily and in disruptive terms, means that the timing of this last section is currently under review. However, AquaGib is already in a position where the remaining section could be laid, under emergency conditions, before Gibraltar suffered any

widespread outage of the portable water supply. It should be noted that this contingency option would never be immediately available, because Spain does not have a water supply point at the border and works to connect would be required at the Spanish side of the border.

2275

**Madam Speaker:** Any supplementaries? No, all right, we will come back to Question 309. Does the Hon. Mrs Ladislaus have any Supplementaries? Any other Member?

2280

**Hon. J Ladislaus:** Simply, it is just a question as to, I think I know the answer, but just to clarify. Why do the amounts range so greatly? I think I do know, but just to qualify.

**Hon. G Arias-Vasquez:** Madam Speaker, the amounts are demand driven, so whatever the individual users need we would provide at that point in time.

2285

**Madam Speaker:** Any other questions?

**Hon. J Ladislaus:** Yes, it is pretty much the same question in respect of the second table as to Question 313. I do not know if we have moved yet.

2290

**Madam Speaker:** So we have finished with 309? All of you? Yes, all right, 313 then.

**Hon. J Ladislaus:** In respect to 313, we can see that the values also range very wildly. January 2019 £79,000, and then we come down to June £9,000; August £1,154. Can the Hon. Minister comment as to why these figures vary so significantly?

2295

**Hon. G Arias-Vasquez:** Madam Speaker, once again the amounts are led by the demand in the Hospital. So depending on the number of patients in hospital, depending the amounts of spend on the food.

2300

**Madam Speaker:** Any other Supplementaries? All right, move on, then.

## Questions for Written Answer

**Clerk:** Answers to Written Questions.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to table the Answers to Written Questions numbered W14/2024 to W28/2024.

2305

Madam Speaker, I also have the honour now to move that the House should now adjourn to tomorrow at 3 p.m. in the afternoon.

2310

**Madam Speaker:** And I propose the question, which is that this House should adjourn to tomorrow at 3 p.m. in the afternoon. I now put the question, which is that this House do now adjourn until tomorrow at 3 p.m.

Those in favour? (**Members:** Aye.) Those against? Passed, this House will now adjourn to tomorrow at 3 p.m.

*The House adjourned at 6.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 5.06 p.m.**

**Gibraltar, Friday, 15th March 2024**

## **Contents**

Prayer .....	2
<b>Order of the Day .....</b>	<b>2</b>
Bills .....	2
First and Second Reading .....	2
Supplementary Appropriation (2019/2021) Act 2024 – First Reading approved .....	2
Supplementary Appropriation (2019/2021) Act 2024 – Second Reading approved.....	2
Supplementary Appropriation (2021/2022) Act 2024 – First Reading approved .....	7
Supplementary Appropriation (2021/2022) Act 2024 – Second Reading approved.....	7
Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) ...	8
Act 2024 – First Reading approved.....	8
Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) ...	9
Act 2024 – Second Reading approved .....	9
Civil Aviation Authority Act 2023 – First Reading approved.....	10
Civil Aviation Authority Act 2023 – Second Reading approved.....	11
Civil Aviation Act 2024 – First Reading approved .....	18
Civil Aviation Act 2024 – Second Reading approved .....	19
Income Tax (Amendment) Act – First Reading approved.....	24
Income Tax (Amendment) Act 2024 – Second Reading approved .....	25
Adjournment.....	30
<i>The House adjourned at 5.06 p.m.</i> .....	30

# The Gibraltar Parliament

*The Parliament met at 3.00 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*

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Supplementary Appropriation (2019/2021) Act 2024 – First Reading approved**

**Clerk:** Meeting of Parliament Friday, 15th March 2024. The Order of the Day.  
Bills – First and Second Reading.

5 A Bill for an Act to appropriate sums of money to the service for the period ended  
31st March 2021. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that a Bill for  
an Act to appropriate sums of money to the service of the period ended 31st day of March 2021  
be read a first time.

10 **Madam Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of  
money to the service for the period ended 31st March 2021, be read a first time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

15 **Clerk:** The Supplementary Appropriation (2019/2021) Act 2024.

#### **Supplementary Appropriation (2019/2021) Act 2024 – Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the Bill  
should now be read a second time.

Madam Speaker, Members of the Opposition may have seen that this Bill is different to the original Supplementary Appropriation Bill, which was Bill number (B02/2022). Before moving that the Bill be passed, I will explain the reason for this.

Madam Speaker, during 2019-2021, a total of £2.8 million – in fact it was £2,782,970 – was received in the form of regulatory settlements from several – in fact there were four – Gibraltar-based gaming operators during the closing stages of the extended financial period 2019-2021. Just for the purposes of putting this Bill in context, hon. Members should recall that we are dealing here with the double financial year. This is not financial year 2019-20 and 2020-21, this was the year where the House determined that we should have a 24-month year.

When we brought that Bill, which was approved with the unanimity of the whole Parliament, that because COVID had struck – I believe sometime in April or May – we sought the consent of the Parliament to extend the financial year because it would have been impossible, with COVID, for us to be able to go through the internal budgetary process, that which I paraphrased yesterday during the course of Question Time as ‘the spending round’; and then to present the estimates to this House and for this House to meet as it would have to, in keeping with the normal calendar for the operation of the financial year.

Therefore, Madam Speaker, that is why we are dealing with a financial year, which in the context of this Supplementary Appropriation, like the Appropriation which it supplements, deals with those 24 months rather than the usual 12 months.

So during those 24 months, Gibraltar received sums of money in the form of regulatory settlements from four *different* Gibraltar-based gaming operators. The settlements, which were agreed with the operators concerned, arose as a result of regulatory investigations conducted by the Gambling Commissioner in Gibraltar. A condition of these settlements was that the monies would be treated as voluntary donations to support and promote responsible gambling and anti-money laundering in the jurisdiction. Had we not reached agreements it would have resulted in a breach of regulations and corresponding fines would have been issued by the Commissioner.

These settlements were effected directly by the operators to the charitable foundation, which is at the University of Gibraltar. These were inadvertently not booked in the Government Accounts and not brought to the Financial Secretary’s attention at the time of the preparation of the Estimates of Revenue and Expenditure, nor indeed were they brought to his attention prior to the publication of the Supplementary Appropriation Bill (B02/2022). And I should say the *then* Financial Secretary, because Members of the House will recognise behind me the current Financial Secretary, but it was his predecessor who was in post at the time.

Madam Speaker, had we had the opportunity to debate the original Bill, we would have corrected this at the time of the debate and I would have made an amendment during the course of the Committee Stage. Due, however, to the dissolution of Parliament as a result of the 2023 General Election – which once again saw the same Government returned to office as hon. Members opposite well know – the Bill was revised and it was submitted with that correction made when it was republished. Members can have no doubt that the settlements will be reflected in the Government’s Accounts for 2019-21, when those are finalised.

Madam Speaker, I have clarified the reason for the differences, therefore, between the Bill that was published before in 2022 and the Bill that is published now in 2023 and I have the honour, therefore, to move that it be *this* Bill that is the one that we are reading a second time.

Madam Speaker, the purpose of this Bill as a whole is to appropriate further sums of money to meet the Government’s expenditure incurred in the extended financial period of 2019-2021.

I know that there are a lot of new Members of this House after the General Election, Madam Speaker, so I will just pause there very quickly, at the risk of boring Sir Joe Bossano to death because he has heard 52 of these gone through; some have had none of these gone through in their presence.

What happens when you are doing a Supplementary Appropriation is that you are taking the thing that we call ‘the Budget’, which actually in legal terms means the Appropriation Bill for a particular financial year, and you are adding to it the additional amounts that have had to be spent

70 during the course of the financial year that were not provided for. And in every single year this happens. This is not something that is peculiar. It is not peculiar to the COVID year, which was the year that we are dealing with, it is something that has happened in every single year since we have had Appropriation Bills.

75 So, therefore, what this Bill does is what we now call 'the Supplementary Appropriation' required to provide that additional appropriation – which is the taking of money – to cover retrospectively for the final figures, which are what we call the 'outturn' figures, for the financial period 2019-21. Again, for the purposes of Members of this House who may be new, when we look at the budget book there is always a column that says 'Estimate' and there is always a column that says 'Outturn'; and the column called Estimate is what we think we are going to spend in the  
80 financial year, the outturn is the figure that we believe we have spent in that financial year and then you have a final figure when the accounts are finalised after the Supplementary Appropriation has been added to the final outturn figure.

Madam Speaker, hon. Members should note that the £6.6 million required to cover the additional expenditure incurred under the Consolidated Fund represents the amount required, in  
85 addition to the supplementary provision of £20 million, that is already included in the approved expenditure under 'Head 54', which is the Supplementary Provision Head.

If I can also just concentrate on that for a moment, whenever we estimate – and again this comes from time immemorial from the time that this House started to do appropriation in this way and it is the way that it is done in the United Kingdom also – we add an additional amount  
90 because we are likely to be out, because estimating in the millions is not easy to do. In fact, it is probably impossible to do entirely accurately unless you are just dealing with the payment of the contract. So we always leave ourselves an amount extra and that is principally in order to deal with the settlements that can be reached in the course of the financial year.

Traditionally that was any public sector pay rise that may be agreed, etc. and which may be in  
95 negotiation after the period that the Government has circulated the estimate but is still negotiating with the trade unions, etc. and so you leave yourself an additional amount on top of the estimate in order to be able to cover those costs. In the context of the sorts of estimates that we are looking at, where we are looking at revenue of over three quarters of a billion and expenditure in the region of half a billion-plus from the Consolidated Fund, having an additional  
100 £20 million is not a huge amount that you are expecting to overspend.

Going £6 million beyond that, again in the context of expenditure nearing in terms of the sums paid out from the Government General Account and the first charge on the Government General Account on the Consolidated Fund being £26 million out – although £26 million is a huge figure by any standard – is not a massive amount to be out by, in particular given that £20 million is already  
105 built-in as the amount that you have available *over* the estimate and you are talking about a further £6 million. And the total amount that we are out by in the context of this financial year is the £27 million that that is the total of, that is to say the £6.6 million and the £20 million of reallocations to be made under Head 54.

Madam Speaker, that will be tabled at the next available session of Parliament, giving  
110 hon. Members a full and detailed breakdown of the Heads and Subheads for which this supplementary provision has been applied. And, Madam Speaker, the other components of the Bill that hon. Members can see are entirely self-explanatory. Of course, I was addressing myself to the Article 2, Section 2 of the Bill, the other provisions are self-explanatory.

Madam Speaker, I therefore commend the Bill to the House.

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

120 **Hon. R M Clinton:** Thank you, Madam Speaker.



First of all, I have to thank the Chief Minister for having brought this Bill to the House and indeed the next one, which we will consider for the following financial year as we have extensively debated the problems that the delay in taking the Supplementary Appropriation Bills can cause to the Principal Auditor.

125 So I welcome that we are now taking these two Bills that will bring us up to date, and I would again urge the Chief Minister to make sure that in fact, in my view, the Supplementary Appropriation should be brought before the end of the financial year, but as close to the end of the financial year as is possible.

130 Madam Speaker, I have heard what the Chief Minister had to say about the correction made and I do not think there is any issue with that on our side of the House. I do have a technical reservation about the way Head 54 continues to be used because of course the entire Supplementary Appropriation Bill comes under section 69(3) of the Constitution; and section 69(3)(a) and (b) talk about the need to raise a Bill. But when it comes to the supplementary estimate being required to be prepared and laid before Parliament it says:

... and the heads of expenditure shall be included in a supplementary appropriation bill

135 For me – and again I may be taking a very purist approach – it would be all the various heads of expenditure in the Estimates Book that was previously approved and not through the Supplementary Provision Head 54; because as Sir Joe Bossano has told us in the past that particular provision was put in place to avoid the need to come back during the year for any, as the Chief Minister has alluded to, pay settlements, any matters which may arise during the year – and that gave the Government some flexibility.

140 But where there is a general overspend on any other head, Madam Speaker, I would venture to suggest that this Head should no longer be used. Once has been used during the year any Supplementary Appropriations that are required should be by those Heads, not into this Head, and then redistributed among the other heads, which has been the practice of this Government in the past.

145 Madam Speaker, that is my technical point on this Bill and it will be the same technical points on the other Bill.

150 As regards the position of the Opposition, as the Members correctly pointed out there are obviously a lot of new Members on this side of the House and this expenditure was incurred during the session of the last Parliament and as a result, Madam Speaker, we this side of the House, although welcoming the presentation of the Supplementary Appropriation Bill today for this two-year period, will be abstaining on the Bill.

155 **Madam Speaker:** Any other hon. Member wish to comment?  
Would the Mover like to respond?

160 **Hon. Chief Minister:** Madam Speaker, I am delighted to hear the hon. Gentleman say that hon. Members will be abstaining on the Bill. As he can imagine, I would have been very surprised if they had supported it; and given that they have voted consistently against every single budget that we have presented since he was first elected to this House, other than indeed the COVID budget, I would have been very surprised indeed if they were going to vote in favour of it.

165 Although, of course, that does demonstrate the horns of the dilemma upon which the hon. Gentleman manages to pitch himself which is that he asks me to bring a Bill in order to vote against it or abstain on it, where it was a remarkable set of circumstances. He asked me to pay for more nurses and then refuses to vote for the cost of more nurses. They ask us to provide for more services and then refuse to vote for the cost of more services. But nothing should surprise us in that context when it comes to the GSD.

If I can just deal quickly with the points that the hon. Gentleman has made and this may help us both in the context of the next Bill, which would raise the same issues, we will not have to say

170 the same things to each other twice, I trust. We have, he is absolutely right, extensively debated, what *he* says is the problem for the Principal Auditor in what he calls the delay in the presentation of these Bills, something which of course we have extensively debated because we do not agree. If we had agreed that this was a delay which causes a problem for the Principal Auditor, we would not have debated, we would simply have agreed.

175 We have debated because we do not agree and I do not want the House to have to hear those arguments again and I am not going to repeat them. But I do think it is not fair simply to say that we have 'debated' these issues without reflecting the fact that there is no agreement there.

We do not agree that the Supplementary Appropriation Bill can usefully be brought *in* the financial year. We think it has to be brought, at least just after the financial year. He will see, 180 Madam Speaker, in what I have told him that this Bill was brought in 2022. I have explained the technical difficulty that we were experiencing and why we could not proceed with it.

We would have wished to have been able to proceed with it before the General Election but we could not because we could not resolve the technical problem that had arisen. When we resolved the technical problem, the Parliament was dissolved. Now with the republication, the 185 issue can be explained and the matter is resolved.

Madam Speaker, we also of course do not agree with what the hon. Gentleman has, I think, *rightly* characterised as *his* interpretation of how things should be done, whether they should be done under Head 54 in keeping with the provisions of section 69 of the Constitution in subsection 3.

190 He rightly said, 'For me it would be better done that way.' Given that the people of Gibraltar have on three occasions rejected his proposal that he should be the one doing it, he will excuse me for saying that we are going to continue doing it in the way that, for me, and for him – Sir Joe – we think it is the appropriate way to do it based on the advice of people like him, namely successive Financial Secretaries who have seen fit to advise us to properly do it in that way.

195 But I would not want to get in the way of accountants having technical arguments. I know that that is as dangerous as getting in the way of lawyers having technical arguments.

Anyway, without prejudice to the generality of the foregoing, I would just say, Madam Speaker, that I believe that this Supplementary Appropriation Bill is one on which we should just quickly reflect that what we are doing is a Supplementary Appropriation for a 24-month year, something 200 very unusual, it has only happened on one other occasion that this Parliament has pretended – in fact I think on two other occasions – that a financial year can be made up of more than 12 months and that was in the year that we introduced Appropriation in 1969 or 1970; and as the Hon. Sir Joe Bossano reminded the House last time, in the time that they were in office for reasons not related to a worldwide pandemic. And that is where I want to end.

205 I want to just remind us that we are dealing here with *the* Supplementary Appropriation of that year, the year that COVID struck, the year that we came together as a community and as a Parliament to deal with all of the issues that we were facing; and it is *that* year's financial appropriation that we are now extending in the way that is set out in the Bill and I commend the Bill to the House.

210 **Madam Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the period ended 31st March 2021, be read a second time.

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

215 **Clerk:** The Supplementary Appropriation (2019/2021) Act 2024.

**Supplementary Appropriation (2021/2022) Act 2024 –  
First Reading approved**

**Clerk:** A Bill for an Act to appropriate sums of money to the service of the period ended 31st day of March 2022. The Hon. the Chief Minister.

220 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the Bill for an Act to appropriate sums of money to the service of the period ended 31st March 2022 be read a first time.

225 **Madam Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the period ended 31st March 2022, be read a first time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Supplementary Appropriation (2021/2022) Act 2024.

**Supplementary Appropriation (2021/2022) Act 2024 –  
Second Reading approved**

230 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the Bill be read a second time.

Madam Speaker, the purpose of this Bill is to appropriate, again, further sums of money to meet Government expenditure incurred during the financial year ended 31st March 2022. That is to say, this is the financial year *after* that double financial year from 2019-21.

235 The Bill is, therefore, the Supplementary Appropriation Bill required under section 69. (3) of the Constitution to cover retrospectively for the outturn figures for that financial year 2021-22. Hon. Members should note that the £30.8 million required to cover the additional expenditure incurred under the Consolidated Fund represents the amount required in addition to the Supplementary Appropriation provision of £9 million that is already included in the Approved Expenditure under Head 58, which is the Supplementary Provision Head.

240 Madam Speaker, you will see that that £9 million is near half the £20 million that we were dealing with in the earlier Bill because that earlier Bill, when we had brought it, we had sought when we had extended the year to double the period, we had doubled all of the provisional figures that is why we had gone to £20 million and that is why we were now back to just under £10 million to £9 million.

245 A full breakdown of that £40 million, that is to say, the £30.8 million and the £9 million of reallocations to be made from Head, now, 58 and under this Bill it is Head 58. We have added four different heads to the Estimates Book, that is why it is no longer Head 54, and will be tabled in the House at the next available session of Parliament giving all hon. Members a full and detailed breakdown of the heads and subheads for which this Supplementary Provision has been applied,  
250 the other components of the Bill are self-explanatory.

Just, again trying to assist Members of this House who may not have gone through this process before, the heads that we are talking about are, what you might call, the sub-chapters of the book dealing with the Departments that there are in the Government; and depending on how a Ministerial reshuffle might affect those Departments, they may be set out in different heads and there may be different numbers of heads each year. That is why the general head that we were  
255 talking about and debating before was Head 54 in double financial year 2019-21 and is Head 58 in this financial year, which is 2021-22. I commend the Bill to the House.

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

**Hon. R M Clinton:** Thank you, Madam Speaker.

265 Again, as I mentioned for the last Bill we obviously welcome this Bill is now before the House; and again I make the same point about the use of the supplemental provision under Head 58 in this Bill.

270 And, Madam Speaker, I note that obviously the last Bill there was no move to the Committee Stage and I would remind the Chief Minister that in the motion that was amended by himself in the last session of this House, he did undertake that this Bill would move through all its stages in the month of March; and I would welcome if the Chief Minister will confirm that that is still his position and of course we will be abstaining on this Bill as well.

**Madam Speaker:** Any other hon. Member wish to speak. Would the Mover like to respond?

275 **Hon. Chief Minister:** Yes, very much so, Madam Speaker, because on this Bill, hon. Members are *really* hoisting themselves on the petard of their vote against this budget. I gave them the benefit of the doubt last time because in financial year 2019-21, they had voted in favour of that double-year budget, so to speak.

280 But in 2021-22 they were back to his old tricks, if I may call it that, for a simple reason that the hon. Gentleman has said and his colleagues have recognised that he is the person who has led the GSD's view, as Shadow Minister for Public Finance, that they should vote against the budget for the reasons that have been ventilated in various budget debates.

285 So they voted *against* the Bill for the appropriation for the financial year 2021-22 and they are going to abstain on the Supplementary Appropriation. It is a particularly peculiar approach to take to appropriations. So I do point that out, Madam Speaker, because I think it demonstrates the horns of the dilemma on which they park themselves and the difficulty into which *he* – because he has said it is *he* – has led his party in the context of their approach to Gibraltar's budgets.

But be that as it may, Madam Speaker, I welcome the fact that they are not going to vote against it.

290 Finally, Madam Speaker, dealing with the issue of the Committee Stage, I am not moving the Committee Stage today. The Committee Stage has to be dealt with before the House rises *sine die*. That is a procedural reality before we move out of Bills; and therefore before we move to the adjournment *sine die*. He does not need me to confirm anything in that respect. I therefore commend the Bill to the House.

295 **Madam Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the period ended 31st March 2022, be read a second time.

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

**Clerk:** The Supplementary Appropriation (2021/22) Act 2024.

**Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment)  
Act 2024 –  
First Reading approved**

300 **Clerk:** A Bill for an Act to amend the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act. The Hon. the Chief Minister.

305 **The Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act be read a first time.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

310 **Clerk:** The Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) Act 2024.

**Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment)  
Act 2024 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I beg to move that the Bill be now read a second time.

315 Madam Speaker, our arrangements with the United Kingdom and matters related to Social Security co-ordination have, since 1974, been based on European Union Law. It used to be called European Community Law in those days. An exchange of letters agreed at the time confirmed that the UK and Gibraltar wished to treat each other as if they were separate EU Member States for these purposes. This meant that EU Law applied as between Gibraltar and the UK in accordance with this bilateral understanding.

320 The EU Treaties, Madam Speaker, did not require that because the EU Treaties saw us as one Member State unit we agreed to treat each other as separate Member States *inter se*. On EU exit pursuant to a further exchange of letters, we agreed with the UK that these arrangements should continue between us post-31st December 2020 on a provisional basis. I say ‘provisional’ because 325 it was agreed at the time that this bridging arrangement would eventually be replaced by a more permanent self-standing agreement between the UK and Gibraltar, which would not rely on EU Law.

330 We have, over the course of several months now, been working with UK colleagues to finalise such an arrangement with a guiding principle of not materially altering our relationship with the UK on these matters, and ensuring continuity on the same terms which applied whilst we were both part of the EU. I am happy to be able to report that the text is now agreed and both Governments are making arrangements to give legal effect to that agreement.

335 Madam Speaker, the way in which we will be giving legal effect to the agreement is by using existing powers in our Social Security legislation to implement reciprocal agreements by way of subsidiary legislation. Such powers are already available in the following measures: the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act, the Social Security (Open Long-Term Benefits Scheme) Act 1997 and the Social Security (Closed Long-Term Benefits Scheme) Act 1996.

340 These powers allow for the Minister, by Order, to make provisions for modifying or adapting these respective Acts to cases covered by reciprocal agreement with the UK, a foreign Government or an international organisation. However, we note that unemployment benefit, which is within the scope of the agreement with the UK, is covered by a different Act, namely the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act. And therefore for the sake of completeness, we are amending this Act in order to introduce similar powers as 345 contained in the aforementioned measures for the purposes of implementing reciprocal agreements.

Madam Speaker, I commend the Bill to the House.

**Madam Speaker:** Before I put the question does any hon. Member wish to speak on the general principles or merits of the Bill?

350

**Hon. Dr K Azopardi:** Madam Speaker, we are grateful for the explanation of the Chief Minister in respect of what is behind the Bill, because the explanatory memorandum is rather succinct, so it did not have all that information. On that basis we will support this Bill.

355

Can I just ask for clarification from the Mover because he has spoken at length about the arrangements with the UK, but of course the enabling provision relates to not just the UK but any foreign country or an international organisation: is there an intention that in the future this would be used in respect of other agreements and indeed, for example, is this something that once there is this enabling provision would allow the mechanism to be used in the context of the proposed treaty with the European Union?

360

**Madam Speaker:** Would the Mover like to respond?

365

**Hon. Chief Minister:** Madam Speaker, with your leave, the clause as I understand it is identical to the clause that is contained in all of the other powers that I have referred him to. In other words, I am not making this amendment in any way which I am advised is different to the power that is contained in the other Acts that I referred to; and the only live issue and the only live intention relates, as I have told the House, to the arrangements with the United Kingdom.

370

The hon. Gentleman has asked me what I believe would have been considered to be, in Question Time, a hypothetical question but we are in debate, so different rules apply. The only answer I can give him is that there is nothing, as far as I can recall – and if others recall they might whisper in my ear, but I do not think there is anything like that in the context of the negotiation – which might require an arrangement to be reflected in this way.

375

There may be other arrangements reflected in a different way, but it may be that in the final weeks of compression in the discussion it does, in the context of the EU-future arrangements, lead to something having to be certified or provided for under this Act or the other Acts that I have referred to in the context of Social Security, etc. But there is nothing, at the moment, which would require it and other arrangements are being discussed which do not require this sort of arrangement. But that may change is all I can say, Madam Speaker.

380

But I commend the Bill to the House.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

385

**Clerk:** The Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) Act, 2024.

### **Civil Aviation Authority Act 2023 – First Reading approved**

**Clerk:** A Bill for an Act to provide for the establishment of the Civil Aviation Authority, its functions and composition and for connected purposes.

390

The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I have the honour to move that a Bill for an Act to provide for the establishment of the Civil Aviation Authority, its functions and composition, and for connected purposes, be read a first time.

395 **Madam Speaker:** I will put the question which is that a Bill for an Act to provide for the establishment of the Civil Aviation Authority, its functions and composition and for connected purposes be read a first time.

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

400 **Clerk:** The Civil Aviation Authority Act 2023.

**Civil Aviation Authority Act 2023 –  
Second Reading approved**

405 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I have the honour to move that the Bill be now read a second time. I want to explain at the outset that the Government had volunteered to brief the Opposition privately on the purpose of this Bill. However, this proved to be logistically difficult to arrange, owing to diary-drafting and technical issues on our side. In any case, my contribution on the Second Reading will now set out the position clearly.

410 Madam Speaker, the existing Civil Aviation Act of 2009 was a landmark piece of legislation in its day. It reflected the new relationship between the United Kingdom and Gibraltar which followed the 2006 Constitution. This was seen in the acceptance by the UK that Gibraltar should legislate for itself in the field of civil aviation. In addition to this, in the fact that we should also have our own competent authorities.

The 2009 Civil Aviation Act established the Office of Director of Civil Aviation with the Director being responsible to the Minister for the discharge of his duties and his functions.

415 Madam Speaker, the time has come for both the Civil Aviation Act of 2009 and the Office of Director of Civil Aviation to be updated and replaced. First, because there is a need to provide a legislative framework and a competent authority that better meets our international obligations. Secondly, to prepare the ground for the establishment of Gibraltar's very own aircraft registry.

420 In 2022 the Government entered into an agreement with an experienced aviation industry operator to develop, operate, market and manage the Gibraltar Air Registry. That agreement followed a tender process. This came about as a consequence of a pledge made in our 2019 and 2023 General Election manifestos.

425 Former ministerial colleagues Gilbert Licudi and Vijay Daryanani each led on the detail of this project through their responsibility for commercial aviation during their time in office. It was subsequently inherited by my friend and colleague, the Minister for Tourism, Minister Santos. I am introducing the Bill today to the House on behalf of the Government given my responsibility for civil aviation and how this impacts on the Civil Aviation Act.

430 So, Madam Speaker, the establishment of an aircraft register will benefit Gibraltar. It will provide opportunities for new business development, for employment and a platform for an aggressive marketing campaign throughout the aviation world. Aircraft registries exist already in small states like Aruba, San Marino and the Cayman Islands. Crown dependencies, too, like Guernsey, have proved that their aircraft registries have the potential to generate economic activity and economic growth.

435 In order to assist with the development of an aircraft registry, the current Office of Director of Civil Aviation will be replaced by a Gibraltar Civil Aviation Authority. This is a new organisation established under this Bill to meet the demands of an aircraft registry. It will become the new competent authority for Gibraltar on aviation matters. This Act will go hand in hand with a new Civil Aviation Act, which will replace the Civil Aviation Act of 2009. That Act will continue to regulate the aviation industry, to oversee the proposed addition of aircraft services related to the registry and to ensure Gibraltar's compliance with the Chicago Convention and other international obligations.

440 The new Civil Aviation Act is also on the agenda to be read in this House shortly.  
Madam Speaker, permit me to summarise the important areas of each part of this Bill.

Part I states that the Bill would only come into operation on such day as a Minister appoints in the Gazette and the Minister may appoint different provisions for different purposes. The intention is to commence the Act at the same time as the new Civil Aviation Act. However, this  
445 provision, along with the powers of repeal, will allow the Government to commence parts in stages if necessary in order to achieve a seamless transition from the old legislation to the new one.

Part II establishes the Gibraltar Civil Aviation Authority as a body corporate, which will consist of a Director General appointed by the Minister. It will include no less than three suitably qualified  
450 and competent persons in the field of civil aviation, appointed by the Director General and a legal officer. The Authority's functions and powers are clearly set out, as well as the requirements for the Authority to maintain records, registers and to establish and maintain programmes required by the International Civil Aviation Organisation.

Part III addresses the administration of the Authority with funding and with financial provisions, as well as the duties, powers and directions of the Minister. It provides for the  
455 establishment of an independent board to provide oversight and administrative and financial sense. This Part also establishes the appointment of the Director General with functions, powers and the co-ordination with the Minister.

Part IV addresses miscellaneous provisions such as aircraft accident investigation, co-operation  
460 with responsible authorities, protection of officers and employees, the Governor's constitutional responsibilities, as well as transitional arrangements and regulation-making powers to repeal provisions contained in the Civil Aviation Act of 2009.

It must be emphasised, Madam Speaker, that nothing in this new legislation would affect the existing responsibility of the Governor under the Constitution for defence, internal security or any  
465 other matter for which the Governor may have responsibility. The Constitution, function and procedures relating to the board are also set out at the end.

Madam Speaker, it has long been the policy of the Government to establish an aircraft register in Gibraltar. This Bill sets out the broad framework under which that can happen through the  
470 establishment of a Civil Aviation Authority. It reflects a technical and legal advice that the Government has received. The next Bill on the Order Paper, among other matters, establishes the actual aircraft registry itself. I commend the Bill to the House.

**Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?  
475

**Hon D J Bossino:** Yes. I see that the Hon. the Deputy Chief Minister has spoken in respect of both Bills, that is the Civil Aviation Authority Bill and the Civil Aviation Bill. And by way of preliminary comments I must say that we are slightly disappointed that we never had the  
480 opportunity to take up the hon. Member's invitation and meet on these legislative initiatives.

In fact, the meeting was set up for a day in mid-January and then it was cancelled, presumably until further notice, and on this side of the House because it was the Leader of the Opposition and myself who were each invited to this meeting. We were expecting a new date to be scheduled.

Unfortunately, that has not happened but we were then operating under the assumption that although these Bills were set out in the agenda of the House, they would not be taken until we  
485 had that meeting; and we, in fact, only had notice that the hon. Member opposite was going to be pursuing these Bills when we received the timetable literally about an hour before the start of this session.

Be that as it may, as far as the principles of each of these Bills are concerned the Opposition has no major difficulties and it is mindful – and I use that word carefully – to support these Bills.  
490 But save that we have issues in relation to some of the wording – and I will take the hon. Member and the House through it – such that if I would suggest and commend to the hon. Member that



he does the same as the Hon. the Chief Minister in relation to the other Bills, and not take this to the third stage, the Committee Stage, because I think that would give us an opportunity to raise these issues, which I would have raised at the meeting and I think been successful in persuading  
495 him at least as far as 80% or 90% of the suggestions are concerned, to make the necessary amendments or at least have a discussion with him and then he would have had the opportunity to have persuaded me otherwise.

So if I can, respectfully, Madam Speaker, recommend that he take that course of action.

In terms of one of the other macro points I would like to raise, I would ask him to enlighten this  
500 House as to what is the nature, does he have any idea of what Government's resources will have to be employed in order for all these things as set out in the Bills to happen?

So, for example, the setting up of the aviation register which in principle is something that we certainly support as another economic-generating activity for Gibraltar, which is particularly and sorely needed, but also in terms of the administrative aspects of the discharge of the  
505 responsibilities of the Civil Aviation Authority and the individuals that that Authority will be employing. I would ask him, please, to address that in his response and his reply. And that applies to both Bills.

The hon. Member, I think I am right in stating that he has presented these two together, and therefore I will do the same in response.  
510

**Madam Speaker:** Can I stop the hon. Member there? What is before the House at the moment is the Civil Aviation Authority Bill, only.

**Hon D J Bossino:** I would proceed on that basis, but I am simply responding to the hon. Member who I think addressed this House in respect of both Bills. He is shaking his head. I will certainly  
515 focus my attention on the first Bill before us, which is the Civil Aviation Authority Bill.

Can I take the hon. Member, firstly, to clause 4(5) which states that the authorities shall designate a member of staff to be the Secretary of the Board; and whilst there is, perhaps, a more granular aspect of that which I would object to in the sense that I think there ought to be more  
520 uniform language used with the rest of the Bill, which talks about an employee of the Authority rather than a member of the staff of the Authority, and I would invite him to consider that.

But that is something that if he were to take me on board on the invitation that I have suggested that we deal with this on another occasion, it is something that he and I can consider more carefully.

But I think the more important point in terms of the principal here, is whether he does not  
525 consider that that particular provision clashes with Schedule 1 of the Bill, sub-paragraph 11, in terms of the appointment of the Secretary given that that provision, I have just referred the House to, talks about the designation by the Director General himself or herself to be the Secretary to the Board as opposed to the Authority. So there is, I think perhaps, a more substantive point there  
530 in terms of lack of uniformity and lack of power and authority.

Also, Madam Speaker, clause 5(2)(a) refers to the Chairman, there is an issue here also of uniformity of language where there are other references to Chairperson in the Bill. But also, furthermore and perhaps more substantively so, is to make the point that the Chairman is not a defined term in the Bill as it currently stands.

535 If I can move the House to clause 6(d) which makes a reference to:

... an adequate system of air navigation ...

and it makes a further reference to:

... as may be the subject of a treaty or international agreement that applies to Gibraltar.

And I would simply put this to the hon. Member to state whether there are any Brexit treaty issues which he considered when he instructed the relevant individuals to draft that clause in that particular fashion.

540 Moving on to clause 6(p), when it talks about the performance of the Authority's functions in accordance with 'sound financial principles' and it obliges the Authority to ensure, as far as possible:

that its revenue is sufficient to meet expenditure properly chargeable to its revenue.

545 How is the Authority to be funded, is the question? In other words, is this something which is going to be drawn, and I assume that the answer to the question would be in the affirmative, is going to be drawn from the Consolidated Fund; and then thereafter is it the intention whether at some point in time the Authority will be self-financing, but there will be an initial outlay in terms of costs to the Gibraltar Taxpayer? And I would ask the hon. Member to enlighten this House as to what that initial outlay will amount to and for how long he expects that to be the case.

In relation to clause 7(2)(c) again this is a financial provision question which talks about

in accordance with the provisions of financial estimate provided under section 22 ... appoint and employ at such remuneration and on such terms and conditions as it [the authority] thinks fit, any officers, staff or agents it considers necessary to carry out its functions;

550 That is a very wide power but which requires to be funded and it basically links in with the point I have just made. But I would add a further layer to that and ask the hon. Member to state whether the Government will have any oversight in terms of the expenditure, or is it simply that the relevant authority is going to have complete independence in relation to how it spends its money; and if that is the case then that is, I think, an issue which would give us some cause for concern.

555 One other granular point – and I would ask him, I think for the sake of *Hansard* and for my sake because I simply do not know what he is referring to in clause 9 when it talks about Article 83bis to the Convention. I assume it is a specific, although oddly set out I think, clause of the Convention or Article of the Convention and I would ask him to enlighten this House as to what that is. But  
560 I think it will be useful to have that, if he has that information available, recorded in *Hansard*.

Again, Madam Speaker, there is a reference to a cost financial issues in clause 14(4) where it says that there is an obligation on the Minister – in this case it would be himself for now – to ensure that 'the Authority is provided with sufficient resources'. So there is clearly a statutory –  
565 should this be passed – obligation on the Minister to ensure that the Authority is sufficiently resourced. But then it seems that the Authority can do whatever it likes with its money and it will be on a completely and utterly arm's-length relationship insofar as the financing of its activities are concerned. And, as I said earlier, that does give us some cause for concern.

Moving swiftly on to clause 15 and there are various points I wish to raise here. The way this is set out in 15(1) it says that the Minister, in effect, because of the use of the word 'may' has the discretion to consult with the Board in relation to the things which are then set out thereafter.  
570

However, in clause 15(1)(c) one of those Items and I shall read it out: 'The Minister may, after consultation with the Board, give any such directions as may be specified by the Governor, in the interests of the security of Gibraltar.'

575 Now the issue I have here is, is there not a tension and a potential clash if one considers the provisions of clause 29 which I think quite rightly carves out the constitutional responsibilities of the Governor in relation to defence, internal security or any other matter for which the Governor may have responsibility in exercise of his constitutional powers. And the hon. Member made a reference to it in his initial intervention when presenting the Bill.

580 But surely, if the Governor has concerns in relation to the security of Gibraltar, then surely his wishes or his directions in relation to this will have to be complied with in order to comply with the Constitution and not be the subject of a discretion on the part of the Minister, after

consultation to the Board to give directions in this respect. I think that raises a potential constitutional issue which ought to be reviewed; and I would repeat, on a third occasion, the suggestion that these things be considered a bit more carefully rather than across the floor of the House on a Friday afternoon at 4 p.m.

585

A more specific and hopefully easier point for the hon. Member to address is that there is, what appears to be, a defined term, 'Directions' but it is not defined as far as I can see. So that is the hon. Member will find it in 15(1)(a).

590

The other point I would wish to raise with him and if I can take him to clause 20, subclause 5, where the Minister is empowered, under the Bill, to *request* the Director General to furnish to the Governor such information as the Governor himself may request of the Director General. So it is Governor requests presumably the Minister, and then the Minister requests the Director General in respect of those matters which fall under the Governor's constitutional responsibilities, and then there is also to permit the Governor to have access to, at the Governor's request, copies of documents and all the rest of it.

595

*Surely*, the language there should be much firmer than a simple request by the Minister of the Director General and should have wording like, for example, 'to direct', which in fact would be more akin to the language used in clause 18(3)(e) and clause 15. So, there is already precedent in other parts of this Bill which makes a reference to this more firm and direct language. And I say that I would venture to suggest, that this is more appropriate in this context given, once again, that we are dealing with an approach which in these circumstances would have been made of the Minister by His Excellency the Governor, and we need to be mindful of the constitutional realities which I think this Bill has tried to do, but has not gone the extra mile it needs to.

600

Madam Speaker, if I can take the House to clause 22(1), where there is an obligation on the Director General to prepare a report on the financial activities of the Authority and then to submit such a report to the board, and I ask the hon. Member whether a consideration could be given to the possibility of having those reports, given that we are dealing with the financial activities of the of the Authority; and I imagine that there will certainly be an initial cost on the Taxpayer that those reports should be laid before this House rather than exclusively to the board.

605

In terms of the clause 31, just by way of general comment, it is something that we on this side of the House have seen featuring more and more in the legislation that is emanating from the benches opposite, where the Minister is given power by the House by subsidiary legislation, i.e. by regulation, to 'repeal or modify any provision contained in the ...' primary legislation in this case, not the one that we are debating now but the sister Bill, if I can put it in those terms, i.e. the Civil Aviation Act of 2009.

610

615

Although there is a reference to ... I had assumed, I think I have read that incorrectly, that it would have been to the one that is going to be introduced now, but the hon. Member may be able to clarify those doubts. The point of principle, which may be less offensive than I thought if I had made an error, or indeed the draughtsman has made an error in terms of the reference to the Act, still stands. That, I think, we are seeing that almost as a practice that by subsidiary legislation a primary legislation can be amended without bringing it for debate and a vote before this honourable House.

620

I think this is also a drafting error, I assume, but I think whilst at first blush it may seem ... Well, I think it is a simple point which can be addressed unless the Hon. Member has a different policy thinking in relation to this, I can take him to Schedule, Paragraph 1. subclause (6) and it says, unless I have read it incorrectly: 'A person appointed as a Member of the Board' and there were various Members of the Board – 'shall have knowledge', so this is every single individual who is appointed to the Board, that is the way I interpret it, but he can give it, I think, a more logical interpretation and I think it would be useful that he does so for the sake of future interpretation of this clause in *Hansard*: 'shall have knowledge and experience in aviation matters, finance and the law.'

625

630

So one individual has to have experience and knowledge of all these three. I dare say he will either be very difficult to locate or certainly very expensive; and not if you are dealing with more

than one individual. I assume the intention is that it will be 'or' rather than 'and'. He or she does not have to be an expert in all these three different fields

635 Other than that, Madam Speaker, there are other instances of the points that I have already made in terms of the references to staff or juxtaposed with employee of the Authority to member of the staff. All those issues are tidy-up issues which, I think, if he and I had an opportunity to discuss behind the Speaker's Chair we would reach a point and a place where we would have a much better piece of legislation.

640 Simply, if I may also as a final point, take him to paragraph (4) of the Schedule so that 4(2) ... I am assuming if one reads 4(1) and 4(2) together, that 'A Board member' will be able to continue to have 'a financial interest in any aviation business' so long as he declares it and so long as he then also meets the other criteria that he does not 'control, manage or operate any aviation business while in office.'

645 I am not too sure whether the language there is clear enough but I would ask him, please, to provide that clarity if he can across the floor of the House, because it seems odd that the legislation as it currently stands, the Bill as it currently reads, allows him to retain that financial interest but he cannot control, manage or operate it so long as he then also declares it.

650 And with that, I think, I hope, I have managed to assist him and the House in achieving, hopefully, a better piece of Law.

**Madam Speaker:** Does any other hon. Member wish to speak? Would the Mover like to respond?

655 **Hon. Deputy Chief Minister:** Madam Speaker, I am grateful to the hon. Member for his contribution and his comments regarding different aspects of the Bill. Clearly, if he had been briefed and he had more time, he would have been here twice as long given the extent and the detail to which he has gone. I am very grateful for that and also for their support for the principle of a register and for the qualified support in general in relation to this Bill.

660 To clarify, as Madam Speaker clarified in her intervention, I have not spoken on both Bills, but there are aspects of one Bill which reflects on the other, so I needed to cross reference one and the other. It was only my contribution on one of the two Bills before the House on this subject.

The hon. Member said that they only had a one-hour notice that the Bill was going to be taken today. The hon. Member knows a Bill was first published on 10th August 2023, it was then  
665 republished on 8th December 2023 as a result of the General Election, so it has been on the agenda of Parliament for a considerable amount of time. Although I accept that he may have expected a briefing, but that sadly it was not possible, although it was something which the Government volunteered and offered, it was not that they requested a briefing, the Government offered to brief them as I understand it. The Bill we are going to consider later was published on  
670 19th January.

So in all cases, the Bill has been on the agenda of the House and has been published for some time.

The Government does not intend to take the Bill to Committee Stage now, so there will be an opportunity to discuss, in some more detail, some of the issues that he went into. I will provide  
675 an overview now of some of those, but we do not intend to take the Bill to Committee Stage.

The Member referred to the question of resources and how would those be employed. This is modelled on other Government authorities, which already exist. There are some aspects which are taken directly from other similar situations and there are others which are taken from the Civil Aviation Act of 2009. So they are not new. Some of the points as referred to are not new to this  
680 Act they are also in other pieces of legislation in our Statute Book.

The Member referred to in 4(5) the question of a Secretary to the Board and the reference to that Secretary as a member of staff and not as an employee. That is perhaps, to an extent, semantics but it is something that we can look at and to see whether it is something that can be

685 tightened. He also referred to the fact that the term *Chairman* is used and the term *Chairperson* is also used in the same Bill, so that will certainly need to be tidied up.

In relation to 6(d) related to treaty issues, this is unconnected to any treaty that Gibraltar may be negotiating at the moment. This Bill has been in preparation for a considerable amount of time. I referred to the fact that my colleague, ex-former colleagues Gilbert Licudi and Vijay Daryanani were both the ones dealing with the detail of it. I came into it later on.

690 In 6(p) he referred to the revenue issues and where the funding would come from. Like other authorities the funding is from the Taxpayer. The intention is that the Authority would be self-financing and self-funding after a certain period of time. The Member referred to the question of oversight of expenditure in 7(2)(c), like other authorities, other bodies of this nature that exist, the funding is voted by this House and the oversight is provided in this House.

695 In relation to 9(4) and the reference to 83bis, that reference is taken, as I understand it, from the Chicago Convention which is in general the convention that this Act refers to. In relation to the resources, his resources point in 14(3), I think I have already covered that when I have mentioned the way in which the Government intends to do that.

700 In 14(4), I should say, if it looks at 14(4) he will see there that the resources provided are qualified in the sense that they have to be in the reasonable opinion of the Minister. That is taken from the old Act which said reasonable opinion of the Government, this says of the Minister. So, again, it is a question of wording but many of these terms are taken from legislation, as I said, which already exists.

705 In relation to 15(1)(c) the hon. Member referred to the directions given by the Governor in the interests of security and the Bill has, as he correctly identifies and as I mentioned in my opening contribution, the Bill is playing that delicate balance between the powers of the elected Government of Gibraltar and the powers of the Governor of Gibraltar.

710 Civil aviation was always a UK responsibility, until the Act of 2009 came in bestowing those powers on the Government and at the time that was done by carving out the Governor's powers of security and emphasising the point, as this Bill does and as the next one also does, that the Governor's powers of security are not in any way impacted over security issues in any way impacted by this Bill.

715 So in relation to 25 the hon. Member made a point as to the use of the word 'request' and said – (*Interjection*)

**Hon D J Bossino:** In relation to that particular clause, I am grateful for the answers that he is providing to the points I have raised, but how is that tension resolved? In other words, as it is currently drafted the Minister retains, it seems, that discretion to then direct the Director General, but on the strength of a request which has been made by the Governor, this is the point that I am not too sure of, as it is currently drafted.

720 Whilst he is absolutely right to say that there is that constant tension between the elected officials in Gibraltar with the fact that the Governor retains certain constitutional powers and authority I am not sure, with the greatest of respect to him, that he has answered that specific point about the retention of discretion because of the use of the word 'may' and the provisions of 15(1)(c).

730 **Hon. Deputy Chief Minister:** I thank the hon. Member for that contribution and request for clarification. This is a way in which this constitutional issue has been settled in this legislation and in similar pieces of legislation in the Statute Book. So it follows a set procedure which will already exist and I understand the point that he is making.

735 So on 25 the hon. Member raised the question of using the word '*request*', the Minister requesting the Director General, and I do not see any issue with that bearing in mind that in clause 21 it says the Director General '*shall*' give such information, advice and assistance to the Minister as the Minister considers appropriate. So I think it is covered by what comes previously, his point is covered by what is there already in 21.

The Member asked whether the Government would consider tabling the report referred to in section 22(1) in this House. That is something the Government would be happy to consider as a matter of policy, not necessarily to put in the legislation at Committee stage, but certainly we would be happy to consider it.

740 In Section 31 the hon. Member refers to the ability to change primarily legislation by regulation. That again is not new, that is something which is very common in legislation in Gibraltar, I think, that was invented by the hon. Members when they were in Government and was a practice which we took on board and have simply continued.

So it is not anything new or different to the way the hon. Members were doing it themselves. 745 In this case because there is a practicality of needing to change the 2009 Act to bring in different pieces of the new Act at the same time, it makes sense to have that power by regulation, rather than to have to come back to the House on each and every occasion that a change needs to be made.

In 4(2) of the Schedule, the hon. Member referred to the point of the financial interest and I think his interpretation is correct. I agree with the interpretation he gave, which is that a board 750 Member or close family member shall not control, manage or operate any aviation business while in office. But what they can have is a financial interest in an aviation business, and they are supposed to make a full disclosure of such an interest to the Minister. That is the interpretation that he gave to the drafting interpretation, which I give also.

755 **Hon. D J Bossino:** Just before the hon. Member sits down, I think, I sensed that he was just about to conclude because in fact it is the last point that I made and I am grateful for the hon. Member to have given way now, for a second occasion. But only simply to point out that I think he has missed, unless I have missed it, his response to the point that I made in respect of schedule 760 of paragraph 1(6) of the Schedule, which dealt with the expertise that each Member of the Board is, at least as currently drafted, expected to have.

**Hon. Deputy Chief Minister:** Madam Speaker, yes, the Government would be happy to look at that before it gets to Committee Stage and see exactly what the intention of the drafters were.

765 Madam Speaker, I commend the Bill to the House.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to provide for the establishment of the Civil Aviation Authority, its functions and composition and for connected purposes be read a second time.

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

**Clerk:** The Civil Aviation Authority Act 2023.

#### **Civil Aviation Act 2024 – First Reading approved**

**Clerk:** A Bill for an Act to repeal and replace the Civil Aviation Act 2009, to modernise the regulation of civil aviation in accordance with the international obligations of Gibraltar under the 775 Convention on International Civil Aviation, to make provision for the establishment of an aircraft registry and for connected purposes.

The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I have the honour to move that a 780 Bill for an Act to repeal and replace the Civil Aviation Act of 2009, to modernise regulation of civil aviation in accordance with international obligations of Gibraltar and of the Convention on

International Civil Aviation, to make provision for the establishment of an aircraft registry and for connected purposes be read a first time.

785 **Madam Speaker:** I now put the question, which is that a Bill for an Act to repeal and replace the Civil Aviation Act 2009, to modernise the regulation of civil aviation in accordance with the international obligations of Gibraltar under the Convention on International Civil Aviation, to make provision for the establishment of an aircraft registry and for connected purposes be read a first time.

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

**Clerk:** The Civil Aviation Act 2024.

### **Civil Aviation Act 2024 – Second Reading approved**

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I have the honour to move that the Bill be now read a second time.

795 Madam Speaker, I touched upon some of the reasons for the introduction of this Bill during the second reading of the Civil Aviation Authority Bill.

I apologise to the House for the unavoidable repetition in this contribution given that the two pieces of legislation, although separate, deal with subject matter which is connected. As hon. Members know, the Bill is driven both by technical and by policy considerations. The technical driver has been the need to replace 15-year-old legislation in order to better meet our international obligations. The policy objective is to secure the establishment of a Gibraltar Aircraft Registry and the regulatory oversight of aircraft on such a register.

800 The Civil Aviation Authority Act establishes the Gibraltar Civil Aviation Authority. This body, as I just set out earlier, will become the competent authority for Gibraltar. That legislation, together with this Bill for a new Civil Aviation Act 2024, will form the foundation of a new legislative framework for civil aviation.

805 Madam Speaker, this Bill will enable the Authority to regulate all aspects of the aviation industry, to oversee the proposed addition of aircraft and services related to the aircraft registry, and to ensure Gibraltar's compliance with the Chicago Convention and those international obligations that extend to us. I proceed to summarise, in more detail, the more important parts of this Bill.

810 Part I states that the Act would only come into operation on such day as the Minister appoints in the Gazette and the Minister may appoint different provisions for different purposes. The intention is to commence this Act at the same time as the Civil Aviation Authority Act. However, this provision on implementation, along with the powers to repeal, will allow us to commence parts in stages if necessary in order to achieve a seamless transition from the existing Civil Aviation Act of 2009.

815 This Part also includes an application provision setting out who the Act will apply to. It will include aircraft, persons and organisations holding a Gibraltar Aviation document, even if they are outside of Gibraltar. Having said that, the Bill will not alter the existing arrangements regarding RAF Gibraltar, the MoD, military equipment or the armed forces of any State.

820 Madam Speaker, Part II sets out the actual administration of civil aviation. It defines the responsibilities of the Minister. It designates the Authority as a competent authority for the administration of this Act and it sets out the obligations of this Authority under the Convention on International Civil Aviation.

825 Part III sets out how civil aviation will be regulated and includes provision relating to aircraft registration, aircraft operators, both Gibraltar operators and where appropriate foreign air operators using the Airport, insurance requirements and the carriage of dangerous goods by air.

830 In order to regulate civil aviation an aviation document will be issued to persons, services or  
entities involved in civil aviation. This document may be a licence, a permit, a certificate or any  
other document issued by the Authority. An aviation document can only be granted or renewed  
to a 'fit and proper person' as defined in the Act. The aviation document will require compliance  
with conditions and may be varied, suspended or revoked by the Authority.

835 So the Authority also has the power to issue administrative penalties. An administrative  
penalty is a civil fine that may be imposed for non-compliance with the conditions of an aviation  
document or regulations made under the Act and the criteria for its imposition, as explained in  
the Bill. The Authority must issue guidance on the use of administrative penalties and this guide  
must be approved by the Minister. Such fines are subject to review by the Director General and  
there is further recourse to appeal to the Supreme Court.

840 Madam Speaker, this Part also includes powers to make regulations in respect of civil aviation  
safety and security matters, as well as for the use of Winston Churchill Avenue. In addition, there  
is also a provision whereby the Director General of the Authority may make operating regulations  
in accordance with the annexes to the Convention on International Civil Aviation, for which the  
Authority is responsible.

845 There are 19 annexes that fall into this category and those annexes are amended by the  
International Civil Aviation Organisation on a periodic basis. The Act allows the Authority to  
directly update the operating regulations for any annexe amendments in a timely manner. This  
concept is recommended by the International Civil Aviation Organisation itself and the Minister  
will retain oversight of the technical legislation by being consulted prior to the operating  
regulations being gazetted.

850 Part IV addresses the aeronautical lighting and operations at and outside Gibraltar Airport, as  
well as the operation of the civil airport and the civil air terminal. A plan depicting Gibraltar Airport  
is included in the Schedule to the Bill. These provisions are essentially unchanged from the Civil  
Aviation Act of 2009.

855 Madam Speaker, Part V addresses air navigation services and retains the requirements of the  
Civil Aviation Act of 2009.

Part VI addresses liability for aircraft trespass, nuisance and damage and also retains the  
requirements of the Civil Aviation Act of 2009.

860 Part VII addresses miscellaneous provisions not captured in the previous parts. It covers  
documentation, psychoactive and prohibited substances, infringement of aircraft parts, and the  
authority of the commander of a Gibraltar-registered aircraft. The last provision, together with a  
section on endangering the operation of occupants of an aircraft, formed part of our international  
obligations under the Tokyo Convention, which applies to Gibraltar.

865 Part VIII contains inspection and enforcement powers available to the Authority and  
authorised persons in respect of this Act, regulations and operating regulations. It also permits  
the Authority to prevent a flight in circumstances where that flight may constitute an offence  
against this Act, regulations or operating regulations.

870 The primary purpose of the Authority is to oversee the operation of aircraft to ensure flight  
safety. However, whenever contravention of this Act, regulations or operating regulations is  
identified then enforcement action may be warranted. This part sets out the enforcement action  
that can be taken in such an event.

Part IX describes, in detail, the offences under this Act, including the jurisdiction of offences  
and penalties that may be imposed on persons, including persons acting under a body corporate.

875 Part X addresses the Governor's role, transitional arrangements and repeals. Once again it  
must be emphasised, Madam Speaker, that nothing in this new legislation would affect the  
existing responsibility of the Governor under the Constitution for defence, internal security or any  
other matter for which the Governor may have responsibility under it.

Madam Speaker, I commend the Bill to the House.



880 **Madam Speaker:** I put the question does any hon. Member wish to speak on the general principles and merits of the Bill?

885 **Hon. D J Bossino:** For two reasons this will be shorter. The first one being that, I think, some of the wider principled points have already been debated in the context of the other Bill; and secondly on the assumption, I think it will be an accurate assumption, that we will not be moving on to the Committee Stage on this one, then should there be any more granular specific issues to be dealt with and addressed, then I will take that opportunity in the interim to discuss those with the hon. Member opposite.

But some points of clarification, if I may, Madam Speaker.

890 In relation to the register which he spoke about when he first stood up which, I think, is a very interesting proposition and a novel one for Gibraltar as far as I understand it and I would ask him to address two points. The first one is where is the register likely to be housed? How does that operate from an administrative on-the-ground perspective, so to speak? And secondly, does the hon. Member, does the Government have an idea as to numbers? In other words, is there a projection as to what the likely economic growth which he referred to, is likely to achieve? What 895 is he thinking of in terms of numbers, so to speak? That specifically arises from clause 9, which is the clause which sets up the register.

I am assuming, but that is something that we can raise, I think, separately, that a lot of these provisions he refers to, international obligations to which we are subject, are in order to implement and give effect to those obligations. In that context, I see, what at first blush seems a 900 rather scary thought, the circumstances which could arise when you are talking about ‘an article, an animal or a person falling from an aircraft while in flight, taking off or landing’.

Perish the thought! But I am assuming that, so that comes from one of the international obligations the hon. Member refers to and that is set out for his own edification in clause 47.

905 If I can take him, briefly, to clause 37 which sets up the appointments of an operator of the civil airport, what is it that we are talking about here? Is it the intention that a current post holder who may be managing the airports at the moment would take that role? Or, is it the intention that somebody new outwith those current arrangements would be appointed?

Penultimately, in clause 55 which is in Part VIII of the Bill under Inspection and Enforcement, it does give the Director General, once again, I think wide powers of independence to appoint in 910 writing persons to conduct inspections generally; and these individuals are defined as ‘authorised persons’.

915 So this may not be a fair question to ask of the political individual responsible for this, but does he have an idea – given that in this sense it is a fair question to ask, given that this is an outlay cost that we will be meeting, I assume the Taxpayer, that is – how many individuals are envisaged in order to carry out those inspections?

920 Finally, Madam Speaker, in relation to clause 45, which refers to the air traffic control service provider and sets out the duties and obligations that that particular entity will have. I do not think I have identified a specific definition for ‘air traffic control service provider’. So it just appears there, I think, for the first time in the Bill – although I may be mistaken – and I would ask him to address that.

925 But secondly, more specifically, does he envisage any changes in terms of the current arrangements, as I understand it this is currently, I think there are contractual arrangements which the Ministry of Defence enters into with a private service provider, which I think provides services across the UK, whether those arrangements he thinks are likely to be changed as a result of the introduction of this Bill?

**Madam Speaker:** Any other hon. Member wish to speak? Yes.

**Hon. R M Clinton:** Thank you, Madam Speaker.

930 Following on from my colleague to the right, if I could ask the Minister given the Section 37(1), where it says ‘Minister *may* appoint an operator’, can he tell the House whether he envisages any changes to the current arrangements with Gibraltar Air Terminal Limited; or is he actually looking to get some other operator, or do they have some other scheme of arrangement in mind?

935 Then secondly, Madam Speaker, I do not claim to be any aviation expert, but I have just noticed online there is something called the Defence Safety Authority, which the Minister is probably aware of, and they actually have an RAF Gibraltar Defence Aerodrome Manual which is extremely detailed. But in the introduction it says that this applies or this manual is written to ‘inform and direct military and civilian aircrew’. I just wonder whether the Minister can enlighten the House as to how any interaction between military directions and this Authority’s directions will be  
940 resolved.

**Madam Speaker:** Any other hon. Member wish to speak? Would the Mover like to reply?

**Hon. Deputy Chief Minister:** Thank you.

945 I thank the hon. Member, first of all, the Hon. Mr Bossino for his comments, support and for his brevity also. The first questions were in relation to the actual register. So I should explain, I said in my initial contribution that there was a contract signed with the Government and a commercial entity following a tender in 2022, something I was not involved in myself and my colleagues, who are no longer in the House with us carried that out and signed the contract.

950 But in terms of the arrangements, where he asked where would it be housed and what are the numbers, it may be helpful just to give an overview of what that entails, I think that will probably answer the question. The arrangement was entered with a company called Aircraft Registry Group (ARG) based in Miami, so it is an American entity. The intention is that they would administer and market the register on behalf of the Government. So they would provide a pool of trained  
955 inspectors.

When the hon. Member talks about inspections in clause 55 of the Bill, these are not inspections carried out in Gibraltar. They are inspections carried out on Gibraltar-registered aircraft wherever the aircraft might be. So in some way, I suppose, in relation to the shipping registry, we send out people from here or from the maritime authority to go and inspect our vessels, and this operates in somewhat a similar kind of way, according to the to the way I have  
960 understood it.

So the inspectors are provided by this entity, experienced and trained, and the Civil Aviation Authority would delegate its powers of inspection to them to go and inspect Gibraltar-registered aircraft. The entity in question already provides similar services to the Registry of Aruba, since 1995, and this kind of support to San Marino since 2012. So those two are established  
965 aircraft registers with excellent reputations and both have seen considerable growth.

So to answer his question about the projection for growth and the numbers: yes, there are numbers; and yes, there is a projection for growth which predicts that over a number of years the Registry will break even.

970 So in terms of the other parts of the legislation before the House today, yes this is the transposition if you like, of international obligations. Many of them are repetitions which already exist in our current Law and are simply repeated and carried forward to this Law, because they are based on the Chicago Convention, which is the main convention that regulates international civil aviation. But there are others, I mentioned the Tokyo Convention also so that is also reflected  
975 in this Law.

In terms of section 37 and the way in which the operator of the air terminal is designated, or the operator of the airport is designated, there is no change, that is in the old Law as well. So it is the same, it is simply carrying that forward to the new piece of legislation. The part about inspections I have already covered.

980 In terms of air traffic control, that is an MoD responsibility, nothing in this Law, in the same way as nothing in the previous Law, affects Defence, MoD and the RAF and the aircraft of a foreign

state. So all that is exempt from this legislation. The air traffic control is an MoD responsibility but it can impact the civilian use of the Airport, as we saw when they had industrial action and when civilian flights were impacted by the action taken there. So there is certainly no intention, on the part of the Government to change the current arrangements, to answer his question directly.

985

I think I have answered Mr Clinton's question already in relation to the 37(1) and the appointment process that is also there in the current legislation; and in relation to the military aspect and the security and defence –

990

**Hon. Dr K Azopardi:** The hon. Member gives way and I am grateful in terms of that.

But in relation to section 45 which he has just spoken to, so he says that there is no intention to change the arrangement. It actually reads: 'The air traffic control service provider shall provide a service in accordance with the terms of an Air Traffic Control Approval granted by the Authority'.

995

So I am just trying to understand how that works, given what he has just said. So perhaps if you can illuminate me?

**Hon. Deputy Chief Minister:** Yes, Madam Speaker, that relates to the approval to be able to operate or to be able to control the paths of civil aviation.

1000

To answer Mr Clinton's point, we are aware that clearly there is a defence manual and Gibraltar is integrated into that because the RAF is the owner of the Airport itself. He will see at the back of the piece of legislation that there is a plan and the plan actually designates – this is simply replicating the existing one and the existing legislation is not new – but it shows very clearly in a very clear way exactly what parts of the Airport are owned and run by the RAF; which ones are controlled by the Gibraltar Government; and which parts are, in a sense, it says they are combined or controlled by both.

1005

**Hon. D J Bossino:** I am grateful to him, once again. I do not think he has answered the point about the projected economic activity which he thinks that the setting-up of the register will yield.

1010

I would also ask him, because it occurs to me when he was talking, when he was addressing the House, that given that this is a novel venture, which I appreciate that the Government has announced in the past but this is now going to be Law, whether his Department is also considering educating and familiarising the potential industry out there in relation to this as a new product which, basically, can be sold from Gibraltar.

1015

Finally, Madam Speaker, because it arises from the contribution he has just made: what are the specific commercial arrangements – does he have that with him? – that the Authority would be entering into with this, I think he said it was a Miami company, ARG? What are the commercial arrangements in terms of costs and that type of thing?

1020

**Hon. Deputy Chief Minister:** Madam Speaker, on the last point the hon. Member will forgive me, but this is not Question Time, so I do not have the specific commercial arrangements. We are setting up the regulatory legal framework in which a register can operate.

1025

In relation to the economic activity, I did say that there is a programme, there is a plan which predicts, or which suggests, that the register will be self-financing after a number of years. This is a formula used, for example, with a company registry, with a shipping registry so it simply looks at a successful formula and applies it elsewhere.

1030

In terms of the familiarising of the industry and selling this ability to register aircraft in Gibraltar, that is something which the specialist company that is responsible for running the register is also responsible for marketing it. It will not be my Department, I do the civil aviation, my colleague Minister Santos will run with commercial aviation and this is part of that and we will be dealing with it because it impacts, as I said at the beginning, on the Civil Aviation Act. That is why I am dealing with it before the House.

1035 **Madam Speaker:** I now put the question, which is that a Bill for an Act to repeal and replace the Civil Aviation Act 2009, to modernise the regulation of civil aviation in accordance with the international obligations of Gibraltar under the Convention on International Civil Aviation to make provision for the establishment of an aircraft registry and for connected purposes, be read a second time.

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

1040 **Clerk:** The Civil Aviation Act 2024.

**Income Tax (Amendment) Act –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
The Hon. the Minister for Justice, Trade and Industry.

1045

**Hon. R M Clinton:** Madam Speaker, may I make a point of order?

**Madam Speaker:** Yes.

1050

**Hon. R M Clinton:** Madam Speaker, on Standing Orders section 25, it is a technical point in respect of 'the moving of Bills which make provision for imposing increasing taxes, rates or duties' and it says 'no Member may introduce one other than with the recommendation of the Minister of Finance', which obviously the hon. Member is not; and I would also refer, Madam Speaker, to section 35 of the Gibraltar Constitution which mirrors that statement.

1055

As I say, Madam Speaker, this is just a technical point which I would be grateful for your clarification because this is an unusual position for the House because we have never had a Bill presented to the House which is effectively, in my opinion, a Finance Bill which is not presented by the Minister of Finance.

1060

**Chief Minister (Hon. F R Picardo):** Madam Speaker, if I might just assist the hon. Gentleman.

I have written to you because the Constitution, when it is engaged, does not give rise just to technical issues it gives rise to constitutional issues, indicating that I confirm that I recommend that the Parliament should proceed upon the Bill which alters taxation in Gibraltar, reference the Income Tax (Amendment) Bill 2024. That in my view clearly satisfies the requirement that the Bill should not be proceeded with without my recommendation.

1065

The Hon. Minister was going to inform the House of that in the beginning of the Second Reading.

1070

**Hon. Dr K Azopardi:** Madam Speaker, just on that and we welcome clearly that clarification. But it would be useful perhaps in practice for recommendations made in that tenor to also be copied to this side of the House, so that we are aware that that formality has been fulfilled.

1075

**Hon. Chief Minister:** Madam Speaker, there is no requirement that that should be the case under the Constitution or under the Standing Orders, but when I write to you I am, of course, perfectly happy for any communication that is sent to the Chair to be copied to other Members, if the Chair so considers appropriate.

**Madam Speaker:** Right, we can proceed.

1080 **Hon. Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

1085 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Income Tax (Amendment) Act 2024.

**Income Tax (Amendment) Act 2024 –  
Second Reading approved**

1090 **Hon. Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I beg to move that the Income Tax (Amendment) Act 2024 be read a second time. This Bill extends the remit of Paragraph 15 of Schedule 3 to the Income Tax Act 2010, from one that charges tax on interest accrued where the recipient company is either a money lender or a deposit-taking  
1095 institution, to one that will now also charge to tax a wider range of financial services and activities which exhibit similar characteristics to traditional banks and money lenders.

It is intended to provide legal clarity given the dramatic changes in the financial services landscape since the Income Tax Act 2010 was introduced in 2011. I will highlight and address the various sub-paragraphs contained in the Bill in which changes have been made, given that the  
1100 entirety of this clause substitutes the existing paragraph in Schedule 3 to the Income Tax Act 2010.

The manner in which the existing provision has been extended is immediately notable in sub-paragraph (1). This provision previously only applied to companies and referred exclusively to interest. It now applies to any person other than an individual and encompasses equivalent or similar amounts to interest.

1105 This allows the charge to tax to now apply to any entity or arrangement carrying out those financial services activities that are in scope. The inclusion of a deeming provision in relation to the accrual and derivation of this income provides the certainty on the intended taxation treatment in conjunction with those licensed activities.

1110 These changes ensure that these new emerging industries and activities are adequately in scope. Sub-paragraph (1A) provides a comprehensive definition of the term ‘similar interest’ and assists in defining the categories and the types of income by those financial activities that are both in scope and exhibit similar characteristics to traditional interest income.

1115 The structure of the provision ensures that the charge to tax is applied to traditional interest income, ‘the existing provision’, profits or gains derived from interest – such as notes, specialties and derivative instruments; profits generated from crypto-lending entities; discounts; and such income arising from any arrangement where the main purpose of the arrangement was to avoid the charge to tax. Essentially one of the two anti-avoidance provisions with this one designed to capture any other in-scope income not generated through any of the other above-mentioned activities.

1120 Sub-paragraph 1(B) focuses on activities relating to virtual assets to bring the charge to profits or gains arising from proprietary custodial or brokerage trading and the facilitation of such services. This ensures that the different categories of virtual asset-based activities are adequately covered by the extended application of this provision.

1125 The amendments made to sub-paragraph (2) predominantly reflect the extended remit, with the inclusion of Part 7 of the Financial Services Act 2019 regarding both the activity of affecting or carrying out contracts of insurance and the use of distributed ledger technology for the storage or transmission of value belonging to another.

1130 Similarly, following the repeal of the Financial Services Banking Act on 15th January 2020  
reference is now made to its successor legislation, the Financial Services Act 2019. This is a clear  
example of the important need to update this particular provision, given the changes in the  
financial services landscape since 2011; and how crucial it is for tax to evolve, together with the  
regulatory framework to keep abreast of technological and economic development.

1135 No substantive amendment has been made to sub-paragraph (3). It continues to prohibit a  
deduction for any amount of interest incurred in generating such income that falls outside the  
scope of this sub-paragraph.

Subparagraphs (4) and (5) set out the other anti-avoidance provision, preventing this charge  
to tax from being circumvented through the disposal of any instrument or asset-generating  
interest, or any similar amount to a connected person.

1140 It is vital that this is introduced so that complex schemes and connected party arrangements  
cannot be used to exploit any measure of tax leakage via an artificial and arm's-length transaction  
with connected persons. This anti-avoidance measure does not apply if sufficient and appropriate  
evidence to satisfy the Commissioner of Income Tax is available and can be demonstrated that the  
main purpose, or one of the main purposes of the disposal was not to avoid tax.

1145 The 'main purpose test', as it is commonly referred to, is a well-known and widely-used anti-  
avoidance test which relies on evaluating whether or not the principal aim of the transaction is to  
gain a tax advantage. These changes apply prospectively.

Paragraph 6 brings these regulated financial activities and categories of income within this  
charge to the tax for accounting periods commencing on or after 1st February 2024.

1150 Subparagraph 7 ensures a consistent treatment within the Act in relation to such entities used  
in structures operating within the newly-included financial services activities.

Madam Speaker, I commend the Bill to the House.

**Madam Speaker:** Before I put the question, would any hon. Member like to speak on the  
general principle and merits? Yes.

1155

**Hon. R M Clinton:** Thank you, Madam Speaker.

1160 In relation to this Bill I would say that, obviously, I would much prefer this would have been  
taken as part of the normal budget cycle and budget session. I say that, Madam Speaker, because  
any revenue-raising measures must be taken in the context of expenditure, as the Chief Minister  
will know; and therefore to have this in isolation without a view of the overall economic or the  
fiscal position of the Government is perhaps a salami-slice thing to the extent that the necessity  
of this provision is perhaps not immediately evident if we do not have the overall picture of the  
budget itself.

1165 But having said that, Madam Speaker – and I am conscious of the Minister's initial statements  
to the House on 24th January in which he set out his thinking.

Madam Speaker, if I may ask the Minister – and first of all perhaps before I say anything else,  
I should indicate to the Minister that in terms of the principle of widening the tax base for the  
Government and for Gibraltar, and certainly in terms of spreading, as it were, the tax burden,  
I certainly have no issue with that and obviously welcome that.

1170 But of course we have to target taxation in the right way and in a measured way, and as he  
extended the scope of this particular provision for financial services – which he knows as well as  
I do, is particularly sensitive to change. But I will assume that he has had no – I would ask him in  
his response, if he has had any representations from industry in respect of this clause. I can say  
that I have had none and I have reached out certainly to the insurance industry and I have had no  
comment, so I assume they are content.

1175

But the Minister will be aware that industry does not look at things in isolation. I believe there  
has just been an increase in FSC licence fees and this will just be an additional measure which  
companies operating in our finance centre will consider; and as the Minister knows, we operate  
in a very competitive environment in the world.

1180 So, Madam Speaker, we do accept or welcome any broadening of the tax base provided it is in a measured way and in the context of the overall fiscal position or strategy of the Government. If I could ask the Minister – again I think I may have asked him before – how much he thinks he might be able to raise from this particular measure?

1185 Finally, Madam Speaker – and I think I did ask him at the time of his original statement – that he stated and I quote, ‘These are important times for taxation in Gibraltar’. I would welcome if he could clarify that, because I think I did ask for some clarification on that last time, but I think he may have missed the question.

1190 Anything to do with taxation is obviously of concern, it has to be taxation for the right reasons and targeted in the right way. In this particular Bill, in terms of the industry that he has identified for widening this clause – look, as I said, everybody has to pay their fair share and we have no issue with that on this side of the House and I can tell him that he will have the support of this side of the House.

Thank you, Madam Speaker.

1195 **Madam Speaker:** Would any other hon. Member wish to speak? Would the Mover like to reply?

**Hon. N Feetham:** I am grateful to the hon. Member for, I think, I have heard that the Opposition, the hon. Members opposite, intend to support the Bill and I am really grateful for that. 1200 He has made a number of comments. The first comment that the hon. Member has made is whether it is appropriate to bring the Bill to this House outside the normal budgetary cycle. I believe that in my Ministerial statement, I addressed that issue and I said that it is not abnormal, if you like, for Governments to introduce tax legislation outside the budgetary cycle and to that extent it is therefore open to this Government to do precisely that and I have done that on two 1205 occasions already. The hon. Member might be delighted to know that we are *hoping* to bring other legislation before the House, whether it is done within the budgetary cycle or not it is a matter that my cabinet colleagues and I will have to discuss at the appropriate time.

You have said that the hon. Members opposite welcome the spreading of taxation. Well, as the hon. Member will know, that is precisely what I said in response to the questions that were 1210 directed *at* me when I gave my Ministerial statement.

He also says that the hon. Members opposite welcome tax measures being targeted or targeted, measured tax amendments, or tax provisions; and indeed that it is only fair for companies to pay their fair share of taxation. That is, if I can say, with all due respect, the kind of language that I have been using when I have actually made the statements that I have made both 1215 in this House and outside this House.

Perhaps to give some reassurance that what we have done is targeted and the reasons why we have done it. I am going to do, now, what I invited the hon. Member opposite to do, which was to ask me what contributions are actually the sectors that we have identified under the relevant statutory provisions make in terms of their corporate tax contribution to Gibraltar. Because I think 1220 it is important for this House to be cited.

I am not going to go into a lot of detail because I do not think it is fair, but maybe I will give some highlight figures of the current contribution to tax; and why, therefore, I think the consensus view around this House will be, after I give the information that I will provide today, that certainly there is more than ample merit for us to do what we are currently proposing to do. 1225

There is a pie chart here. I have got a pie chart here of four financial tax years, so we have the tax year 2020-21, 2021-22, 2022-23, 2023-24 and if you look at the pie chart and the contribution to tax of the insurance sector – which includes broadly more than just insurers it includes insurance intermediaries and other companies undertaking insurance services – the contribution from the insurance sector for the overall tax contribution in each of those tax years were: 1230 2021 – 17%. A 17% contribution to the overall tax yield of the Government of Gibraltar for that

tax year. The contribution from the DLT sector was zero, nought contribution, no contribution to the corporate tax yield of the Government of Gibraltar, Madam Speaker.

1235 If we go on to 2021-22, the insurance sector's contribution is 16% of the overall corporate tax contribution. DLT, 2%. In 2022-23 the contribution from insurance was 21% and the DLT sector was 3%. The current tax year, 2023-24, the insurance contribution is 17% and the DLT contribution to the overall tax yield is 1%.

1240 So if you take that as context for what the Government is proposing to do, you will see that clearly those contributions do not reflect – as I said in my Ministerial statement – when I made that statement, it does not reflect the measure of risk that the corporate jurisdiction takes in terms of licensing entities. You cannot just take the reputational risk for the jurisdiction but none of the economic benefit. I have said it in this House and I have repeated it time and again outside this forum.

1245 If I can, Madam Speaker, I have asked the Commissioner of Income Tax to give me a deep dive of some statistics, and he is working on a deep dive of the statistics to allow the Government to plan ahead in terms of our projections on expenditure and to ensure that the levels of expenditure correlate with the levels of revenue that clearly we are projecting. But sometimes the data is misleading, Madam Speaker, you need to do a deep dive and that is why I asked the hon. Member at the last Ministerial statement that perhaps he ought to be asking these questions. I am grateful that he is supporting the Bill but I think it is important for us to be cited on this.

1250 Whilst I have asked for statistical data analysis that gives us an insight into the more detailed analysis of where the revenue is coming, or where the losses are coming, the highlight figure in insurance is that a large number of companies – and I am not going to give you the statistics because I do not think that is right – are actually reporting losses, Madam Speaker.

1255 So if companies are reporting losses and what we are saying on this side of the House is that we intend to bring certain income within the scope of tax, at the very least what we are then saying is that companies that make a windfall in relation to the interest income that they are making as a result of a record high interest environment, that they use those profits to offset against some of the losses that companies seem to be declaring.

1260 Then you will have a measure of insight as to why – when I took over my responsibilities as the Minister with responsibility for taxation – why one of the first things that I said was the Government's policy will be that we need two tax professionals working from the Income Tax Office because this requires a measure of visibility and challenge.

Lastly, Madam Speaker, because again it puts these things into context when on this side of the House we come again, perhaps in the near future, with other tax provisions.

1265 The following information that I asked for from the Commissioner of Income Tax – without going into specifics, because I do not think this is the right place to do that – in relation to DLT firms, Madam Speaker, approximately 91% of the revenue collected in the period from 1st April 2023 to 31st December 2023 is generated from, and I have put here a very small number of operators I do not want to identify the number but it is certainly less than the fingers that I am holding on this hand, certainly less, significantly less than the five fingers that I am holding up.

1270 And if we did the same exercise, and I have asked the Commissioner of Income Tax, again, to give me the same information in relation to insurers, you will find, Madam Speaker, that approximately 70% of the income is generated by a very small number of insurance companies – I have got the number here, but I am not going to say it, less than the number on this hand ... And that one single operator – listen to this, this is interesting – one single operator generates approximately 39% of the total!

1280 So here we have a sector, which is a sector that I have worked in for many years, that we all pride ourselves on the fact that 30% of all motor insurance business undertaken in the UK is underwritten by Gibraltar companies – 30%, a *huge* number, but the tax revenues do not correlate with that level of business that is being undertaken from Gibraltar.

But there are companies that are paying their fair share of taxes – and on the face of it, it may well be, and I am not going to pre-empt it, and I have my own views on this – that when we ask



the two tax professionals to start working and reviewing the transfer-pricing arrangements. That is the key. This is where it is all happening.

1285 The transfer-pricing arrangements, which companies have in place and this is why my first GBC  
interview when I was appointed as the Minister for responsibility with taxation, I went to GBC and  
I said, 'The reality of the situation is that, I think, the transfer-pricing arrangements are working  
*against* the Taxpayer in Gibraltar.' And it could be as innocuous as this, and I am going to quote  
myself, when I said and I have repeated it here time and time again, 'Is it as innocuous as the  
1290 Finance Director of companies in Gibraltar, taking the view that because historically, perhaps,  
there has not been a high level of challenge in terms of tax returns that have been submitted for  
whatever reason, that the view that is taken is that you book profits in the UK because HMRC is  
far more challenging than perhaps Gibraltar has been historically'.

So, Madam Speaker, I thought I really ought to share that information with Members opposite,  
1295 but I would like to say that I am very grateful for the hon. Member supporting this Bill.

Would you like me to answer the other questions or am I taking too long? (*Interjection*) Yes,  
I know that, I have been told that perhaps I tend to speak a little bit too much and a bit more than  
Damon Bossino, sometimes, the hon. Member (*Laughter*) so I do not want to be criticised because  
I hear the criticism on this side of the House and I say, I do not want to fall in the same trap ...

1300

**Hon. Chief Minister:** You make more sense!

**Hon. N Feetham:** You said: have any representations been made? Again, I do not want to call  
people out by name, I do not want to identify companies. I had a meeting in my office earlier this  
1305 week with three individuals, one of them said, 'Minister, in relation to the tax measures that you  
are proposing to make, why are you only taxing us, insurance companies? You ought to be taxing  
everybody else?'

That was an easy one to deal with. Well, Government policy is that clearly should be targeted  
and we are targeting the sector for the reasons that I have explained. And he then said, 'But we  
1310 are the largest contributor of corporate tax in Gibraltar.' That was really easy, when I mentioned,  
actually, that the statistics do not support that, he said, 'Minister, I hope you do not say that in  
Parliament'. Well, I have, because I think it is my obligation to actually say this, so that we are all  
aware of what the information shows. (*Interjection and laughter*) No, not at all. Not on Twitter,  
absolutely not.

1315 How much will we raise? That is a difficult one. I would love to say that this would raise  
significant amounts of revenues for the Government, but will it, for one reason? And the answer  
is in the information that I gave before, when I said that if a significant number of companies are  
actually reporting losses, then what you are doing is using the profitability that we will tax under  
these tax provisions to eat into those losses before he generates a revenue for the Government.

1320 But, of course, unless you eat into the tax losses we will never create tax revenues for the  
Government. So it is not that I do not want to answer, it is that I cannot answer precisely for the  
reason that I gave.

You then said, the hon. Member, in his Ministerial speech, in his statement to Parliament, used  
the words, 'These are important times for taxation in Gibraltar'.

1325 I was carried away, Madam Speaker. I will be honest with you. I was carried away, I am  
enthusiastic, I am so enthusiastic about the work that we are doing; and I believe that the work  
that we are doing is work that has not been done before; and it has not been done before for no  
other reason than this is an area that I enjoy, it is an area that I like, a lot of effort and time is being  
put into this.

1330 So do not read anything sinister in those words, there is no sinister motive at all, it is just a  
reflection of the work that we are doing and we are hoping, Madam Speaker, that by the end of  
the life of this Parliament we will do many good things for the people of Gibraltar.

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

1335 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time.

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

**Clerk:** The Income Tax (Amendment) Act 2024.

### Adjournment

1340 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I move that the House should now adjourn to next Friday at 3 p.m. – Friday, 22nd March.

**Madam Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 22nd March 2024 at 3 p.m. I now put the question, which is that this House do now adjourn to Friday, 22nd March 2024 at 3 p.m.

1345 Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 22nd March, 2024 at 3 p.m.

*The House adjourned at 5.06 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 6.35 p.m.**

**Gibraltar, Friday, 22nd March 2024**

## **Contents**

Prayer .....	2
<b>Order of the Day .....</b>	<b>2</b>
Bills .....	2
First and Second Reading .....	2
Inquiries Act 2024 – First Reading approved .....	2
Inquiries Act 2024 – Second Reading approved .....	3
The Transport (Amendment) Bill 2024 – First Reading Approved.....	42
The Transport (Amendment) Bill 2024 – Second Reading Approved.....	42
The Transport (Amendment) Bill 2024 – Committee Stage and Third Reading adjourned...	44
Adjournment.....	44
<i>The House adjourned at 6.35 p.m.....</i>	<i>44</i>

# The Gibraltar Parliament

*The Parliament met at 3.00 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*

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Inquiries Act 2024 – First Reading approved**

**Clerk:** Meeting of Parliament Friday, 22nd March 2024.

Order of Proceedings: Bills – First and Second Reading.

5 A Bill for an Act to make provision about the convening and conduct of inquiries.  
The Hon. the Chief Minister.

10 **Hon. Dr K Azopardi:** Madam Speaker, if I may, on a point of order, we have not received notice of certification of urgency of this Bill. The normal practice, as far as I have been in this Chair, is I would receive a copy of a letter certifying urgency. We have not received that.

15 **Madam Speaker:** I can confirm that I have received a notice pursuant to Section 35(3) of the Constitution certifying that the Bill is too urgent to permit the expiry of six weeks after the date on which the Bill was published, before proceeding with the same that is dated 21st March 2024.

**Hon. Dr K Azopardi:** Madam Speaker, I would be grateful if a copy could be made available to me in the normal way. That would be useful.

20 **Madam Speaker:** All right. I will make sure you have a copy.

**Clerk:** The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that a Bill for an Act to make provision for the convening and conduct of Inquiries be read a first time.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to make provision about the convening and conduct of inquiries be read a first time.

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

30 **Clerk:** The Inquiries Act 2024.

**Inquiries Act 2024 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the Bill be now read a second time.

Madam Speaker, this Bill updates and modernises the Laws of Gibraltar in relation to the convening and conduct of public inquiries, Madam Speaker, and that is, ironically, all it does. 35 Yet, Madam Speaker, this Bill has become a topic of increased debate in recent days, both in Gibraltar and indeed abroad. It is not often that Gibraltar Law has become the subject of discussion abroad.

So before I start the process of discussing the substance of this Bill's clauses and the amendments offered by Members of the House, let me first restate that through this Bill, as with 40 every action that we take in our executive offices, the only thing the Government is trying to achieve is to protect our country and our people. Going to the most recent aspect of controversy raised by others outside this House, I want to be clear that this Bill will, in effect, ensure that in future the final decision of what information is made public from inquiries rests with Gibraltar's Supreme Court Judges, the Judges of our Court of Appeal and the Supreme Court in London sitting 45 as the Privy Council for Gibraltar.

That is the reality of what this Bill will do in respect of information put before inquiries, the issue that the Hon. the Leader of the Opposition has recently been commenting on, and I will explain that in more detail in my speech on the relevant parts of this Bill as I go through it.

Government here, Madam Speaker, as it does in the UK, the gold standard laws of whom we 50 are incorporating into our *corpus* series through this Bill, will have the power to protect the public interest – not *our* interest, our partisan interest, or our personal interest, but the public interest – by ensuring that any sensitive information that could damage Gibraltar is not put into the public domain.

But the final decision on whether the Government has acted properly or not will rightly be of 55 our Supreme Court Judges who rule on any application through the judicial process, which is completely independent from all and any politics. In the end, therefore, the ultimate and final power of decision will rest with the Supreme Court and not with Convent Place. That is right for all of us.

Not just the Government of today, Madam Speaker, but Governments in the future, and not 60 just citizens today, but future citizens of Gibraltar for another 150 years, if this Act stays on the statute book as long as our current Commissions of Inquiry Act has stayed on our statute book to date. It should give our people the confidence to know that inquiries can investigate whatever they need to in order to make satisfactory conclusions in the public interest

While in that same very public interest, Governments chosen freely and fairly by direct 65 universal suffrage of the people of Gibraltar, whether by a wide or narrower margin returned to office, will be able in good faith to act to make sure that those hostile to Gibraltar cannot access sensitive information that may threaten our people; and even then, always with the guarantee that our independent Supreme Court Judges will be able to assess the probity and actions of any Government that purports to act in this way free of politics.

70

Of course, the Judges of the Supreme Court will potentially be able to allow whatever *they* believe to be publicly known, should be publicly known, to be made known. That is, in effect, our system of Government, not just in relation to these matters and this Bill and this Act if it becomes a law today, but generally in relation to executive power.

Like everyone in this House, Madam Speaker, I am a politician and I can therefore understand why the Leader of the Opposition is trying to make controversy around the substance, the form and the timing of this Bill and even my certification of it, which I did yesterday as you kindly indicated to the House.

Well, Madam Speaker, I am also a lawyer and I can understand why lawyers representing Mr McGrail – who is the subject of the Inquiry currently on foot – are vilifying me and trying to prejudice public opinion against me, against the Government and even against this Bill. I am surprised by how it is being done and the network internationally being deployed in doing so but that, Madam Speaker, is clearly just another tactic designed to put pressure on the Inquiry to find in the way that they would wish it to find, and indeed even to characterise the current Inquiry on foot as something other than an inquiry into an early retirement.

But in light of my opening remarks, I think it is incumbent on this House to consider this Bill calmly and with the interests of our people as our guide. I urge the Leader of the Opposition, in particular, to put his party political interests to one side and to think with a ‘Gibraltar first’ hat on and not just a GSD hat on.

I remind the Leader of the Opposition of his words: ‘I have always said’, he said, ‘that we would co-operate with the Government on issues of public interest.’ He said that on GBC on 8th December 2022. As I discussed, Madam Speaker, with other Members of this House in the course of this debate, the reality underlying our reasons for moving this Bill at this time and in this fashion, I urge him to consider whether he really opposes a Law which will, in effect, allow our independent judiciary the final say to rule on what information it is right to disclose to the public from inquiries when it involves public interest considerations.

Because, Madam Speaker, that is the effect of our changing the law today on the convening and conduct of public inquiries, to modernise the law and to ensure that the Government can act to protect the public interest; but always with the underlying, indeed I would say copper-bottom guarantee, of allowing a review of that decision by our independent judiciary. This, therefore, will make the final decision on public disclosures totally independent of politics and put it in the hands of independent judges. In doing this, therefore, Madam Speaker, we are making Gibraltar’s Laws entirely in keeping, in every material respect and in every point of substance, with the law in England and Wales, something that should be uncontroversial and welcomed by all.

Gibraltar, Madam Speaker, I am sure the House will agree, has been well-served historically by being guided by English law as the model for our common law system. I trust that everyone, Madam Speaker, therefore, on all sides of the House, will continue to believe that it will be well served for Gibraltar to continue to follow English law models in the future. Exactly what we are doing by bringing this Bill and exactly what we have done and have had with the current Act that we have had for 150 years which is, in effect, a carbon copy of the 150-year-old equivalent under the 1888 Act.

So, Madam Speaker, our modernisation of this Bill will be achieved by repealing the current Commissions of Inquiries Act 1888 and replacing it with the proposed new Act in this Bill which replicates, in every material respect, the substantive provisions of the UK legislation relating to public inquiries and which are contained in the UK Inquiries Act of 2005.

There are, nonetheless, a number of necessary differences between the UK Act and the Act which this Bill will make, which relates to the usual adaptation for specific characteristics of Gibraltar as is always the case when transposing a piece of UK legislation into our Law. I will take the House through the main differences and through the clauses of the Bill.

125 The Bill, Madam Speaker, for example, excludes all of the UK Acts' provisions which exist only to accommodate the existence of the devolved administrations in the United Kingdom and which allocate powers and competences between central Government Ministers in Whitehall and those devolved administrations, depending on which has the power in a particular area of activity. Those provisions obviously have no application in or relevance to Gibraltar.

130 Under the UK Act, Madam Speaker, the regime is that each Minister has the power to convene, suspend or terminate inquiries and to exercise the various other powers set out in the 2005 Act in relation to their area of Ministerial responsibility. The Government has opted in Gibraltar for the Bill to retain the existing position whereby those things are done by the Government collectively, rather than by a single Minister acting alone. Again, in the context of the Gibraltar model, it makes more sense to stick to Government rather than including a reference to a specific Minister, but this is not an issue of any divergence of substance from the UK Act.

135 The power for the chairman to appoint assessors, which hon. Members will see in this Bill, is there to assist an inquiry after an inquiry has been established by the Government, and this is a power that vests in the chairman under the proposed Act in Gibraltar as it does in the UK. However, given the potential additional financial costs to the public coffers, the Bill makes the exercise of that power subject to the consent of the Government. And this is already, however, 140 Madam Speaker, a new power that adds to the arsenal of powers available to an inquiry chairman.

Under the United Kingdom Act, Madam Speaker, *some* offences, those which Madam Speaker will see proposed under clause 29(1) – for example, the failure to comply with a notice by the chairman under clause 23 to give evidence or produce documents – may, under the UK Act, lead to offences and prosecutions instituted by the chairman of the inquiry.

145 Madam Speaker, the advice the Government has is that that would be unconstitutional in Gibraltar because section 69 of our Constitution requires the Attorney General to have the power to institute proceedings.

Other offences, and the other offences proposed by the actor in clause 29(2) and 29(3) of the Act, may under the UK Act be instituted only with the consent of the DPP if the chairman of an inquiry seeks to start those proceedings. So what we are proposing here, Madam Speaker, and you will see that in clause 29(6) of the Bill, is that in Gibraltar the institution of proceedings for *all* offences should require the consent of the Attorney General because the Government is advised and believes that this better reflects the Attorney General's primacy in respect of prosecutions under our Constitution, and in that way ensures the constitutionality of the Bill.

155 Madam Speaker, the Government is advised by the draftsman of the Bill as published that there is a drafting error in the Bill in this respect and clause 29(6), as drafted, has the effect of giving the chairman the power, albeit with the consent of the Attorney General, to institute criminal proceedings for an offence in respect of all offences. So as I have just explained, that is not even the case in the United Kingdom. I have given notice of a number of amendments, Madam Speaker, 160 and one of them is *this* and I shall take the House through the detail of that amendment when we get to the Committee Stage.

Madam Speaker, importantly, some of the transitional and saving provisions in clause 37 of the Bill also do not replicate the substantive provisions of the UK Act and are not in the UK Act. Proposed clause 37, subclauses (1), (2) and (3) are in the UK Act. Proposed subclauses (4) to (8) are *not* in the UK Act. The effect of subclauses (4) to (8) is that, when operative, the new Bill will apply to the ongoing McGrail Inquiry. It will do so without affecting the validity and continuity of everything done previously by the Commissioner and others in that Inquiry and it will do so, Madam Speaker, without affecting criminal liability of any person for anything done or not done previously that may constitute an offence. It is a 'saving provision', so to speak.

170 So to be clear, Madam Speaker, everything done to date in respect of the Inquiry currently on foot will be saved and any liabilities incurred to criminal prosecution or sanction will remain. There is no wiping the slate clean.

175 Madam Speaker, obviously the timing of this Bill is so that the new Act *will* apply to the McGrail  
Inquiry; and to be entirely clear, as I mentioned at the start of my remarks, that means that the  
ruling on what is made public from the McGrail Inquiry will not, in the end, have to be a  
Government decision. Whatever decisions a Government may make about disclosures from this  
or any other inquiry in the future will be reviewable in Court; and our Judges, independent from  
the Government, will be able to make the final decision if called upon, on what is to be put in the  
180 public domain and based only upon their independent view of Gibraltar's common good and our  
national interest.

This should make clear, Madam Speaker, that no one should have an issue with the fact that  
Government considers that it is both desirable and appropriate that the main hearing, report stage  
and post-report stage of the McGrail Inquiry should proceed under this much more modern British  
185 legislative framework. Because, first of all, it places procedures, rights and powers in a more  
modern, proper, well-tried-and-tested statutory footing and provides a legal clarity as to the  
availability of certain powers to the Commissioner.

This includes, for example, Madam Speaker, the power to require evidence to be provided in  
the form of written statements, which is in section 23(2)(a) of the Bill and to require production  
190 of documents, etc. without the need for a summons or appearance before the Commissioner, and  
all that, Madam Speaker, is set out in section 23.(2) in subparagraphs (b) and (c).

The Bill will also enable the exercise of powers by the Chairman and the Government in the  
discharge of their respective public responsibilities, to be undertaken by each of them in  
accordance with the proper balance in that respect identified and established in the UK Act and  
195 tested in UK Case Law.

As I have already said outside of this House, Madam Speaker, that includes the power to  
protect the public interest by means of a Government Restriction Notice under proposed section  
21.(2)(a) of the Bill or of the Act. Madam Speaker, this is a power which is held by United Kingdom  
Ministers and which it is right that the Gibraltar Government should also have in a manner that  
200 does not oust, or even try to oust review by a court of the manner of the exercise of that power  
in the usual way.

In other words, like every other power exercisable under our laws, by Ministers or by the  
Government, and given the division of powers which guarantees the sacrosanct rule of Law  
Principles by which Gibraltar and the United Kingdom are governed, the right to exercise this  
205 power will be subject to potential judicial review by a judge of the Supreme Court of Gibraltar.

This is, Madam Speaker, I would have thought, what everyone in this House would agree is the  
best way to ensure that decisions of this nature can be properly taken and then scrutinised, and  
considered independently of politics or political agenda of any party or individual; and therefore,  
Madam Speaker, I am at a loss to explain why the Leader of the Opposition would not want this  
210 to be the case.

Perhaps there is a reason, Madam Speaker, why the GSD would not want rulings about public  
disclosures being made by Ministers in Gibraltar as they are in the United Kingdom and subjected  
to review by independent judges backed by the force of our law, as is the case in the United  
Kingdom. I dare not speculate about the motives of hon. Members opposite. I will leave it to them  
215 to explain to our people why they do not want a law that allows our Judges, backed by the law, to  
be able to decide whether to support or rule against a Government's decision on disclosing  
information from an inquiry.

It should by now, Madam Speaker, I hope to all those in the House, be abundantly clear that  
this Bill secures the rights, liberties and security of Gibraltar and its people. It would be a strange  
220 Member of this House who thought that any Government could use a Bill which gives legal backing  
to the independent judgment of the Supreme Court of Gibraltar with regard to public disclosures  
from inquiries, for its advantage.



225        Additionally, I also want to make it clear, Madam Speaker, that this is not an untrammelled power and is certainly not a power exercisable by a Minister or by a Government to in any way protect the Government, in a party political sense, or a Minister in any personal sense. That is obviously well known to the Leader of the Opposition and to anyone with a legal training.

230        But I want to be explicit in explaining also to our citizens that this is the power that the Government that I lead – and I dare say *any* Government – would never use for the purposes of achieving any personal or partisan advantage to oust any investigations or inquiry into any matter that created any liability, or was designed to avoid any such liability. Indeed, Madam Speaker, as I have said outside of this place, the exercise of this power to issue a restriction notice would be available *only* in order to protect the *general* public interest.

235        That power exists in every democracy and is used by governments across the EU and the developed world, not least in the United Kingdom, in this exact form. Given what I have said already it should be clear to the House, as I have said outside of here, that this would be a power, when exercised, that would be exercised for the benefit of every Gibraltarian and resident of Gibraltar. The powers of the Government would be exercised *only* if it were of the same benefit to a person calling for an inquiry as if it were for the person the subject, or part of the subject, of the work of an inquiry.

240        As much, therefore, Madam Speaker, talking about the current Inquiry and talking about the House in which we sit, as much for the benefit of Ian McGrail and his children as for Keith Azopardi and his children and any other Gibraltarian in equal measure. That is to say, the interest or benefit of every Gibraltarian and resident of Gibraltar in equal measure. Because, Madam Speaker, this Law in this respect and in this clause is designed to ensure that *all* interests are protected, should the need arise to use the power to protect them. But also with the legal safeguard that I have referred to already and guarantee of independence of the potential always for judicial review of by our independent Supreme Court, if invoked, by any party with the necessary legal interest.

250        I want to be clear, also, about the fact that in the event of this power having to be exercised in the context of any inquiry or, indeed, the current Inquiry that the use of the power would only prevent reporting and not inquiry into the issues subject to such a notice. To that extent, Madam Speaker, there is no difference when there is an application, for example, for matters to be heard in camera, which could happen in any case in any matter before the Supreme Court.

255        In this context, the United Kingdom government determined that the nature of the public interest that could arise in an inquiry setting, should permit for a government to make the relevant notice in the public interest and for a judge to be able to review that, rather than having to apply to a judge and await the judicial determination of whether or not the public interest was there.

260        But to restate, this Bill will not prevent anything from being investigated by an inquiry, including the current Inquiry, and if a Government feels it is in the interests of our people not to make certain details public the final decision over whether this happens rests with the independent courts of our country, not our politicians.

265        I also want to make this important point, Madam Speaker. I have heard everything that the Leader of the Opposition has said already about this Bill outside of this place and about this section in particular. I want to put something on the record of *Hansard* for political posterity. Every Gibraltarian and every resident of Gibraltar should know this.

270        If we had lost the election, as we almost did; if the GSD had won the election, as they almost did; if I had not become Chief Minister on this occasion, as I almost did not; if the Hon. Mr Azopardi had become Chief Minister, as he almost did, he and the GSD would be moving this Bill today in identical terms and for identical purposes, he would have received the same trusted advice we have received. He would understand the issues as we understand them and he would be legislating as we are legislating. *That* is the reality.

275

280 So I urge the Leader of the Opposition, by all means, to make the points he needs to make to raise the issues he wants to raise and to make the arguments he wants to make. He does not need my permission to do so. However, I am pleased to invite him to do so when he makes his contribution safe in the knowledge that whatever he wants to say to whip-up people against me or my Government, he need have no real concerns of any substance about this Bill.

285 This Act, when it is passed and assented to, and the effect of it on this or any future inquiry, will be no cause for concern to him or anybody else who is genuinely concerned about the rule of law. The only thing he does need to concern himself about, is explaining to the people of Gibraltar what he so dislikes about the Government having a power in this area, as we have in others, to act in the public interest; but having that power, subject to our judges being able to independently rule on the exercise of the power being given to the Government in this Bill.

290 And this is not the only Act in which we will have powers to act in the public interest, Madam Speaker. We have many powers to act in the public interest, in many Acts, many of them which we inherited from laws made by the GSD.

295 The Gibraltarian people, Madam Speaker, will have heard today how this Government is putting their rights on a stable and secure footing. How we are legislating to protect the public interest, both today and in future, with the legal protection of our independent Supreme Court's ability to rule on these matters in the very best traditions of English law and our established principles of the division of powers between the legislature, this place here; the executive, us here on this side, when we sit in cabinet and act as an executive; and the judiciary and the well-established and entrenched rules of judicial review.

300 Those listening will therefore, I am sure, be wondering why the Leader of the Opposition would seem to object to all of this. They will wonder why someone who has repeatedly tried and failed to gain their confidence to lead Gibraltar, could oppose measures that ensure decisions about inquiries like this will be made by a freely and fairly elected Government, subject to the review of independent judges who have the right to rule against the government of the day, if they consider that appropriate.

305 I hope, therefore, Madam Speaker, that that makes the Government's intentions sufficiently clear in respect of that particular power, whether or not the Opposition will want to continue to hyperbolise here in this debate, as the Leader of the Opposition has done outside of here and despite everything I have already said.

310 Nevertheless, Madam Speaker, let me conclude this introductory part of my address by saying that I hope, having heard my remarks, the Leader of the Opposition will now signal his intent to support the Law that we propose to give effect to; and which will, in effect, give our Supreme Court Judges the final say in law on matters discussed in relation to what should be published by an inquiry.

315 I would hope the Leader of the Opposition will confirm the Opposition's agreement with this Government stance, that once we have exercised a power to act in the public interest it should be independent judges – not politicians – who should be the ones who ultimately decide if we have exercised our powers properly, independent of politics, backed by our laws. And I should remind everyone in this House, Madam Speaker, that when I am referring to judges, I am not referring to a chairman of inquiry or commissioners in an inquiry, I am referring to Judges of the Supreme Court, I am referring to Judges of the Court of Appeal and Judges of the United Kingdom Supreme Court, sitting as the Judicial Committee of the Privy Council.

320 Therefore, Madam Speaker, I certainly hope – although I will not hold my breath – that the Leader of the Opposition's alleged moderation, that he often reminds us of, which he says characterises him, although we do not often see that in this House, will actually be reflected in what he says today about this Bill.

325

330 Finally, Madam Speaker, before I go through the Bill clause by clause and to add further assurance to the House and the nation in the context of the exercise of these particular powers, I want to give the House an undertaking. Hon. Members will know that I hesitate to give undertakings to the House. I do not like even to tell them that I am going to reply to their letters in case I forget, so when I say I am giving the House an undertaking, I want the House to understand that the Government, through me, is going to make a promise, in effect, to the House which it will ensure that it keeps.

335 In the event, Madam Speaker, that the powers ascribed to the Government under this Bill, when it becomes an Act, were to have to be used in the context of the inquiry currently on foot into the early retirement of Ian McGrail, then the Government will not act without a resolution of the whole Cabinet. We will act then, after that resolution, through the Minister for Justice who as the House will know: does not just take an oath as a Minister, as all of us on this side of the House  
340 have done; he does not just take an oath as a Member of this House, as all of us in this House have done; but additionally also takes an oath to protect and defend the rule of Law.

Madam Speaker, now, I consider that each of us on this side of the House, in the exercise of our executive capacities, has an inchoate obligation as part of our functions as Ministers of the Crown to respect and defend the rule of Law. But given the things that have been said by others  
345 about my involvement as a core participant in respect of the inquiry into Mr McGrail's early retirement, I hope that this will also show the good faith in which the Government is approaching this.

Madam Speaker, as I have already said, the substantive provisions of the Bill replicate the UK provisions almost entirely, save as I have already indicated. Hon. Members will have read the  
350 Bill and it may therefore be that they consider its substantive provisions to be self-explanatory, a desirable improvement, in fact, on our current very old inquiries legislation and non-controversial.

355 Clauses 3 to 14 deal with the Government's powers in relation to the establishment of inquiries, the appointment of an individual or a panel of individuals to conduct them, and setting out the terms of reference of the inquiry.

360 Clause 8, Madam Speaker, actually imposes on the Government a new obligation to engage with Parliament in relation to inquiries that it may be proposing to establish, or may have been established. I cannot imagine that anyone would even try to make a credible argument that this is a bad thing, but I may yet be surprised, even in respect of this clause, by the ability of hon. Members opposite to reverse alchemise the good into bad and to seek to turn every social and legal advance proposed by a GSLP Liberal Government into a political kryptonite, which might explain the colour of the Bills, Madam Speaker.

365 Clause 11 requires that appointees to panels must be impartial and sets out the criteria for that; and in fact that is the criteria that is now objectively used in the United Kingdom for appointments and can surely only be welcome. But I refer the House to the point I made a few moments ago about hon. Members so often appearing to take the attitude of the witches in *Macbeth*, who remind us of the hypocrisy of those who cry that '*fair is foul and foul is fair*', as we continue to hover through the fog that surrounds this debate.

370 Clause 13, Madam Speaker, introduces the new power to appoint assessors to assist the inquiry, to which I referred earlier, again this adds a new power to an inquiry chairman and can only be a good thing.

375 Clause 15 gives to the Government the power to suspend an inquiry for such period of time, as appears to the Government, to be necessary for one of only two specified reasons. First, the completion of related investigations; or, second, the determination of related civil or criminal proceedings. It is important to note, Madam Speaker, that this power to suspend is therefore not available for any other purpose or reason. Madam Speaker, there was rife speculation about the potential for the Government wanting to legislate to use *this* power. I suppose speculation rife by those who read the title of the clause and then go on to read the substance of the clause and proposed section.

380 Madam Speaker, this is a new power, in fact, which does not exist in the 1888 Act but is in the 2005 UK Act, which is very specific in its ambit and would not appear to be capable of being made controversial in any material respect once read and understood.

Clause 16, Madam Speaker, is the power to end an inquiry; and an inquiry therefore, Madam Speaker, ends when the report is delivered to the Government and the Chairman notifies the Government that he has fulfilled his terms of reference under section 16(1)(a) and under proposed section 16(1)(b) gives the power to the Government to end an inquiry earlier than that at any time by giving notice to the chairman. But before doing so, the Government must consult with the chairman of an inquiry.

390 Madam Speaker, in this respect, the Government is aware of obviously ill-intentioned or ill-informed comments suggesting that the Government might have been intending to exercise the powers in these sections in some way in respect of the current McGrail Inquiry. Indeed, there has been negative international comment prompted by such ill-intentioned or ill-informed speculation on the part of some, including by some legal advisers involved in that Inquiry.

395 Nothing could be further from the truth, Madam Speaker. I formally put on the record of *Hansard* that it has not been, it is not and it is impossible for the Government to envisage circumstances in which it would wish, or would be persuaded to end the Inquiry into the timely early retirement of Ian McGrail as Commissioner of Police.

400 In fact, as I have confirmed before, from here and outside of this place, the Government is very much looking forward to the commencement of hearings in that Inquiry, and in particular to the release of all relevant evidence adduced before that Inquiry. I said here, Madam Speaker, when I agreed to convene the inquiry that I looked forward to that inquiry identifying the truth, the whole truth and nothing but the truth in respect of the matters which are being inquired into and which are the subject of the terms of reference of the Inquiry. Having seen the evidence filed to date, I am even more looking forward to all of it being made public.

405 I, therefore, want to confirm to the House that neither I nor any of my colleagues in Government would wish to see any delay, suspension or cancellation of the current Inquiry into the early retirement of the former Commissioner of Police; which, let us remind ourselves, Madam Speaker, is what this Inquiry is about and is entitled to be about, despite the very pejorative, untrue references that others make about what the Inquiry is about in order to do maximum damage to Gibraltar. As they do so without regard to the collateral consequences of the effect of their misnomer.

410 As a result, Madam Speaker, I will be moving an amendment at Committee Stage to specifically exclude the potential application of the power to end the current Inquiry on foot. This will provide legal force to the Government's explicit position that we were never intending to exercise the power in this way in respect of the inquiry currently on foot. I should also clarify, Madam Speaker, that we will not be accepting the amendments proposed by the Leader of the Opposition and he may, given what I have said, decide he does not want to move his own proposed amendment, he may have seen my much-more extensive proposed amendments.

420 Clause 17, Madam Speaker, empowers the Government to convert an inquiry started under some other Act, that is to say *not* an inquiry convened under the Commissions of Inquiry Act into an inquiry under *this* new Act. But, Madam Speaker, it is important to note that this applies to inquiries started under other subject-specific legislation that may contain a power to conduct inquiries. It is not a reference to inquiries started under the Commissions of Inquiry Act 1888, which is the Act that we are going to repeal if we pass this Bill.

425 This is evident from two UK provisions in the Bill, namely clause 17(1) that provides section 17 applies whether the original inquiry was caused to be held before or after the commencement of that section; and clause 37(3), which provides that extant inquiries under the Inquiries Act being repealed by this Act will continue as if the former had not been repealed, so there would be nothing to convert.

430

But Madam Speaker, although this comes from the UK Act, given that there are no such inquiries in Gibraltar and there is, in fact, no other such power to convene such inquiries elsewhere in our Law, these UK sections are actually entirely superfluous to our Law. In fact, despite that, they have caused interpretative confusion even in those who have wanted to interpret the clauses in good faith. So for that reason, Madam Speaker, I will be moving an amendment to delete these two otherwise irrelevant clauses at Committee Stage.

Madam Speaker, clause 19 deals with the procedures of and the taking of evidence by an inquiry; and clauses 20 to 23 deal with public access to inquiry proceedings and information.

Clause 20 ensures that, subject to clause 21, the public shall have access to inquiry proceedings and information by either: (a) being able to attend the inquiry or to see and hear simultaneous transmission of inquiry proceedings; and, (b) being able to obtain and view a record of evidence and documents given, produced or provided to the inquiry.

From memory, Madam Speaker, I think during the course of some of the inquiries' public hearings, some of the lawyers in the inquiry, not the Government's lawyers, have referred to wanting to see a clause like this in our Law and being disappointed that there was not such a clause in our Laws.

Clause 21 empowers both the Government and the chairman to impose restrictions on access to certain kinds of identified information that should *not* be disclosed or made available to the world at large through a publication. That is the clause that we have been talking most about. It also empowers both the Government and the chairman to restrict public access to the hearing when it is dealing with such restricted information. Continuing matters in camera, so to speak, is a power that was always available to the chairperson of an inquiry and this power simply extends the determination of that also to include the Government's views, Madam Speaker.

This power relates *only*, however – I restate this, I made the point before but it is important that I make it again – to information, documents or other evidence, which needs to be restricted on one of three grounds. It is legally required to be restricted; or as may be conducive to the inquiry fulfilling its terms of reference it should be restricted; or it should be restricted because it is necessary in the public interest. Having regard, even then, when invoking the public interest to certain statutorily specified matters and these specified matters, Madam Speaker, are set out in clauses 21(4) to 21(5) and include avoiding harm or damage, which includes death or injury, and damage caused by disclosure of commercially sensitive information and damage to Gibraltar's national security, international relations or economic interests.

Again, Madam Speaker, this is not the personal interest of any individual saving someone's embarrassment, any Minister, the party political interest of the political Government, or any part of that whatsoever. It is, in fact, Madam Speaker, a narrowly drafted power which is very conditional in setting out how and when it can be operated; and, Madam Speaker, indeed, given the controversy that has raged, I think it would be useful to actually read the whole clause.

It reads as follows: Restrictions on public access etc.

Clause 21.(1) says this:

Restrictions may, in accordance with this section, be imposed on—

- (a) attendance at an inquiry, or at any particular part of an inquiry;
- (b) disclosure or publication of any evidence or documents given, produced or provided to an inquiry.

Subsection (2) says this:

Restrictions may be imposed in either or both of the following ways—

- (a) by being specified in a notice [*defined as*] (a "restriction notice") given by the Government to the chairman at any time before the end of the inquiry;
- (b) by being specified in an order [*which is defined as*] (a "restriction order") made by the chairman during the course of the inquiry.

Subsection (3) says that:

A restriction notice or restriction order –

– both of them, that is to say either the notice made by the Government or the order made by the chairman:

– must specify only such restrictions –

- (a) as are required by any statutory provision or rule of law; or
- (b) as the Government or chairman considers to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).

And subsection (4) says this:

Those matters are—

- (a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
- (b) any risk of harm or damage that could be avoided or reduced by any such restriction;
- (c) any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the inquiry;
- (d) the extent to which not imposing any particular restriction would be likely—
  - (i) to cause delay or to impair the efficiency or effectiveness of the inquiry; or
  - (ii) otherwise to result in additional cost (whether to public funds or to witnesses or others).

Then subclause (5) descends even further to particulars of what it is that the public interest that one might pray in aid when making a restriction order or restriction notice requires, and it says this:

475

In subsection (4)(b) 'harm or damage' includes in particular—

- (a) death or injury;
- (b) damage to national security or international relations;
- (c) damage to the economic interests of Gibraltar;
- (d) damage caused by disclosure of commercially sensitive information.

Clearly, Madam Speaker, it is therefore fanciful in the extreme to think that this can be a clause and can cause anyone any serious issue.

It is so tightly drafted that the idea that it can be abused in the personal or political self-interest is, in my submission, Madam Speaker, entirely nonsensical. Anyone who makes that point is making the point, either for party political purposes or for the purposes of prejudicing parties against the Government in the context of the inquiry. In other words, the mote in their own eye.

480

The Government is making a Law which it cannot use for its party political interests; it cannot use in the personal interests of a Minister in any way. But the points being made are being made exactly for party political interest or in the personal interest of others.

485

And of course, Madam Speaker, in any event, despite how tightly drafted that clause *is*, the exercise of the power to impose a restriction notice, or indeed we are here concentrating on the Government – because that is where the attack from the Opposition has lain outside of here, and no doubt will lay here – but even a restriction order made by the chairman of an inquiry, who is not a judge of the Supreme Court of Gibraltar, the Court of Appeal or the Supreme Court of the United Kingdom, he is the chairman of an inquiry – if he were to make such an order would be subject to judicial review as well.

490

Then it would be the Judges of our Supreme Court, the Court of Appeal or the Supreme Court depending on whether those appeals were to be taken, who would be making the decision.

And, Madam Speaker, I will just pause for a second, people who are watching might hear that I am talking about the Supreme Court of Gibraltar, then the Court of Appeal and then the Supreme Court of the United Kingdom and there is a clash of nomenclature there because the United Kingdom now calls, what it used to call the Judicial Committee of the House of Lords – which we

495

refer to still as the Judicial Committee of the Privy Council – the Supreme Court. It is for that reason that it may appear that there was an appeal from a Supreme Court to another Supreme Court.

500 Anyway, Madam Speaker, all of that having taken the Parliament through the whole of the clause and the effect of it and the potential for review of it and the potential for appeal of the review of it demonstrates, Madam Speaker, that this is a belt-and-braces piece of legislation which is not open to any of the abuse to which the Government has had to hear.

505 It would potentially be subjecting the current inquiry in the abuse alleged of its powers, which we do not yet have until this Parliament passes it; and I hope, Madam Speaker, that calmer heads will prevail once hon. Members have heard what I have had to say and have looked again at the legislation, and that we will not have to hear in this House some of the things that we have had to hear outside of it.

510 Madam Speaker, clause 23 provides that the chairman of the inquiry will have power to require persons to give evidence and to produce and provide documents and other things.

And clause 24 ensures the application of modern principles of protection of privileged documents, as would apply in civil proceedings.

515 Clauses 26 and 27 make provision for the submissions of reports to the Government and for their publication by the Government or by the chairman, if the Government authorises him to do so. The report, Madam Speaker, must be published in full, except in respect of any matter that could be the subject of a restriction against publication, either an order or a notice provided for under clause 21.

520 Clause 29, Madam Speaker, makes offences. I have given notice of an amendment to clause 29 that I will be moving at the Committee Stage of the Bill. It is what I referred the House to earlier in my reference to the powers of the chairman versus the powers of the Attorney General and the provisions of the Constitution.

525 Clause 30, Madam Speaker, enables the chairman or, after the inquiry has ended, the Government, to certify any failure to comply with Acts in breach of any restriction under clause 21; or an order issued by him under clause 23 for a person to give evidence or produce documents. The court can then make such an enforcement order as it could if the inquiry were proceeding before the court.

Clause 31 provides the inquiry team with immunity from suit; and clause 32 curtails to 14 days the time limits for challenging decisions by judicial review, unless the court grants an extension.

530 Clauses 33 and 34 make provision in relation to costs, expenses of conducting an inquiry and the payment by the Government from public funds.

Clause 35 provides the Government with the power to make rules relating to specified matters relating to inquiries, namely matters relating to evidence and procedure, and the expenses of witnesses under clause 34.

535 Madam Speaker, clause 37 contains the transitory, transitional and saving provisions, to which I have already referred, and which I have confirmed I will be moving an amendment on in order to ensure that the Inquiry into the timely early retirement of Ian McGrail – for that is what it is an inquiry into – should not be subject to the Government’s powers under sections 15 and 16 to suspend or end the inquiry by notice to the chairman.

540 Additionally, Madam Speaker, there is one additional small amendment that should be made to the Bill in section 37, in subsection 3 after the word ‘held’ in line 2, we will move an amendment to add the words: ‘including for the avoidance of doubt, the Commissions of Inquiry Act’. This is to make entirely clear that the reference in subsection 37(4) to existing inquiry extends to inquiries under the current Act and that the McGrail Inquiry is covered by section 37(4).

545 Madam Speaker, given the national and international comment there has been, and there will no doubt be in relation to this Bill, I felt it necessary to provide more detail in my exposition than I would usually have done on any other Bill. I hope that in doing so, I will have provided comfort to those listening that this is a step forward for our jurisdiction and a modernisation of our Law that cannot be impeached, whatever partisan interests others are defending.

550 So, Madam Speaker, for all the reasons I have already set out in my address, I unhesitatingly and wholeheartedly commend the general principles and merits of the Bill to the House.

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

555 **Hon. Dr K Azopardi:** Madam Speaker, well, I will address the issue of the very late amendments that we received just, I think it was, 19 minutes before we turned up in the House today. I will address it as I go along in my contribution.

560 Madam Speaker, anyone watching this spectacle of a Government squirming its way to legislate in this way, of a wounded Chief Minister taking huge flak and criticism locally and internationally but refusing to turn back, will be left with one clear impression.

If Mr Picardo is prepared to take such deep, widespread local and international criticism for the sake of passing this Bill and acquiring these powers over the McGrail Inquiry, then whatever he fears in that Inquiry must be so much worse. So what is there to hide? Why is he running scared? And if he is not running scared, why does he need the powers?

565 Let the judge, the Chairman of the Inquiry, just get on with it. (*Interjection*) If he does not, the jury of the people of Gibraltar may think, rightly, that he is cowering from that process and that this is the only way he thinks he can avoid the worst. But he plays with fire, because he is affecting public confidence in the process, and worse still gambling with our constitutional safeguards and putting all his chips in that spin of the roulette on Number Six.

570 Madam Speaker, he said and acknowledged that they almost lost the election; and that, had they lost it, we would be moving the same legislation.

575 I can tell him that if we had won the election and we had been over there and might have received the same advice – I am not sure if we would have – we would certainly *not* be moving this Bill because it would be seen to affect the Inquiry which is the fundamental criticism that we make on and on again.

580 So we disagree, of course, we note the late amendments that we received, barely 19 minutes before we turned up in this House. Those amendments were desperate afterthoughts after weeks, a couple of criticism, desperate afterthoughts to try to redress a balance and ensure that people think something else of what they already think of this Bill. But they are wholly insufficient, and of course what he does not resile from, Madam Speaker, is the comments that he has made outside of this House that he would contemplate using powers to restrict evidence in the context of the McGrail Inquiry.

585 Indeed, one of the amendments that he makes is to emphasise the application of this Bill to the McGrail Inquiry. If he was so concerned about being seen not to be interfering in that Inquiry, he would simply announce that he would support our amendment and not apply this Bill to the McGrail Inquiry. But he does not do that, he emphasises the reverse.

590 Because, Madam Speaker, we are 17 days away from the start of the McGrail Inquiry, an inquiry that was commenced two years ago under the current law and has been proceeding under it since then. An Inquiry within which the Chairman – the Judge in question – has already so far decided the procedure, the evidence that will be used, what issues are before him, what is admissible or not, what is relevant or not.

595 A judge that has decided that there should be public access to the hearing of the Inquiry via livestream, and a judge who has ruled against the Government's submissions that certain material is not be put before the Inquiry; and repeatedly during his contribution he makes the point that in this Bill there is a power that people can challenge the decisions of the Chairman and go to the Supreme Court on a judicial review.

That power exists already. But the difference is that in this Bill you have got two weeks to do it. Currently you have got three months. So that is the reality.



600 The Judge in question, the Chairman of the Inquiry, has already decided against the Government on certain submissions that sought to exclude material before the inquiry. So how better to load the dice than to change the rules? How better to sidestep the judge than to create powers that do *not* require the Government to ask the Judge for permission when the Government wants to prevent disclosure of information, or ban the public getting to know certain  
605 facts. How better to acquire a nuclear weapon in case everything is going really wrong and it is best to suspend or end the Inquiry or provoke it being derailed.

Of course, today, he says in one of these afterthought amendments, they are not going to apply the power of suspension or ending the Inquiry. But as I will explain it is possible to provoke the Inquiry being derailed. So how better to acquire all these eject buttons to political survival?

610 Madam Speaker, the timing of this Bill is a manifestation of abuse of power, layered arrogantly over previous excesses. A Chief Minister who is a core participant in an Inquiry and who faces serious allegations of misconduct thinks it is perfectly fine to change the ground rules of the process he is involved in and acquire new powers that the Government did not have and can deploy in the Inquiry.

615 This whole situation is nothing short of a scandal and an attack on what good governance is all about. It is done behind a thinly veiled mirage that this is good for people, and a bid for modernisation. It is Orwellian in the extreme and it is trail blazed by a campaign of misinformation on motivation which seeks to bury the truth and hide the reality that everyone, or most people, see.

620 All this is unacceptable, but people are piercing through this transparent attempt to garner a tactical or strategic advantage in an inquiry that raises the most serious reputational issues that threaten the Chief Minister. There is such a desperate fight for political survival that he has sunk to new lows promoting this Bill, which will inevitably benefit him – on self-confessed legal advice by his defence team – under the guise that it is for the public good.

625 All of that is clear, Madam Speaker, when you analyse the chronology, unpick the doublespeak and look behind the curtain of the pantomime in which the Chief Minister has cast himself in a leading role.

But we start this story, as we should, with how it all emerged barely 15 days ago. Because he continues to surprise and disappoint in equal measure. And, Madam Speaker, I probably should  
630 know better. Because when this Bill was gazetted, just two weeks ago, my first reaction was, 'Surely not. Surely the Government, the Chief Minister will not have the gall to try to ram through this Bill ahead of the start of the McGrail Inquiry.'

Speculation was rife when it was published about their intentions – about the intentions of the Chief Minister who is, after all, a core participant in the McGrail Inquiry – that he would seek to  
635 pass this new Law and benefit from new powers before the start of the Inquiry within which his very conduct is being attacked.

But surely not. After all, section 35(3) of the Constitution says very clearly that a Bill must be published for six weeks before this can be discussed in Parliament; and this can only be overcome if the Chief Minister certifies urgency that, in the words of the Constitution:

... consideration of the Bill is too urgent to permit such a delay.

640 So what could possibly be the urgency? After all, the current legislation, the Commissions of Inquiry Act, has been around for 150 years and it has been used in all recent inquiries. And there has been no notice that this was even being considered by the Government. There has been no public clamour for it, no society or association or lobby group was canvassing for a change in our Inquiries Law.

645 There was not even a mention in the manifesto of the GSLP Liberals, not last time in 2023, not the one before that or the one before that in 2015, or the one before that in 2011; and it was not asked for by the chairman of the McGrail Inquiry – we know that because he was not even aware of the Bill until it was published.

650 So if there was not a public call for it, this was not a matter of stated Government policy, and  
the chairman of the McGrail Inquiry did not ask for it, what was possibly the urgency which could  
justify the Chief Minister certifying that the Government, that *he* could not possibly wait and had  
to pass this Bill in the public interest? So that is why, when I first looked at it, it was so clear there  
was no urgency, that I thought, 'Surely, this will not happen now.'

655 Madam Speaker, the Bill was published on Thursday, 7th March. Under the Constitution it  
cannot be taken in this House before 19th April unless the Chief Minister certifies it is too urgent  
to wait. And as the House does not sit in April, the first ordinary opportunity to take this Bill would  
have been in late May.

660 But the very next day, in answer to press questions, the Chief Minister answered all  
speculation. He made clear that he did indeed intend to rush this through Parliament. Well, he  
could only do so if he certified urgency. In other words, that it could not possibly wait. And given  
the question that I asked, Madam Speaker, at the outset of this session, we were unaware that he  
had certified urgency until we turned up in this Parliament.

665 The power to certify urgency, Madam Speaker, is a constitutional power that has to be used in  
a constitutional way, having regard to the role that the Chief Minister has as the elected leader of  
this community. It has to be used for a public purpose and not a narrow political self-interest.

670 The six-week period is there for a good reason, so there can be notice to lawmakers and the  
public of new potential legislation; because, after all, prospective legislation is sometimes clearly  
signposted or flagged months or years ahead in party political manifestos. But sometimes it is not,  
as is the case here, and it is important for Members and the public to get the fullest possible notice  
of intended Laws.

675 That is as basic as being about good governance. It is a period that gives public notice so  
everyone is aware and so there can be proper scrutiny of Governmental intention. It also allows  
proper consideration of the implications of new laws so that you get the best law-making  
underpinned by the most informed debate coming after mature consideration by and awareness  
of the people.

680 The power to certify urgency is there for exceptional cases because sometimes in public  
administration there is a need, in the public interest, to consider a law quickly because there is an  
urgent policy matter that has developed in the national interest, or a public emergency. But that  
power is a power that is curtailed in the interests of good governance and should be exercised,  
mindful of the need that it is a rare power to be exercised in the public interest.

685 It is an abuse of the Constitution and of this House to use that power in your own private  
interest, in your own political interest or in your own pecuniary interest; and what we are seeing  
today is an abuse of good governance. Because, first, the power to certify urgency has been  
abused; and secondly, taking this Bill through Parliament and applying it to the McGrail Inquiry,  
as planned, would be a further abuse of this place, as I will explain.

This rush for the line, *gasping*, has been forestalled by a smokescreen of misinformation.

On Friday 8th March, the Chief Minister confirmed to the press that this Bill would be taken in  
Parliament in the meeting held the following week, in the interests of so-called *modernisation*.

A spokesman for Number Six said:

The Government did not consider it appropriate to seek to communicate with the McGrail Inquiry Commissioner as  
this modernisation of the law is not specific to this Inquiry, although it will be the first to benefit from it.

690 This modernisation is not specific to this Inquiry; but it will be the first to benefit from it.  
How kind and thoughtful of the Chief Minister and how kind of him, because it had not occurred  
to Sir Peter Openshaw, a distinguished English High Court Judge who has lots of experience, to  
have asked for it. And, anyway, why bother to even consult the Judge because it is such an  
obviously great idea. As the Chief Minister has said in another context: 'What a whizz, what a great  
idea'.

How lucky we are, Madam Speaker, to have a Chief Minister who is so thoughtful of making sure he benefits the McGrail Inquiry, even though he is accused of misconduct by some.

But, Madam Speaker, the attempt at making it look as if this was not about the McGrail Inquiry was very short lived. The wheels quickly fell off that wagon; because the reality is very different. Any pretence at maintaining the façade that this Bill was not about, or motivated by the McGrail Inquiry, dissipated just days later.

When he spoke to GBC the following Wednesday, the Chief Minister made what was a damning admission. It turns out that enacting this Bill that contains major new powers, that he would acquire, was suggested to him by his lawyers in the McGrail Inquiry two or three months ago. This amounted to a confession that it was, what he had originally said it was not. Initially, the Government had said that this was not specific to this Inquiry. Quote:

Not specific to this Inquiry.

And now we know, given his admission, that it specifically came about because of this Inquiry, as a result of this Inquiry, and apparently suggested by his own lawyers. The lawyers representing *him*. Those paid to defend *him* and defend *his* interests, want him to pass this Bill. And so does he, clearly. Because, let's be clear: there is no point hiding behind his lawyers. He can reject their suggestion; he is the client. But he has embraced it with open arms for a reason.

His lawyers are there to represent and defend *him* in the Inquiry, to represent and defend Nick Pyle, the former Deputy Governor; and to represent and defend the Attorney General in the Inquiry. So if his legal team came up with the idea and drafted the Bill, at public expense, with his agreement they were looking after *his* interests, his political interests. But, ultimately, he decides he cannot use his lawyers as a shield. He had the choice of whether to do something which was so obviously in his own interest. Because why otherwise would it be suggested?

He could turn around and say, 'Well, you've suggested this but it is going to make me look bad, I might get criticism, people might misunderstand despite the laudable intentions, so I am not going to change the law because it is really not going to look very good two weeks before the Inquiry.'

But he has not; he has embraced it with both hands and here we are. Because, Madam Speaker, that brainwave was not from the altruistic premise that it would be wonderful if Gibraltar modernised its legislation on inquiries and no-one in his defence team said, 'Oh, we are here to defend you, Chief Minister, but why do we not seek to draft something for free and put it to the Government?'

This was not an idea that had occurred to someone in a civil service legal drafting team or Department, in considering an unrelated project to revise our Laws with no obvious other agenda. No, this was a proposal made by his legal team in the Inquiry to help him.

Madam Speaker, there is not even a hidden agenda, it is an open agenda to better further his defence in the Inquiry. Because if it was politically altruistic the answer is simple: do not pass the Bill now, or do not apply it to the McGrail Inquiry.

If it was politically altruistic, they would have asked the Chairman: 'Look, we've just noticed, after 150 years, that it might be a great idea, a whizz, to change our Law three weeks before the Inquiry. What do you think, Sir Peter, do you agree?'

After all, he is the Judge running the Inquiry, the Chairman, and it is *the only Inquiry running in Gibraltar*. It is not as if you have to consult 60 chairmen on 60 inquiries. The *only* inquiry. So he consults the Governor, but not the Chairman. He would not take very long to consult the Chairman of the only current inquiry and they would not need to consult anyone else.

Or does the Chief Minister really have such disregard of the process he is involved in that he no longer cares what the Chairman or the public think about all this? Because the fact that the Chief Minister insists on railroading this through Parliament this week, when we are scarcely 17 days away from the start of the McGrail Inquiry, is for a reason.

745 It is for a reason, and no one has stood up to say, 'You've got to pass this piece of legislation because the inquiry is a farce'. It is chaos, procedurally.

The Chairman has not written to the Chief Minister to say, 'I really need this legislation, because otherwise I cannot do my job.' He has been doing his job for two years, he did not even know this Bill was coming. The reason is: he wants these new powers to be in place when it starts. The Chief Minister wants these powers so he can use them. The mask has unceremoniously fallen away.

750 And when was it that this brainwave occurred? We know, from his television interview, that this was suggested a few months ago – two or three months, he said – because the Chief Minister has said so. But what was the trigger? Was it when the Government did not get some favourable rulings from the Chairman, because we now know, only last week or two weeks ago, that happened three months ago. Was that the moment of realisation that they needed to have a route to get their own way in the Inquiry?

755 Because why bother to ask the Judge for permission to withhold documents when you can tell the Judge that you have decided that you will not disclose, and that you will simply direct the suspension of public access to the live-streaming of the Inquiry, for example, so that the public cannot see the evidence of key witnesses; or, even worse, exercise other powers.

760 As he said to GBC in his first interview on the subject, Madam Speaker, he had acted as quickly as he could to turn around this Bill so that it could be presented at the earliest opportunity. But what an irony, Madam Speaker, because only three weeks ago when we said that they had deliberately delayed the taking of Supplementary Appropriation Bills for years, which had the knock-on effect of delaying the publication of the latest deeply critical Principal Auditor's Report for six years, the Chief Minister gave us a long explanation as to why it was so hard to move quickly and take legislation, because they were so preoccupied on other matters of national importance.

765 Well, Madam Speaker, that analysis did not age very well. As soon as something crops up, which was not even in their manifesto, but appears to be convenient for his defence team in the Inquiry, it is drafted quickly, presented without notice and *hey presto*, certified as urgent so it can be rushed through Parliament. Because we must *modernise, modernise, modernise!*

770 Madam Speaker, this Bill gives the Government powers it does not currently have. Under the current law, the Commissions of Inquiry Act, the Government may issue a Commission appointing an inquiry. That statute does not give the Government powers to suspend an inquiry, or end it, or amend its terms of reference, or constrain disclosure, or redact evidence, or stop things being made public. It does not give the Government those powers.

775 This new Bill does all that, and does so in a way that the Chief Minister, through his legal team – or directly, as Government – will be able to use these powers in defending himself in the Inquiry or sidestepping the chairman of the Inquiry, the independent judge called to decide these questions. Because, under the current law, it is only the chairman, the Judge in question, who currently decides what evidence would be before the Inquiry, or whether the public will have access to information or to witness the proceedings.

780 All of this will change if the Bill is passed. It is unprecedented in Gibraltar; and unacceptable. That is because of the way that this is being done: in a way that changes the rules of the game just before the players are taking the field and loading the match in your favour.

785 And to the key question: *Why now?* That so many people ask themselves, there is only one answer, because of the McGrail Inquiry, because otherwise we would not be here. The suggestion would not have been made and the 150-year Law would have been 151 next year.

790 Madam Speaker, clause 15 of the Bill allows the Government, by notice to the Chairman, to suspend inquiries and it was, before the amendment, that the Chief Minister will move at Committee Stage, 19 minutes before we arrived in this House. It was easily conceivable that the Government could use these powers to the advantage of the Chief Minister.

795 Before exercising those powers, the Government has to consult the chairman, but of course does not have to follow his view. The suspension can be for as long as the Government thinks it necessary, and of course it was obvious that this could kick matters into the further long grass and avoid things coming out.

After all, it had taken the Government 18 months after promising to deliver the Inquiry, in July 2020, to even issue the Commission for the Inquiry. Because from the outset that had the effect that it was unlikely that the hearing of the McGrail Inquiry could be held before the last general election. And that was politically convenient to the Chief Minister.

800 Clause 16 of the Bill allows the Government to end the Inquiry by notice to the chairman. Again, before issuing such a notice, the Government must consult the chairman but is not bound by his advice. Again, a power that was there until we get to Committee Stage because they have given notice of that.

805 Clause 17 allows the Government to convert an existing inquiry, in other words, that one that is already ongoing under a different law or process to one under this Act. To do so, the Government would have needed to consult the chairman of the inquiry that is a similar provision to one that existed in England under the Inquiries Act 2005; and we note the effect of the amendment.

810 Madam Speaker, much has been made that this Bill is a carbon copy of the English legislation. However, in at least one significant aspect it is quite different because if clause 37 of the Bill did not exist, then under clause 17 the McGrail Inquiry would not automatically proceed, as an inquiry, under the provisions of the new Law. It would first have had to have been converted under clause 17.

815 However, the current clause 37 provides that this new Act would apply to the McGrail Inquiry without further debate and without consulting its Chairman. Automatic. So, no wonder that they did not consult the Chairman.

820 If this *had* been a carbon copy of the English legislation, the chairman would have *had* to have been consulted before the new law applied to the Inquiry he was presiding. Instead, in their indecent haste and scramble, the Government have decided to bypass all that. Why bother? And instead create a provision directly and automatically applying the new law to the McGrail Inquiry without even letting the Chairman know that a new law was coming his way that could affect his procedures 17 days before his inquiry started.

825 Of course, all of that is perfectly normal. The English experience under the 2005 Inquiries Act is very different. There, the power to convert a pre-existing inquiry to one to which the new powers applied was used in respect of only *two* pre-existing inquiries. In both cases it was not automatic and in both cases it was some time after the passage of the legislation so that proper consideration could be given to the question.

830 The *Billy Wright Inquiry* was converted in November 2005, six months after Royal Assent of the Inquiries Act. The *Robert Hamill Inquiry* was converted in March 2006, 11 months after the Inquiries Act 2005 was commenced. In both cases there had to be due consideration and consultation with the chairman of those inquiries about what to do. Here, there is a disgraceful rush for the line, without consultation, presenting a *fait accompli* to the Chairman in what people perceive to be utter self-interest.

835 Under this new Act, by virtue of clause 35, the Government may make rules of procedure for the inquiry. Will they also be rushing through some rules that will impact on the McGrail Inquiry?

In England, it took 16 months after the passage of the Inquiries Act to introduce rules. Those rules have been criticised, as well, and need reform. But is it the case here that the Government will introduce rules within less than two weeks? Or will it be enough for them to wield blunt power to influence the inquiry through the main sections?

840 Under clause 21, the Government can issue a restriction notice which may restrict attendance at an inquiry or disclosure or publication of any evidence or documents given, produced or provided to an inquiry. The Government can decide what restrictions it imposes in the public interest, having regard to various matters such as that of *allaying public concern*, or *risk of harm or damage* – which includes damage to national security or international relations, the economic interests of Gibraltar, or commercially sensitive information.

845

Of course, it will not be overlooked that in the McGrail Inquiry, Mr Picardo has already said – through his lawyers – that he is concerned about disclosure and has sought to prevent some on public interest grounds and that this was rejected by the chairman. Under this new Bill, restrictions imposed under clause 21 could continue in force indefinitely under clause 22(5).  
850

Under clause 25 of the Bill if the Government makes submissions to the inquiry that information would risk damage to the economy, then that information shall not be revealed unless the chairman decides it is in the public interest.

Under clause 27, the Government may – after receiving the inquiry report from the chairman – withhold publication of material which it considers necessary in the public interest. Of course, the public interest does not mean the political self-interests of the Government.  
855

Will the Government censor what the public sees or hears when the chairman reports? All those deep powers vested in the Government are not present under the current law.

So the first question is whether the Government intends to exercise any of those powers in the McGrail Inquiry, restrict material or prevent disclosure of material, or prevent the attendance of the public, or the ability of the public to follow it on livestream. If the answer is that the Government would *not* use those powers then why rush through this Bill, or apply it to the McGrail Inquiry? The Chief Minister, in reply to me, can stand up and say, ‘If those are the concerns, we will make sure that this Act does not apply to the McGrail Inquiry.’  
860

But far from being reassuring on that question, what has emerged slowly, Madam Speaker, is confirmation that they would use such powers. Initially, there was the very careful use of language and choice phrases that ruled out ending the Inquiry, but not that the Chief Minister would use some of these powers. But as days have gone by it has become clear, not least after the Chief Minister’s intervention on television on Tuesday, that it is his precise intention to use some of those powers or contemplate its use. We do not know *how*, yet; we do not know *when*, yet. But we do know they are setting it up so as to use them.  
865  
870

That was the crowning moment when, after a few days of a gradual shift, Mr Picardo, the Chief Minister finally admitted that he was contemplating the use of these newly acquired powers and that it could take the form of restricting evidence or restricting access to the Inquiry by the public. That moment confirmed that this is *nothing more*, 17 days ahead of the Inquiry, than an ugly and unsophisticated power grab to influence the Inquiry and to influence how the public consume any criticism of the Government and of him. He has the gall to seek to convince people that it will be for *their* benefit and in the public interest.  
875

He said, during the same interview, that he did not have political interests anymore, because he was not going to seek re-election. But that what he cared about was his personal reputation.  
880

Well, Madam Speaker, if that is the case, I invite him to back our amendment at Committee Stage to ensure these provisions do not apply to the McGrail Inquiry. Because it simply does not look good for him to be perceived to be legislating for himself. If he is concerned about his reputation, then proceeding with this Bill now is one sure way of trashing it.  
885

The use by the Government, by the Chief Minister of these intrusive new powers, which will affect or control the direction or manner of the McGrail Inquiry – when they have skin in the game, because the Chief Minister’s reputation is on the line – is a massive conflict of interest. And who exactly will exercise those powers on behalf of the Government because the key personalities are all mired in conflicts. (*Interjection.*)  
890

The Chief Minister is a core participant. The Attorney General is also before the Inquiry. And so is the office of the Governor that was, through the former acting Governor, Nick Pyle, involved in the original discussions with the Chief Minister that led to Mr McGrail’s departure.

Of course, Madam Speaker, none of this begins to address other granular issues in relation to this legislation which is not the panacea that the Chief Minister has described on television as: ‘The most modern and progressive piece of legislation.’  
895

Indeed, the English Inquiries Act 2005 was severely criticised by human rights organisations when it was passed and UK parliamentarians, as well as senior eminent judges, who repeated  
900 concerns that the independence of inquiries would be affected by such provisions. A parliamentary Select Committee, at the time, criticising the new framework, put it like this: ‘That it strengthened the executive’s position by enabling Ministers not just to decide on the form and personnel of an inquiry before it has begun, but also influence its operation.’

The very senior Law Lord, Lord Saville of Newdigate, who had chaired the *Bloody Sunday*  
905 *Inquiry* and had been consulted on the draft Bill in 2005, wrote to the UK Government in critical terms in relation to the powers to impose restrictions on attendance at the Inquiry, or on the disclosure or publication of any evidence or documents given to the Inquiry. The things that we criticise here today could be abused.

Lord Saville said, and I quote:

I take the view that this provision makes a very serious inroad into the independence of any inquiry and is likely to damage or destroy public confidence in the inquiry and its findings, especially in any case where the conduct of the authorities may be in question.

I take the view that it is for the inquiry panel to determine these matters subject of course to the rights of those concerned, to challenge in court any ruling that it may make or refuse to make.

To allow a Minister to impose restrictions on the conduct of an inquiry is to my mind to interfere unjustifiably with the ability of a judge conducting the inquiry to act impartially and independently of Government as his judicial oath requires him to do.

910 End quote.

And, Madam Speaker, this was a very telling concern expressed in 2005 that it is pertinent to where we are in Gibraltar today. Lord Saville warned that ‘especially in any case where the conduct of the authorities may be in question’, steps taken can destroy public confidence in that process.

915 That is the deep danger the Chief Minister is playing with because he looks as if he is trying to stack the deck. Does he not see the analogy? In the McGrail Inquiry, the conduct of the Government – *his* conduct – is in question. He should step away from legislating now in this area until the McGrail Inquiry is over, because what is there to hide that they need to take such desperate steps?

920 More recently, there has also been well-documented criticism of the English Inquiries Act and calls for reform, especially because of the armoury of powers held by English Ministers. This is clear from reports issued by Select Committees in both the House of Commons as well as the House of Lords. Instead, the Chief Minister’s presentation of the English Inquiries Act is one dimensional, and deliberately so, because that is a self-serving portrayal which glosses over the  
925 gross interference into the McGrail Inquiry and the legal status quo that he threatens through the use of this new Law.

So just because it is a carbon copy, it does not mean it is the best we can do, having regard to the experience of defects that may have been noticed over the last 20 years, and the illustrious criticism of people like Lord Saville. There are things that require better scrutiny. This delicate Bill  
930 should not be rushed through in this way, or now, without real notice or scrutiny. Still less should it be rushed through so as to influence this ongoing inquiry because it is convenient to the Chief Minister’s defence strategy.

There are Bills, Madam Speaker, that are published and await months; and they wait so long that an election comes and they have to be republished because they are there on the programme  
935 for years. But this is a rush job with the only, but arrogant, thought of taking better control of the conduct of the McGrail Inquiry.

I wonder, Madam Speaker, how many people out there looking at this think this is a good idea for Gibraltar and that this is not about naked self-interest? How many people think it is a good idea for us to be in the international press, derided? How many people think it would not be better  
940 for the Government to step back and not apply it to the McGrail Inquiry and allow that inquiry to go on and conclude its work?

So we simply do not accept that this Bill has the innocuous explanation that the Government is seeking to give it because of things that the Government itself has said. And we will not legitimise this desperate scramble.

945 To avoid all that, the Government should pause and consider all the implications and not just adopt the slavish draft produced by the Chief Minister's defence team in the Inquiry, to further his fight for political survival. Because, whether he likes it or not, the Chief Minister's conduct is under scrutiny and investigation in the McGrail Inquiry.

950 Of course, it is an inquiry into the circumstances that led to the retirement of the former Commissioner of Police. And the chairman of the Inquiry will, in due course, have to decide what those circumstances were, and reach findings. But in that Inquiry, Mr McGrail has made allegations of: 'misconduct and corruption at the highest levels of the Government'. Which he says were part and parcel of the circumstances.

955 The Chief Minister denies that and called Mr McGrail a liar last week on television. Those issues are for the Inquiry. But those allegations are there and they are in the public domain, and therefore demonstrate that his conduct is under scrutiny. And so the conflicts, Madam Speaker, are huge.

960 In a television interview, the Chief Minister said he was not conflicted in moving the Bill because he was a lawmaker. But he and others involved in this process, this entire process, *are* conflicted, because this Bill does not get here unless it is certified 'Urgent'. It does not pass this House unless they vote for it. It does not get enacted unless there is assent by the Governor. And it does not get abused unless the Government apply it to the McGrail Inquiry and use it to their political self-interest in the McGrail Inquiry.

965 And on all those stages – certification; passage through Parliament; assent; application to the Inquiry; and use in the Inquiry – there are conflicts left, right and centre. Let me explain why there is a mire of conflicts. When I speak about the Inquiry, I am not talking about the evidence. I am very careful not to talk about the evidence because I have not seen it. And assessing all of that is for the Chairman of the Inquiry.

970 I will not say that Mr McGrail is a liar, even though the Chief Minister did last week on television. And I will not say that the Chief Minister is a liar, although others have made allegations of misconduct or corruption against him. All of that is for the Inquiry. So I reduce my comments simply to explain why there is a mire of conflicts that affect this Bill. A deep, festering swamp of conflicts that is affecting all this and that should make it impossible for this Bill to be considered, **(A Member: Hear, hear.)** still less passed. **(A Member: Yes.)**

975 His legal team in the McGrail Inquiry have made clear that they act for him, the Attorney General and the former Governor. All of that is in the public domain. The Office of the Chief Minister, the Office of the Governor and the Attorney General are all conflicted. So are the Government.

980 So much so, Madam Speaker, that when they decided to commission the Inquiry in February 2022, they explained in a press release that the reason they asked the Governor to formally convene the Inquiry is so that it could not be said that the Chief Minister or the Government were involved in any act relevant to the Inquiry. They made clear in their press release that this was to: 'guarantee independence and the perception of independence'.

985 Fast forward to 24 months after some adverse rulings from the Inquiry Chairman and presumably realising greater pressure of the proverbial noose around their neck – or his neck – all those qualms have gone out of the window. Now it is essential to acquire new powers, and if need be to take centre stage in doing so. But all those personalities involved at different stages of the process are deeply conflicted as can be seen by just a cursory view of the participants and basic facts in the public domain.

990 Madam Speaker, Mr McGrail retired on 9th June 2020, in what seemed the most unexpected way, at least for those who were not involved. Speculation about the circumstances spread quickly. On 11th June 2020, two days later, in this House on the ceremonial session greeting the



arrival of the new Governor, Admiral Sir David Steel, I invited the new Governor to look into the matter in the following terms, quote:

... scarcely 24 hours before your arrival, the Commissioner of Police stood down from his role at least two years ahead of his time. This was a man who ostensibly had all the hallmarks of someone who had energy and zest for his role. His departure was sudden and not signposted by anything he had said or done publicly. There has been, before his departure and thereafter, in some quarters of the press and on social media, speculation as to the discharge of his functions and the circumstances of his departure. In a small community like Gibraltar there is much chatter. Your Excellency, there is a Spanish saying that when the river sounds, it carries water. We have had occasion already to observe that the circumstances were curious and at the very least raise questions that deserve answers. In a small country like ours, the need to ensure that the institutions and authorities are beyond question and that the constitutional checks and balances are strong is crucial. It is also not helpful for anyone, or for democracy, for the speculation that already exists to be left to lie festering. If there is no foundation to the speculation, let it be said. To that extent, Your Excellency, when the Convent issued a bland press release noting the Commissioner's request to retire rather than decisively clarifying matters, it did the opposite. It will, in our view, not do, and that is why we think there need to be clear answers one way or the other.

I am not someone, Your Excellency, who encourages or desires the Governor to have anything but a ceremonial role in our affairs, but the Constitution and the present checks and balances or limited responsibilities being what they are, we hope that you will reflect on this matter in accordance with the provisions that bestow duties upon you in the Police Act. Beyond that, as we have already said, we will pursue questions in this Parliament ...

995 End quote.

On 27th July 2020, in answer to my questions, the Chief Minister told this House that he and the Governor, Mr Nick Pyle, had asked Mr McGrail to retire. He said, quote:

I am sure that this community will want to reflect on the fact that they have heard that the Police Authority, the Governor and the Chief Minister thought it was appropriate to ask the Commissioner to retire under the provisions of section 34 of the Police Act and that, absent that acceptance of the invitation to retire, the thing escalated to section 13 of the Police Act, where the power is in the Governor alone and we move from retirement to resignation with a potential use of the power to suspend.

End quote.

1000

Subsequently, Mr McGrail, through his lawyers, issued a statement that without an independent judicial assessment into the circumstances, there was a real risk to the reputation of Gibraltar as an advanced parliamentary democracy under the rule of law.

1005 On 31st July 2020, Madam Speaker, the Government promised to convene the McGrail Inquiry and did so – with some obvious delay – in February 2022. That Inquiry, to examine the circumstances that led to the retirement of Mr McGrail, is examining such issues that the Inquiry Chairman thinks appropriate.

1010 On 24th March 2021, in this House, in answer to separate questions on the Bland Group security contract and the 36 North Limited – a company that at the time had employees facing allegations of conspiracy to defraud in respect of the Bland security contract – the Chief Minister confirmed that, at that point, the partners of Hassans had a 33% interest in 36 North through a holding company called Astelon Limited. He explained that he was a partner of Hassans, on sabbatical.

1015 In late January 2022, the 36 North case defendants, facing conspiracy to defraud charges in respect of the Bland contract, had a *nolle prosequi* entered into against them by the Attorney General on public interest grounds. At the time, we said that it looked like facts politically uncomfortable to the Chief Minister had been buried.

1020 On 1st March 2023, the Chairman of the McGrail Inquiry granted core participant status to all those three former 36 North case defendants in respect of certain matters before the Inquiry – the so-called *Operation Delhi* issue – the investigation in respect of the alleged hacking and conspiracy to defraud, relating to the Bland security contract and the stated intention to execute search warrants as part of that investigation.

1025 The Chairman of the Inquiry had previously, among others, decided that a number of other parties were core participants, namely Mr McGrail; the Chief Minister, personally; Mr Nick Pyle, then interim Governor; the Attorney General; and the Police Authority. All those were given core participant status in September 2022. Subsequently, the Chairman also made the Government of Gibraltar a core participant at its own request.

1030 And so, Madam Speaker, that quick survey of the chronology displays how interwoven the Government, the Chief Minister and his political interests are in all this. How there is a real conflict between his personal and political interests and the public interest; and how legislating today in a way that will be seen as affecting the McGrail Inquiry – or, worse still, exercising newly created powers – will just be perceived as a self-serving act. Because the matters which the Inquiry will need to examine include the discussions related to the Police’s intention to execute search warrants in respect of the conspiracy to defraud investigation on 12th May 2020, which led to the 1035 36 North case.

On 8th March 2024, *one day* after this Bill had been published, it became clear that the Chairman of the Inquiry had made a ruling in the McGrail Inquiry on 15th December 2023, three months ago, which had refused the Chief Minister’s application to redact documents. In other words, withhold information from documents that were before the Inquiry in respect of the 1040 *Operation Delhi* issue.

He rejected the argument that the Chief Minister had made in the Inquiry that this was a national security risk, using the public interest argument, and he and the Chairman refused to make the restriction order sought. So, is this the issue that arose two-to-three months ago that made them draft and bring this Bill? Or what else was it that led to the two-or-three-month-ago 1045 brainwave?

Is he now going to use the restriction notice procedure to sidestep this ruling? Has he appointed himself as the Court of Appeal from the rulings of the Chairman? The Chairman of the Inquiry has also decided to examine whether there were incentives given to former police officers to procure evidence in a number of cases in which the Chief Minister personally signed letters of 1050 assurance to officers. Will the Chief Minister seek to intervene in any way in relation to that aspect? Is he going to limit evidence? If he does so, he is deeply conflicted having signed those letters of assurance.

The fact is that the powers the Government will acquire – and the Chief Minister will control and drive from a virtual remote control from Number Six – can affect the McGrail Inquiry process, 1055 which is also examining his conduct. Or, is it that there is a hope for a judicial review of any future decision, hence the repeated assertions about judicial review? Is there a hope for a judicial review of any future decision to restrict evidence or withhold access to the Inquiry? Or to introduce rules that undermine the independence or change the course of the inquiry?

Are they hoping that a judicial review will be provoked so that pending a judicial review of those decisions – the decisions that he could make in a few weeks’ time, the McGrail Inquiry – cannot proceed for another two years so that he buys himself time to exit the political stage?

As a core participant in his personal capacity, the Chief Minister is deeply conflicted and should not vote on this Bill. The Government itself is also a core participant, in a separate capacity, and that affects the voting capacities of all Members opposite who should similarly not be seen as if 1065 they are interfering with the process of the Inquiry.

For those reasons, they should also not support the Bill because it is a grotesque and late attempt to alter the balance in an inquiry that was working in a perfectly normal way. (A Member: Hear, hear) So all lawmakers on the Government side are conflicted in one way or the other – the Chief Minister more extremely than the others – but other Ministers also, because 1070 the Government is a core participant and this Bill can only become law if it passes this House and receives assent by the Governor.

The Chief Minister’s interests are aligned with those of Mr Pyle and the Attorney General because they share the same legal representation. So does the Government. The Office of the

1075 Governor is conflicted because of Mr Pyle's involvement in decision-making and needs to understand how this Bill will be perceived.

The Government has, as is well known, since given an £80-an-hour job to Mr Pyle without even thinking how bad that looks, something that compounds the conflict of interests and the sense of that conflict. So, anything that this Bill achieves, by way of new powers, to weaponise the Chief Minister directly, or through his legal team, or potentially doing so, is an affront to the independence of this Inquiry; an affront to justice; an affront to democracy; and an affront to the good governance of Gibraltar. **(A Member: Hear, hear.)** And it would only happen if the Members opposite ignore the terrible conflicts that arise.

1085 In our view, this Bill should not be considered until after the McGrail Inquiry hearings and its report has been delivered and published. At that stage, it could truly be said to be about an untainted agenda and it could be improved and considering without raising the dark shadows it does today. **(A Member: Hear, hear)** To pass it now and apply it to the McGrail Inquiry now will only be seen as a blunt instrument, a savage attempt to hijack the Inquiry in mid-flight.

1090 So the Chief Minister should declare his interest and acknowledging his role as a personal core participant not vote on this Bill – unless it clearly does not apply to the McGrail Inquiry. And other Members opposite also have a choice to make.

1095 Soon enough, they will be immersed in the succession battle to take over from the Chief Minister. So do future leadership aspirants want to be remembered as going along with this? Do they want to adopt this legacy? Because this is a crossroads, let us be very clear, at which people will be remembered if they blindly endorse this assault on good governance. **(A Member: Hear, hear.)**

1100 Let it not be said in the future that Mr Picardo's successor was the coming of the second *Glorious New Dawn* if he or she supports him now. They are still in time not to go down with the ship. So do they want to be seen as backing this decision to change the rules of the McGrail Inquiry in what will look like a thoroughly self-serving act? Is this really how much their jobs are worth, that they are prepared to go down in history as the Government that voted to bring in a Bill, in the face of public outcry and in a way that can only be seen to be self-serving, to try to save the Chief Minister? That they changed the rules of a case they were involved in, where the conduct of the Chief Minister was under scrutiny. Is this how they want to be remembered?

1105 The Minister for the Environment who, for decades, has built a reputation as someone dedicated to Gibraltar's interests in the field of the environment and heritage, does he really want to put all his stock on the card of this Bill?

1110 The Deputy Chief Minister, who silently works behind the scenes: does he want to go down in history as the sidekick to what will be seen as a heinous, self-serving act? Or the former Chief Minister, for eight years, who I have always had respect for and as a young university student voted for in 1988: the Father of the House and longest-serving Member of this House. Is this what he wants to go along with, the perception of changing the rules in their own or Mr Picardo's interest?

1115 Or the Minister for Health, spoken openly as his chosen successor and favourite. Does she wish to own this decision that erodes our democracy now and forever in the future?

1120 What about the Minister for Justice, a man who I always have considered a man of honour. Does he really want to go down in history as the Justice Minister who, in the first 12 months of office, may be said to have breached his solemn and separate oath taken in this House to uphold the independence of the judiciary? **(A Member: Hear, hear)** Is that what he wants said?

1125 And all the other Members opposite: can they really leave this House today, happy that this was the right decision? Or are they not condemning themselves to be remembered in the dusk of their term of office in a very different way to how they had hoped? Because *this* decision will splash each and every one of them.

1125 And the Chief Minister who, despite our differences, he knows I respect, because having been in politics so long and having been the most senior elected Member of this community for 13 years and has, he said on television the other day, concerned as he is about his reputation, does he

really want to trash it all now? Because this is how he will be remembered and this decision will not be remembered favourably. We are still in time, Madam Speaker, we are still in time.

1130 So for all those reasons, Madam Speaker, we are not going to vote for this Bill. We are going to vote against this Bill for the same reasons when it comes to the Committee Stage of this Bill, I will move an amendment to this Bill to ensure that this new Law, if passed, does not apply to the McGrail Inquiry.

1135 If we cannot persuade them to back the amendment or abstain on the Bill, or even one of them to do so, then the Bill will pass with a majority of one. But let it be clear, that majority of one will be based on the central protagonist today and one of the core participants in the McGrail Inquiry, the Chief Minister. Because of that conflict, the majority will be based on one solitary polluted vote.

1140 It will reach a new low for the Government. They will have crossed old boundaries and established new lower standards for them. They will have assaulted our institutions and the independence of these quasi-judicial processes in *this* Inquiry, where the Chief Minister's conduct is under scrutiny. It will be seen to be one of the worst acts of this Government without real precedent for Gibraltar. **(A Member: Hear, hear)**

The reputation of Gibraltar will be worsened. It was already affected because of their actions and things can only get worse, because this is a self-created wound. They did not have to publish this Bill on 7th March.

1145 In the week after publication of this Bill, *Transparency International UK* posted articles on a number of corruption and governance threats in certain countries. Stories about issues in Venezuela, Bangladesh, Saudi Arabia or Russia were uploaded in the very same week, as condemnation of this Bill in Gibraltar. Do we really want to attract that kind of press comment or criticism by an international body and be in the same comparison bag as those countries? Is that really what we want?

1150 Madam Speaker, people are rightly angered and concerned at this turn of events over the last few days. The Government under estimates public concerns or, worse still, disregards them at their peril. People feel their intelligence is insulted, that they are being taken for a ride when the Government says this Bill is for their benefit. They are the servants of the people, the Constitution is the product of the people's wishes. Listen to the people and listen well.

Justice and democracy require that, institutionally, the Government does nothing that actually, potentially or by perception looks as if it is an interference with the work of the McGrail Inquiry; or that could give the Government or the Chief Minister a tactical or strategic advantage in the forthcoming hearing.

1160 This Bill simply looks like a brazen attempt by the Chief Minister to change the rules of the very Inquiry that will investigate his own conduct. What exactly would have happened if Mr Picardo had said he wanted to do this at election time?

1165 So, Madam Speaker, steps should not be taken to pass or commence this Law now or to apply it to the McGrail Inquiry. **(A Member: Hear, hear.)** All this just weaponises Mr Picardo. Weaponises the Chief Minister, potentially affecting the independence of this process and sidesteps the Judge. It creates a change in dynamic where, before, the Judge decided questions and in future procedural issues may be decided by the Government on disclosure of material or more fundamental issues.

1170 To apply this Bill now to an ongoing case where there are serious allegations of conduct against the Chief Minister is plain wrong, unacceptable and a constitutional outrage. **(Several Members: Hear, hear.) (Banging on desks.)**

**Madam Speaker:** Any other hon. Member wish to speak? Yes.

1175 **Hon. R M Clinton:** Thank you, Madam Speaker.

This is probably one of the most important debates we are going to have in this House, and as my colleague the Leader of the Opposition has said, is almost unheard of for this sort of scenario to arise in this place.

1180 Madam Speaker, I have heard the Chief Minister say in his contribution, he said this is about 'Gibraltar first' but, Madam Speaker, that sounds *Trumpian*. In fact it *is Trumpian*. It is not Gibraltar first, it is America first, this is Trump. So the Chief Minister is borrowing Trump's way of speaking and probably thinking.

Madam Speaker, this is not about Gibraltar first this is about the Chief Minister first, always the Chief Minister first.

1185 Madam Speaker, the Leader of the Opposition has clearly outlined how the Chief Minister is conflicted. I am not going to repeat it, but the Ministerial Code includes the expectation that Ministers should protect the integrity of public life; and in particular to observe the ethical standards set out in the seven principles, otherwise known as the Nolan Principles of Public Life. And these are: selflessness, integrity, objectivity, accountability, openness, honesty and  
1190 leadership.

Madam Speaker, in seeking to introduce this Bill, Ministers really need to consider whether they are truly observing these standards. Especially where the Chairman of the McGrail Inquiry, in his communication of 1st March of this year has highlighted the need to, and I quote:

... maintain the integrity of the Inquiry and retain public confidence

1195 Retain public confidence. Madam Speaker, I cannot see how this Bill will retain public confidence. The public have a very real interest in the conduct of the McGrail Inquiry and any attempt by this Government to obstruct or obscure, which obviously seems to be the main intent, any form of public scrutiny may, indeed, raise more serious questions than the original inquiry itself.

1200 That is why the Opposition have proposed an amendment at the Committee Stage, so as to ensure there are no changes to the way the McGrail Inquiry is conducted.

Madam Speaker, that there is linkage between this Bill before the House and the Inquiry, there can be no doubt because the Chief Minister, himself, has stated it publicly that this Bill was suggested three months ago by the Government's legal counsel.

1205 Now, what were the concerns of his legal counsel such that this Law be changed? No concerns were expressed by other participants in the Inquiry nor, indeed, the Inquiry Chairman himself and yet, Madam Speaker, none of them have even been consulted by the Government. So it is perhaps no coincidence that the Government's legal counsel suddenly thought it would be a good idea to update the 1888 Commissions of Inquiry Act at that time, three months ago.

1210 It all seems to make sense and in a publication dated 15th December 2023, three months ago, the Chairman of the Inquiry gave an adverse ruling to a restriction application by the Chief Minister himself to redact certain documents and not to make them public.

He sets out the summary of his rulings, and I quote: 'To serve the principles of open justice'. End quote. The principles of open justice, not a closed shop. Open justice. And these rulings, Madam Speaker, are publicly available on the Inquiry website for all to see.

1215 So the motivation, as was alleged, to suddenly modernise this Act and declare it urgent comes at a time when the Government finds itself unable to prevent the publication of information, which it obviously wants hidden, but this Bill will now allow it the power to hide it, Madam Speaker.

So let us return to the Nolan Principles. The principle of selflessness is defined as:

Holders of public office should act solely in terms of the public interest.

1220 Public interest, not self-interest. Public interest.

Madam Speaker, the Chief Minister it would appear is acting to protect his own interests and those of his associates, and not in the public interest who rightly wish maximum disclosure in the McGrail Inquiry.

One of the other principles, the principle of accountability is defined as:

Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.

1225 Whatever scrutiny necessary, they should not be hiding from scrutiny, they should not be trying to avoid it, they should not be trying to bury anything. They should welcome it openly, transparently, in the open.

Is the Chief Minister in this Bill submitting himself to whatever scrutiny is necessary, I ask myself? It does not appear so, if he is acting on the advice of the Government's counsel who obviously failed to obtain the restrictions to publication the Chief Minister himself applied for.

1230 Madam Speaker, in the same vein as Leader of the Opposition, I appeal to Members opposite to consider what they are being asked to do by their Chief Minister and whether they truly wish to be a part of it and I specifically entreat the Minister for Justice to remember his oath under the Judicial Service Act 2007:

To respect the rule of law.

1235 Madam Speaker, this must not just mean the letter of the law, but the spirit of the law. We in this place pass laws to protect citizens and ensure peace, order and good governance. So I ask him, as Minister for Justice, who is this proposed law seeking to protect? Who is it that will benefit from this law? Is it the general public? Who is it?

1240 Madam Speaker, if he is ever going to offer his resignation to anyone, this would be the Bill to do it on because this is fundamental to our democracy. I know, as Minister for Justice and in fact Minister for Financial Services he takes his job very seriously. This is bigger than any party politics in this place. This is about the pure core democracy of this Parliament and as he will know we have just come out of a very painful FATF grey list removal process, one which a lot of people put a lot of effort into; and there are lots of stakeholders and now, Madam Speaker, we find ourselves as a jurisdiction being criticised of political corruption by *Transparency International* and UK national newspapers such as *The Guardian*. I would invite him to reflect on that.

1245 Is he willing to flush this all down the drain just for the self-interest of one individual? This is about Gibraltar, truly about Gibraltar.

1250 So, Madam Speaker, the Minister for Justice and Financial Services needs to weigh this up in his legal mind, and of course the solution is to vote in favour of our amendment at the Committee Stage; and therefore ensure that any suggestion of political corruption or wrongdoing in this jurisdiction which will, as he will know, invariably damage our finance centre's good name, is immediately addressed and put paid to. (**A Member:** Hear, hear)

1255 Madam Speaker, we are our own worst enemies if we pass this Bill, and he will know that. The same, Madam Speaker, applies to all the other Members opposite who may be struggling with their consciences and if they feel intimidated, if they vote with us or do not vote in favour of the Bill, they need only remind the Chief Minister that he has a majority of one, only one, and if they cross the floor his Government and his hubris comes to an end. They have that power, each one of them individually. So they have nothing to fear. They can vote with their consciences and the people of Gibraltar will thank them.

1260 Madam Speaker, the Opposition have proposed a very sensible amendment to this Bill, which addresses the very real public concerns as to what the Government is trying to do.

Madam Speaker, if the Members opposite do not exercise their individual unfettered judgement as they have been elected to do by the people, then history and the people will judge them accordingly. This is not just being watched by the people of Gibraltar, the world is watching us and we need to do the right thing.

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

1270 **Madam Speaker:** Does any other hon. Member wish to speak? No.  
If no other hon. Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Thank you, Madam Speaker. (*Interjection*)

1275 **Madam Speaker:** Yes.

**Hon. Chief Minister:** I thought I was called upon to reply, but I am delighted to hear the same speech again.

1280 **Hon. D J Bossino:** Well, he says that. I must say that we were quite looking forward to listening to quite a few of them, but they seem rather muted this evening (**A Member:** Coy.) and he himself looks rather coy, I must say, not his usual bombastic and confident self. (*Interjection*) I sense something is going on in his mind, as somebody that I have known for many years.

1285 I am afraid to say, Madam Speaker, that one needs to use, what they would probably consider hyperbolic language. But the reality is that what we are witnessing today with the passage of this Bill, should the hon. Members opposite support it, is nothing other than banana republic manoeuvres. This is what we are witnessing here today; and the Hon. Leader of the Opposition talks about, on two occasions, a new low. This is nothing other than a vertiginous drop by the hon. Member opposite and I would, therefore, encourage him not to take this step, not to do so.

1290 The reality is, and the point of objection that we on this side of the House have, is not so much on the detail of the Bill before this House – although there are issues which are controversial – but the fact that they are railroading this *now* and applying it to an inquiry which has been going on by way of preliminary stages for the last two years, and is basically oven ready. It is ready to go!

1295 The Chairman in that Inquiry has ruled on a whole manner of issues. As the Hon. Mr Clinton says, it is all there on the website. So why do it now at the 11th hour? There can only be one answer for it, as my hon. friends have already alluded to.

1300 It is incredibly sad, quite frankly, Madam Speaker, incredibly sad and shameful that Gibraltar should be subjected to this reputational damage once again when the hon. Members are sitting on the side opposite and governing this place. Not just in the context of articles that we have seen issued by *The Guardian*, but also in relation to what we have seen with *International Transparency UK*. That is an embarrassment and an indictment on the hon. Members opposite.

1305 The hon. Member describes this Bill as a carbon copy of the Inquiries Act 2005, the English and Welsh Inquiries Act 2005. Our view is that that in itself does not give us comfort, but in fact it is not true. The hon. Member when he says that, and has made that point outside of this House, is not reflecting reality because there is one particular clause ... and he knows it, and it is a clause which he has made the subject of the amendment, but the substantive effect of that clause is exactly the same which is that this Act, if passed, will apply to the McGrail Inquiry.

1310 That is not a carbon copy of the English legislation and that clause is left substantively intact, and the disapplication of the clauses in relation to suspension and of the ending of the inquiries is meant to do what? What is the purpose of that? Is it meant to give us solace? Is it meant to give comfort to the people out there? That, again, is nothing but window-dressing by the Hon. Chief Minister. That is what he is doing when introducing those amendments 20 minutes before we came to this House, when we received it in our emails. I mean, come on!

1315 The reality is that he then also deletes, with his amendments, clause 17, which deals with the power of conversion. Well of course he does not need it any more. He never needed it in the first place, because he has clause 37(4). What he wants to achieve with this Bill is to make it apply to this Inquiry which, as I said, is ready to go – as the Hon. Leader of Opposition said – in 17 days' time. My goodness, what a joke and what shameful behaviour by this Government.

And he says, in his best altar boy voice, that the people of Gibraltar will benefit from:

[a] more modern piece of legislation.

1320 Which he describes as more progressive. He says that it would ensure greater agility and ability to inquire. How will this Bill ensure these things? How is it more modern? How indeed is it progressive? Even the term, how does that apply to an Inquiries Bill, for goodness sakes? And how is it that the current legislation, which is described as 150 years old – it is in fact 136, but in any event it has been the subject of later amendments – he describes as ‘more restrictive’. Why is it more restrictive?

1325 We do not recognise any of these things. And again as another sop to try and allay concerns he consistently talks about the ability to judicially review decisions. As my learned friend, the Leader of the Opposition has rightly pointed out, that point falls away. You can already judicially review. In fact what this Bill does is it makes it more restrictive, at least in time, because currently the standard law is judicial review, a decision you have got three months from when the decision was taken. This now only gives you two weeks, 14 days. So in fact it is a step backwards.

1330 So what he tries to pray in aid to support this Bill that you can go to the Gibraltar Court and then he gives that explanation and that distinction about the Supreme Courts in England, the nomenclature, all the rest of it. (**A Member:** Hear, hear) That is all just rubbish. That is rubbish with the greatest of respect to him.

1335 So why bring this rushed-through legislation at this late stage when the inquiry chairman has already ruled on all the preliminary points, in particular, as the Hon. Mr Clinton said, in relation to public access. There can only be one reason for that and that is to protect himself and his Government, both of which are core participants in this Inquiry. There can be no other explanation for it and it is clear what he will be using.

1340 Look, if it does not happen, I am sure we would all be very happy. But the reality is he is giving – well I was just about to say ‘himself’. He is giving the Government. It is a term which you see in legislation in Gibraltar, it can either be the Government or the Minister or the Chief Minister. On this occasion the draftsman, I think, quite cleverly uses the Government, I suppose, to distance it from the Hon. the Chief Minister personally.

1345 But look, again, that is wording and window dressing. But the powers that he wants to use are clearly going to be, at least two of them and I am sure there are others that are available to him now – not now, but should it be passed – restrictions on public access, and the publication of reports which he can press the button on because it is going to have an impact on public interest in Gibraltar, which he himself said in the latest rather bizarre interview that he gave to GBC.

1350 When the hon. Gentleman rambles on and does not allow the interviewer – as he does in this House – to ask questions, is because he is nervous. Because the hon. Gentleman is hiding something and that is what we all witnessed in the two interviews, and particularly the last one, when he spent nine minutes to answer two questions from the GBC journalist. And he talks about, basically, that he will be the guardian of Gibraltar’s public interest. *He* will decide.

1355 Now he is telling us again, another sop, that that decision is going to be taken unanimously with all the cabinets. Look, we are trying to persuade at least some of them, we only need one of them to vote with us on this occasion so that this will be toppled but I very much doubt any of them are going to do that, despite their muted response. Nobody banged on the table when he sat down; nobody seems to be wanting to make a contribution in support of this fantastic modern and progressive Bill. None of them are. So I do not hold much store (*Interjection*) that the hon. Member, any hon. Member, will not support the decision of the Hon. the Chief Minister unanimously in Cabinet.

1360 So another sop and something which will have very little effect, and quite frankly will not concern the fears and concerns and the public outcry that there is out there in relation to this. But if this is such good legislation, if this is such good law, which we for other granular issues do not agree, irrespective of the controversial manner in which this is being passed, they have been in office now since 2011! Which bit of that do they not understand?



1370 This Act was introduced in England in 2005. We have even had a public inquiry commissioned by the hon. Members opposite in relation to the Dr Giraldi Home. We had a lengthy debate – and I can tell the new Members on this side of the House who were here on the last occasion, until 11.30 p.m. – in relation to that debate we were here until 2 o'clock in the morning, listening. I think the last contributor was the Hon. Minister Bossano.

1375 No mention was there made of the difficulties that that inquiry had met because it did not have modern and progressive law. It was not mentioned at all. It was perfectly fine. We all know why this is being done. And that was not described as, and I quote, I think it was the Chief Minister in an interview: 'As a Third World dictatorial law' in the past. And he has stooped so low, that is how he is describing this piece of legislation, the current one.

1380 Now, the hon. Member says that presumably in his defence – and I can imagine why he is saying it – that he is doing this on legal advice. I think that was in the first interview in GBC when he talks about, he mentions, *my* theory is, that the reason why the hon. Gentleman mentioned that is to mention the name of the former leader of this party, Sir Peter Caruana, to try somehow and conjure up a sense among at least GSD voters out there, that all is fine because Sir Peter Caruana advised him to do so.

1385 That is why he did it. But that does not assist him at all, because in fact what it does is confirm that he is doing it as a result of legal advice. Why? Because he is a core participant, as Chief Minister of Gibraltar, in this Inquiry. (*Interjection by the Chief Minister*)

1390 No, but listen, the Hon. the Chief Minister mentioned that, and actually has dug a bigger hole for himself because it brings into sharp focus how fundamentally and crucially conflicted he is, and why he should have second thoughts and not introduce this Bill to this House, quite apart from the other web-like facts which the Hon. the Leader of the Opposition has quite expertly taken this House through in his contribution.

1395 Why do we say that the supposedly carbon-copy Gibraltar legislation does not give us any solace? Because actually, if we had had more time and if this was a genuine attempt at modernising Gibraltar legislation – which we say it is not – but if it were, we would be looking at things like the House of Lords' reports in relation to this, where they recommend ...

1400 In other words, England has moved on from 2005, the House of Lords reported I think it was in 2014 and is poised to report again, because they are going to be making further recommendations; and one of the recommendations they are making, I think it was a relation to the equivalent (*Interjection*) exactly, the powers of restriction and then public access and all the rest of it, is that the Minister there – the powers that the Minister currently has, which we suspect he is going to be using if he passes this Bill – should be abrogated, should be no more.

1405 Those are the things that we will be looking at. Why? It makes sense because, I think the Hon. Mr Clinton mentioned it: the reality is, by behaving in this way, the reason why Government set up inquiries – should this Bill be passed and forms part of our statute book – is because there are issues of public concern.

1410 What is actually now causing concern to the public is the behaviour of the hon. Gentleman opposite. So why is he tarnishing the whole process? He started the Inquiry, he professes that he wants all the truth to come out, presumably he is confident – and we do not make a comment about that – he will be totally and the Government will be totally and utterly exonerated, but why tarnish it with this? Why change the goalposts?

Madam Speaker, he talks about trying to give us comfort that there is no intention of ending or suspending the inquiry and now sets this out in law should that be part of the Committee Stage, but that really does not give us any confidence whatsoever. I suspect, as I have just said, that the public shares our views in relation to that.

1415 Because the Hon. the Leader of the Opposition is absolutely correct and right when he says that there has been no public clamour for a change, certainly no request for a change by the chairman of the inquiry; and I have already dealt with the fact that the judicial review ability that there is ingrained in the Bill, it does not assist the hon. Member opposite.

1420 Just to show that he is doing this for his and his Government's own self-interests, is this basic fact. We have known the Hon. the Chief Minister, as I said, the Leader of Opposition now for many years – in fact, I think we started off in politics, and we did start off in politics together – and one of the things that he has by way of political skill and attributes, is that the hon. Member is an artful political chess player.

1425 So he must have weighed in the balance that, in his mind, he knew that this would attract a lot of political flak out there because that is the reality on the ground. That is what people think of him. People are shocked and aghast (**A Member:** Hear, hear) by what he and his Government are going to be doing this evening. They are shocked and aghast by what is happening here and they are not believing anything that he is saying.

1430 And he knows, because as he rightly pointed out in a rare burst of political humility when he started off saying, and acknowledging, and it is a fact that he nearly lost that election, the last general election. But actually I was told only yesterday – it did not dawn on me – that he is the only sitting Chief Minister who did not top the poll, and that is a reflection of what people are thinking of his Government and he himself, personally. (*Interjection*)

1435 No, I am going to say sitting Chief Minister. That is why it is not relevant to the point I am making. So he needs to get his history right and maybe consult the Hon. the Deputy Chief Minister (*Interjection*) because the reality is that what happened in October 2023 is without precedent and I know that that bothers him.

1440 But irrespective of that, he does not really care anymore other than to, as he said in his interview, 'maintain and keep his own personal reputation intact' because if not, we have absolutely no explanation as to why he is doing what he is doing, and we get the sense that he really, deep down – not he, but his friends – he does not have their support. That is a sense that we get.

1445 Now, let me just end by saying this. Obviously, he does not like to hear what he is being subjected to on this side of the House but the reality is the hon. Member gets into Bayside School mode. He did it in GBC and he is doing it now and that is because he is nervous. We know him very well and I have known him for many years, he and I were in school together. (*Interjection*)

Sorry?

1450 **Hon. Chief Minister:** That is were I started to beat you.

**Hon. D J Bossino:** Well, I am not so sure that is accurate ...

**Hon. Chief Minister:** Isn't it?

1455 **Hon. D J Bossino:** No, no, no. I was much more popular than he was, that is for sure. (*Interjection*)

1460 Madam Speaker, I ask the hon. Members to consider this. Please be not shackled by any considerations of collective responsibility. You do not need to be, for two reasons. One, in our view, this is a matter of conscience. Quite frankly, it is a matter of conscience and this is a matter of core political integrity.

If you believe the rumours, I know one Minister who was not particularly happy with this. But be that as it may, I suspect that he will not be voting with us on this occasion. But the second reason is that the Hon. Chief Minister is on record, in this House in the past, for having said (*Interjection*) precisely, well yes, exactly, that he does not, oddly, quite frankly, subject his colleagues to the Party Whip; or indeed in this case, because all frontbenchers and Members of the Government, to collective responsibility, that they can vote as they like.

1470 Bear that in mind and form those, that we identify on this side of the House, as being potential leadership contenders. I ask the Minister for Health, who is the anointed one, to not be shackled by that and show leadership and gumption and vote with us. (*Interjection*) I identify the Hon. the Minister for Justice as well, who we think, as political observers, probably has a fair chance at

being Leader of the GSLP, and he should consider showing leadership qualities on this occasion and voting with us, and certainly not supporting this Bill which will hang like a sword of Damocles over him for the rest of his political career.

1475 Or indeed the Minister for the Environment who, I am sure, also may be harbouring ambitions in that regard. Or, indeed, the former the Chief Minister who – one is not ageist – *has* the ability and the intelligence to take over as Leader of the GSLP and the Chief Minister. So I ask them, individually (*Interjections*) to consider their options, or indeed the Deputy Chief Minister.

1480 Why should they all toe the line? They should not toe the line and they should stop this nonsense and stop it now and vote in favour of the Opposition. (*Banging on desks.*)

**Madam Speaker:** Does any other hon. Member wish to speak? Any other hon. Member, no? I call on the mover to reply.

1485 **Hon. Chief Minister:** Madam Speaker, thank you very much for inviting me to reply on the second occasion because I thought you had invited me earlier but, in fact, I am very pleased that we had the opportunity to hear the very lively contribution from Mr Bossino which, as ever, was full of character and devoid of substance as we are so used to.

1490 Perhaps, Madam Speaker, I should start at the end because the Hon. Mr Bossino, I think, has very helpfully demonstrated exactly what the GSD's contributions are all about in the context of this debate. They are all about misunderstanding the most basic concepts that affect Government.

1495 The Hon. Mr Bossino said that I do not subject the Members of the Government to collective responsibility. That is what he said, it is in the *Hansard*. Well, Madam Speaker, of course Members of the Government are subjected to the principle of collective responsibility because when we are in Cabinet together and we make a decision together, even if one of us were to vote against that decision, we are collectively responsible for it. That is what the principle of collective responsibility is.

1500 The principle that I do not subject my fellow Ministers to is the principle that they have to vote the Government line on any issue, and that is a completely different principle. It is the principle that every matter that comes before this Parliament is, as far as I am concerned, a matter that we bring here in the context of wanting to make Gibraltar a better place; and if anybody thinks that on this Bill, or on any Bill I am asking them, or the Minister moving a particular Bill is asking them to vote for something that would not make Gibraltar a better place. I ask them to vote their conscience on everything.

1505 Not just on whether we should have equal marriage, not just on whether we should have the right of women to seek terminations in defined circumstances – which are the things that are traditionally referred to as matters of conscience – not matters of collective responsibility. He needs to get his terminology right to express these different principles.

1510 Even if it is a matter relating to how an inquiry is conducted, it is always going to be about the betterment and improvement of Gibraltar. And so if there is anybody on these benches who does not believe that this Bill is to pursue the public interest of Gibraltar and the Gibraltarians, whatever vilification we may be subject to, by them, or outside of Gibraltar, then they should vote for the Opposition amendment, or indeed not vote for the Bill.

1515 That is how I have run it. Not today on this Bill, Madam Speaker, that is how I have run it for 12 very successful years with a lot of legislation under our belt; and it is not to do with the principle of collective responsibility. It is exactly to do with Bayside and WestSide and St Bernard's and St Joseph's and Bishop Fitzgerald and Governor's Meadow and all of the schools that hold the future generations of Gibraltarians that we all, in our different ways, love and cherish and for whom we act in everything that we do. Not just my children, *our* children and our children's children when they come, the future generations of Gibraltarians for whom we act in everything  
1520 that we do.

So if he wants to tell me that I am in Bayside mode, I can tell him I am in the mode of caring about *all* of the children in Gibraltar, in *all* of our schools and every soul who is a resident here. That is my job.

1525 And the points I have made about my reputation, which he does not appear to have understood, is that although my reputation matters to me, if I have to put my reputation there for Gibraltar and my reputation is trammelled because I am defending Gibraltar, trammel it they can. Because what matters most to me is Gibraltar.

1530 Whatever scorched-earth policy others may be pursuing in respect of Gibraltar, in Gibraltar and outside of Gibraltar, not caring about the consequences and effect on Gibraltar of the things that they or their lawyers may be saying about Gibraltar, it matters to me; and I will act to ensure the protection of Gibraltar and all of the current and future generations of Gibraltar, even if I am vilified because of that.

1535 That is what we will do. That is how we will take the sacred obligation that we took on the day that we formed Government again on 13th October last year, to ensure that everything we do, we do for Gibraltar. Gibraltar first, every time. And that is not Trump's mantra. Trump's mantra is to make America great again.

1540 So we are not being Trumpian by talking about putting Gibraltar first instead of putting our parties first. We are being careful in ensuring that we act in keeping with what we must do in order to protect the people who we are elected by and the people who we are not elected by, the people who cannot vote, the people who come to Gibraltar every day to work, the people who live in Gibraltar every day and the people who will live in Gibraltar in the future.

1545 So, looking at Mr Bossino's contribution and realising that he cannot even understand what the principle that he is saying that we are failing is, he talks about the principle of collective responsibility and then he laughs from a sedentary position. He laughs, obviously realising how ridiculous the rest of his contribution looks if he cannot get a political term of art right when he is making his address, well we have to see everything that they have said through that filter. The filter of trying, the three of them, to get up here to advance their leadership ambitions in front of most of their executive, who they have entreated to come and watch them today, and not the filter of what really matters to Gibraltar.

1550 But let us apply that filter and let us look at the things that they have said and let us dismantle how they have approached this debate. First of all, complaints about the very late amendment. Well, Madam Speaker, it may be that the Hon. the former Deputy Chief Minister of Gibraltar, Mr Azopardi, now the Leader of the Opposition, has forgotten that the Rules of the House say that you move an amendment at the Committee Stage.

1555 You have no obligation to give notice of the amendment before the Committee Stage. (*Interjection*) The only obligation that one has is to put the amendment in writing when you move it. That is to say, in the Committee Stage. And in fact *his* practice and *their* practice, when they were in Government, was to give notice of the amendment in the Committee Stage. So if I gave him 19 minutes before the beginning of the First Reading – although he pretends that that is something somehow to be deprecated – I am very grateful that he has recognised, for the purposes of *Hansard*, that I gave it to him even before the debate had begun. When my obligation under the old Constitution, under the new Constitution, is simply to put the changes I want to make in writing at the time that I move them, first point.

1565 Second, there is no one squirming on this side. What there are, are responsible Ministers acting in keeping with the obligation that we have to protect Gibraltar. If that makes us the subject to attack then it is also our obligation to take those attacks. The hon. Gentleman has led the charge for the Opposition because they have allowed him to, not because the others have not tried. But in doing so, Madam Speaker, he has resorted, as usual, to the type of language that he likes to resort to, to make everything that he says pejorative. That is to say, negative.

1570 In what way, you might say? Well, Madam Speaker, when he talks about 'squirming' you have got to see everything else that he said and put it in context. When he talked about squirming, Madam Speaker, he did not mean I was squirming. Why? Well, Madam Speaker, because when

1575 he called me a highwayman and I referred to him the definition of highwayman and said I thought it was not fair that he should have called me that, he said, ‘Well, I was only making a renaissance illusion and I did not for one moment think that I was suggesting that you were somehow taking things from people or being a thief.’ Exactly what you would mean when you use the word ‘highwayman’:

1580 When he called me a cheat, a month ago, he then came back and said – when I said, ‘Look, I think it is really quite unfair, in the context of this debate, that you should call me a cheat. I have not put my hand in anyone’s pocket.’ He said I know that, of course. I do not mean that. We have known each other for too long. I did not for one moment mean that you were taking anyone’s money, I just thought that the Taxpayer was being short-changed because they did not get value for money. (*Interjection*)

1585 So, Madam Speaker, when he said during the course of his New Year’s address that we had been sentenced to a suspended sentence of eviction, he was mixing his *criminal* pronouns and adjectives with his *civil* ideas. We were sentenced to something because we had a suspended sentence. That only happens when you are convicted of something. You are only convicted of something when you commit a criminal act.

1590 But, of course, then the criminal act of which we are alleged to have been convicted is eviction which is, of course, nothing criminal, it is civil. And therefore in the same way as we are not sentenced to anything when he says that we are sentenced, we are not highwaymen taking anything when he says that we are highwaymen; we are not cheats cheating anything when he says that we are cheats, and he accepts all that.

1595 It is clear that when he says that we are squirming, he does not mean that we are squirming; we are perfectly properly bringing a Bill to this House in keeping with the Constitution – we could not bring it if it was not certified as constitutional – that we believe the Parliament should pass by unanimity; and that even if the Parliament were to pass by unanimity, would not receive Royal Assent if it were not constitutional. In other words, they are not the filter of propriety of legislation, they are the filter of what the ideas behind the legislation may be for and whether they have a better idea.

1600 That is why we talk about the general principles and merits of the Bill, the Second Reading is about debating the general principles and merits of a Bill. It is not about the legality of a Bill. Madam Speaker has much better experience than all of us of considering legalities of laws. That is not done here, that is done somewhere else.

1605 So, Madam Speaker, the hon. Gentleman said that I was obviously prepared to take the criticism that I knew would fall on me when I moved this Bill in this time and in respect of the inquiry that is on foot, because I obviously fear that what is in the McGrail Inquiry is so much worse. Then the Hon. Mr Bossino makes the same point. He says, ‘Picardo is such a good chess player that if he has decided to deal with all of this flack, it is because what is coming is worse.’

1610 *Or not.* Because the other thing that they say, Madam Speaker, is that I am doing this – I think it was the Leader of the Opposition and Mr Bossino who, in effect, delivered the same speech – that said that I was doing this to protect my political position. Madam Speaker, I have *said* what my political position is. I am *going*. I am not going to have my name on the ballot next time to be Chief Minister. *They* are the ones who are saying that they want their names on the ballot to be Chief Minister next time, not me.

1615 So I am not acting out of any self-interest, whatsoever. I have given that away. I am acting for the only thing I have left to care for or act for: our people, our nation, our obligation when we take that oath, when we come here at the ceremonial opening, when I took the oath in the Convent, an oath that Mr Bossino, in particular, has never taken but has long wished to take.

1620 To demean myself in the exercise of my office as Chief Minister – and if demean myself means act properly for Gibraltar, whatever international opprobrium may fall, because it is in the best interests of Gibraltar – then demean myself I will. But not because of my desire to protect my political decision.

1625 So, Madam Speaker, I cannot agree with the Hon. the Leader of the Opposition that in presenting a Bill for this House to make for Gibraltar the same Act that the United Kingdom has, I am somehow playing with fire. There may be some who are playing with fire with their scorched-earth approach to the McGrail Inquiry. It is not the Government, Madam Speaker. It is not the Government.

1630 'Gambling with constitutional safeguards', Mr Azopardi said we were. With what constitutional safeguards? What? That the Bill cannot move for six weeks unless I certify it as urgent? And I have certified it as urgent. Well, Madam Speaker, every Act that he was responsible for passing in the time that he was Deputy Chief Minister, did not have to comply with a six-week requirement because it was not in the Constitution.

1635 Neither did the Gibraltar side that went to negotiate the Constitution, that he claims authorship for, seek that there should be a six-week requirement of publication of legislation. It was the UK that required it. (**A Member:** Yes.) And provided the caveat that it could be certified as urgent.

1640 So there is no gambling with constitutional safeguards because you act in keeping with the Constitution to provide the letter that is required to certify; and there is no gambling with constitutional safeguards if the Bill is moved, approved by the Parliament in keeping with the constitutional requirements and receives Royal Assent. And there is no gambling with constitutional safeguards if a Judge, to whom this is taken, says, 'I do not like this Bill, I do not like the application of this Bill, I am going to take the thing I call my blue pencil to a section or to another section.'

1645 The constitutional safeguards are there and they end in London in the Judicial Committee of the Privy Council. Not here from this chair. They end in a court where we have this important division of the legislature where we are now, the executive where we act together as Ministers *and* the judiciary.

1650 So when he gets up and says these things they must clearly be either designed to inflame, or designed to advance his cause against the cause of the guy sitting next to him, or badly designed, like the words 'highwayman', 'cheat', 'sentenced' and 'squirming' which, when pressed, he says do not mean the things that they mean in the ordinary English language version of those words, and which he resiles from the minute he is put under a little bit of pressure.

1655 So I guess, on reflection, the Keith Azopardi I know is thinking: 'Well, no, perhaps my pen went a bit too far with playing with fire and gambling with constitutional safeguards'. Because when this vote is finished we are all going to go back there and have a cup of tea, or we are going to go home to dinner and the Constitution of Gibraltar will be as protected as it always has been, and everybody's life and personal security will continue to be as protected. Because, Madam Speaker, the idea that I am taking these powers for myself, especially after the interviews I have given outside of this place, and the address I have given this House is remarkable.

1660 But the Hon. Leader of the Opposition and his two sidekicks have got up and once again made the point that I am taking power to do, the Chief Minister is taking power to do, when I have expressly said, first of all that the Bill talks in terms of Government, not Minister. Second, that in the context of the McGrail Inquiry I have given an undertaking to the Parliament that we are not going to act other than with a resolution of the Cabinet – that is to say all of us together – and that the Minister for Justice is going to act. So what powers am I ascribing to myself when I am specifically diluting my ability to act?

1670 And I must say, Madam Speaker, I do not think Nigel Feetham needs to be reminded of his oath by hon. Members opposite. I think it is very clear in what his responsibilities are and he would not countenance to act outside of those responsibilities. Neither would I, by the way, but I realise that I am cannon fodder for them.

1675 But in their entreaty to each of the Members here, they say to him that he has sworn his other oath and to be very careful how he votes; and they say to her that because she is the great white hope, as they described her, she should be careful not to be landed with this. And they say to him that he has spent 52 years here, he does not want to now tarnish his reputation with this, although

most of the time they are degrading him; and the Hon. the Leader of the Opposition in 1996 was part of the character assassination of him.

1680 But today it is worth saying, 'Yes, those two'; and to the Deputy Chief Minister they say, 'Well, don't do it!' And that suggests that they have a regard for all of the Ministers sitting here, which they might pretend not to have for me in the context of this debate. Okay. And they entreat them in that way to vote with them. Okay – (*Interjection*) Because they just want one vote, of course.

Like everything that used to happen here until 2007, the majority of one. Nothing particular or peculiar about that. (*Interjection*) Right. Okay.

1685 But what happens, Madam Speaker, if actually all of the people that they have sought to entreat to vote with *them* and not with *me*, calling on them and asking them to take care to ensure that they act in keeping with those principles that they prayed in aid? What happens if they all pray in aid those principles are true to their oaths and vote with me? (*Interjection*)

1690 They are wrong, says Mr Bossino. Just like the people of Gibraltar have been wrong to return us to Government and not them, on four occasions. Everyone who does not vote like them is wrong. Well, look, Madam Speaker, that is a very interesting approach to democracy. It is to suggest that democracy gets it wrong when it does not deliver the result that you want.

1695 So they have sought to attract eight Members of the Government to the light that they put up as if the Members of the Government were moths, and the moths cannot see the light if they do not go to them. Well, Madam Speaker, that shows you the approach to politics that we are seeing from Members opposite. This is not serious, this is not 'Members of the Government, examine your consciences.' And if you believe that the Chief Minister is telling you that he is acting in the public interest of Gibraltar, support him. And if you do not, do not support him.

1700 But I am going to do something which the hon. Members do not appear to have the gumption to do. I am going to say to every Member of my Government, to every Minister sitting here today that they should only vote to support this Bill if they believe that it is in the public interest of Gibraltar to do so; to give the Government, of which they are Members, the power to do things to protect the public interest of Gibraltar. And if anyone does not believe that, they should vote with the Opposition.

1705 Of course, on this and on everything else *that* is to believe that people actually care about the work that they do. That when people make the sacrifice of going into Government, which is a bigger sacrifice than just going into politics and getting extra pocket money. Right? That is to demonstrate that actually you care about your nation.

1710 Madam Speaker, I have been surprised that hon. Members have thought it is reasonable to suggest that the conspiracy that they allege is actually not just of me – and indeed the Attorney General and indeed the former Governor – but I think also the current incumbent of the post of Governor. Because the Hon. Mr Azopardi has said that there is a conflict everywhere now, even in the grant of Royal Assent. I mean, it is absolutely remarkable. This is *Alice in Wonderland* stuff, Madam Speaker. We are going down the rabbit hole of what the Hon. the Leader of the Opposition believes it is reasonable to pretend can be described as a conflict of interest.

1715 This is not serious and frankly, Madam Speaker, to think that simply because in this Bill you changed the time in which a judicial review can be brought from three months to two weeks, and to think that is a bad thing and to vilify it is not to realise that the purpose of that is to ensure that if somebody is going to take a judicial review, whilst an inquiry is ongoing, it does not delay the inquiry. And it seems to me – and this is not a courtroom and we should not turn it into one – that  
1720 it is a point made by somebody who has forgotten that the rules on judicial review today, just like they did under the old Order 53, do not say that judicial reviews have to be brought within three months. They do not say that.

1725 They say that judicial reviews have to be *promptly* brought and in any event within three months. And if you bring a judicial review, sometimes six weeks after a particular Act or eight weeks after a particular Act, or 12 weeks after a particular Act, you may still be too late because the court may decide that there are other triggers which require that it be brought promptly and perhaps even in less than two weeks. So I commend to hon. Members that if they are going to

make points like that they should go back and look at their Order 53, or whatever it is now under the new White Book, but the word 'promptly' has not changed.

1730 So this is not an attack on good governance, Madam Speaker, this is good governance at its best. And the point I made, which Mr Bossino just did not appear to understand, was not that we were making a law which was a third-world law, Madam Speaker, what I said was this: 'I will end my answer to you, just as I started by saying, "Look, we are not bringing the Russian Vladimir Putin restrictive inquiries legislation to Gibraltar.'" I was not comparing the 1888 Act to a third-world dictatorial regime. I was saying that the new Bill we were bringing was not a Vladimir Putin third-world country dictatorial regime. That is what I said. But he has got up in this House and pretended I said the opposite and gave us 15 minutes of that.

1735 What I said was if there is such a thing, they may not even have such a law in Vladimir Putin's Russia. We are bringing the most modern United Kingdom piece of legislation which gives even more ability to an inquiry to inquire into the things that it has been asked to inquire into and report to the Government on.

1740 So again, he gets the basics wrong, Madam Speaker, and then builds an edifice on it which is built on quicksand. That is why they are demolished so quickly. Perhaps that is why they never selected him as leader, Madam Speaker, because they like the charisma but they see the absence of substance, Madam Speaker, just like all of the points that he makes. Although the Hon. the Leader of the Opposition is not too far, I mean, he seems to have discovered the word Orwellian in 2024 and we seem to be subjected to it now in every meeting of the Parliament. Well, once today, twice in the last one, everything is now Orwellian, Madam Speaker.

1745 This is therefore not, as hon. Members have said opposite, a Bill that will benefit *me* under the guise that it is good for the public. It is not obviously a Bill that is benefiting me. I have been in politics for 30 years, I have been in Government for 12 years and I have never had such horrible things said about me.

1750 How is this Bill benefiting me? I am being called names outside of Gibraltar, not just in Gibraltar; and outside of Gibraltar because of the scorched-earth policy that people are taking to this Inquiry and some of their lawyers not caring about what they say about Gibraltar. So how on earth can it be suggested that this is a Bill that is benefiting me?

1755 Madam Speaker, my life would have been a lot better if I had not moved this Bill, but because I am advised I should do it for Gibraltar, I do it for Gibraltar despite the consequences to me. The serious reputational issues that hon. Members say that will arise cannot be worse than the reputational issues that I have am having to go through in the past 14 days.

1760 Madam Speaker, let's be very clear, in the Inquiry in the time that they were in office – remember that one, the inquiry in the time that they were in office, into the former Chief Justice – I was acting with Doughty Street lawyers looking after issues of human rights and representing people in criminal tribunals when they had been charged.

1765 So, Madam Speaker, anyone who thinks that I have moved this Bill for an advantage to myself, to have my name dragged through the mud by Doughty Street lawyers, by *Transparency International* and by *The Guardian* might want to think again about making that point to try and persuade Ministers who sit with me that, somehow, this is something I am doing in my interest and not in Gibraltar's interest.

1770 So I do not see, Madam Speaker, that we have deployed any smokescreen in the press. I really do not see it. This is a Bill that will modernise the law on inquiries in Gibraltar. Frankly, I do not see that just because we have said more, as we have been asked for more information, that we are deploying a smokescreen. In fact, the Hon. the Leader of the Opposition says he has been able to reach conclusions as a result of my *second* interview and my *third* interview.

1775 So frankly, it does not seem to me like we are doing much more than telling the public exactly what we believe is the case, and being very honest and open about things. I am very grateful to see Mr Bossino nodding his head.

It does not seem to me to fit the definition of smokescreen. But then again, Madam Speaker, it may just be that smokescreen, like highwayman, does not mean smokescreen; and like cheat,



1780 does not mean cheat; and like squirm does not mean squirm. So by smokescreen, I take it that what the Hon. the Leader of the Opposition meant was that we were being very frank, very open and very honest about the reasoning that we were deploying as to why we were doing this. *(Interjection)*

1785 So, Madam Speaker, there is no hidden agenda. In particular, given that the Hon. the Leader of the Opposition says he has worked out what we are doing and why, I would have thought that he would find it difficult to maintain his argument that there is a hidden agenda. *(Interjection)* But when he repeatedly says that I want these powers so that I can use them, I almost wonder whether I had failed to read the part of my speech where I said the opposite.

1790 But, Madam Speaker, I guess that what happened was that he wanted to read the part of his speech that he had written, even though the point he had to answer was the opposite one. Well, Madam Speaker, I am used to that, I see him do it in every budget, he cannot get up and answer on the spot.

1795 Then he said, Madam Speaker, and this is important, because it is about testing the quality of what the public in Gibraltar is being told by hon. Members, because they ask the people of Gibraltar who change the Government, or have a low regard for the Government based on the things that they say. In the last meeting of the Parliament, the hon. Gentleman said that I was the only person who was happy that there had been a glorious new dawn on 9th December 2011. And I reminded him that that was utter hyperbole, that he was completely wrong and that, in fact, I could think of at least nine others.

1800 That is to say, the people who became Ministers and our spouses, or then spouses, who might have been very happy indeed, and all our friends and all our Members. So also when he says ‘only’, it does not mean only; when he says, and it might have been a slip, but he said that we did not even mention the McGrail Inquiry in our manifesto, *(Interjection)* I have to refer him, Madam Speaker, he may have misspoken but he said it. *(Interjection)*

1805 The new Bill? Right, well, he said that on one occasion.

1810 On another occasion, Madam Speaker, he said that we had not mentioned the McGrail Inquiry in our manifesto. He may have misspoken, Madam Speaker – well he says he did not say that, but when he checks the *Hansard* he will no doubt accept that he said it, even if he said it by misspeaking. On page 150 of our manifesto under ‘Justice’, there is a whole paragraph on the McGrail Inquiry, Madam Speaker. So he cannot sustain that, and in the same way as he cannot sustain that he cannot sustain much more of what he says.

1815 The current Act is not going to be 151 years old next year if we do not pass this Bill, it might be 137 years old next year if we do not pass this Bill. If we cannot trust him to know what is in our manifesto, to say what he means when he uses words which he then says mean something else, or to count? *(Laughter)* Well then, how can we trust him to reach conclusions as dramatic as the fact that somehow there is something wrong with this Bill and that we are playing with fire and playing with constitutional safeguards, Madam Speaker?

1820 Moreover, the things which he identifies are different about the Gibraltar Act and the UK Act, which he pretends to say I have not dealt with, I had already dealt with in my speech. What we are saying is the same as the UK Act is all of the substance of this Bill, not the transitional provisions. I specifically said that the transitional provisions are different. Of *course* they are different. Of Course they are different.

1825 I am not going to go through the points of his speech with which I agree, but I agree with many of them. The Government’s political self-interest is not the public interest. Of course I agree. It is the point I was making, it is exactly the point I was making. It would not cross my mind to do something in *my* interest whilst invoking the public interest.

1830 And do you know what, Madam Speaker, when all of this is said and done, when the heat goes out of this debate, maybe when the Inquiry is over, he will tell me that he knew that I would never invoke the public interest to try and save my own personal interest. Because we do know each other from many years, and he knows that I would never abuse a power given to the Government in my own pecuniary, self or political interest whatsoever.

1835 Anyone who knows me – perhaps not those who do not know me – knows that that is the case. And if they do not think that of me, they think that of him; and they think it of him, and of him, and of her, and of her, and of him, and of him, and of him. And this is a Government acting to protect the public interest. That is the reality.

1840 So, Madam Speaker, we do not think this is an ugly power grab, we think this is a proper use of the Government's power to bring legislation to this House, to act properly and in order to ensure that Gibraltar is able to protect its public interest as we need. And look, I get that there are criticisms of the 2005 Act, I get that Mr Bossino is able to look at House of Lords Committees that are reporting on the operation of the 2005 Act, and I get that the 2005 Act might be amended one day. But the current state of the 2005 Act is the one that we are bringing into Gibraltar today.

1845 And, by the way, in case he does not know, he is right that the current Act is not only 136 years old, there are some changes that were made to it, he rightly points to one in 2007. Does he know what it was? It was the amendment made by the general amendment brought under the Interpretation and General Clauses Act to change the word 'Governor' to 'Government' in every Act which was listed. That is the amendment that there was to the 1888 Act. So hardly a modernisation beyond the constitutional modernisation that that brought. So I am not fighting for my political survival, Madam Speaker, far from it.

1850 Madam Speaker, the hon. Gentleman then went through a selective set of the facts in the McGrail Inquiry as seen by others. I am not going to go through the facts of the McGrail Inquiry as seen by me, but I thought that that had no place in this debate. It is a matter for him what he says in the context of his contribution. But frankly, as I have said before, I very much look forward to that Inquiry reporting and all of the evidence before the Inquiry being put out there.

1855 Of course, I have seen the evidence because I am a core participant. Of course, there are conflicts of evidence. I am very confident that no one will ever be able to say that there is an allegation of corruption against Fabian Picardo when they see all of that evidence.

1860 It is very easy to speak *in vacuo*; it is very easy to speak on the basis of innuendos; it is very easy to speak against a politician. Politicians are probably less popular than bankers and lawyers and real-estate agents. It is very easy, it rolls off the tongue, to talk about politicians being corrupt. Yes, rolls off the tongue.

But when the evidence is looked at all of that vilification, I think, will be demonstrated to be something that others will regret having pursued as the hon. the Lidl, the Leader of the Opposition, has pursued today. I am sorry I said Lidl instead of Leader of the Opposition, but he is sometimes so cheap in his approach that it does remind me of that cut-price supermarket.

1865 Madam Speaker, we are not going to pollute our political histories by voting in this way, we are going to be honest and true to what we believe and are advised are the best interests of Gibraltar as a whole. I already demonstrated before what I thought Gibraltar was, not just us but our children, our children's children, even the children of those who vilify us; and so, therefore, we will not be put off by an article from *Transparency International*.

1870 But I have to say, Madam Speaker, that I consider *Transparency International* to be a respected body and I believe that they have not had the benefit of all of the information they should have the benefit of in order to be able to make the judgements that they are making from a distance about Gibraltar and about this Bill.

1875 But, look, given the things that the Hon. the Leader of the Opposition has said, which he has said in his own personal self-interest for the purposes of his own political survival, because he is the one being challenged ... I am not; I am going. Perhaps they will take succour from what he has said and take the view that even in Gibraltar there are some people who share the view of *Transparency International*.

1880 As for *The Guardian*, Madam Speaker, one of the most prolific contributors to *The Guardian* in legal terms, if not the most prolific, is Adam Wagner who is one of the legal team on the other side. So I am not going to be surprised any more to see lawyers for Mr McGrail vilifying the Government in public, on social media or see that reflected in the newspapers to which they are contributors.

1885 Madam Speaker, I did not think that the contribution of the Hon. Mr Clinton contained any legal substance whatsoever and we are here debating a law and we are looking at the issues in this Law, which are important. The reference to the seven principles of public life, the Nolan Principles, is one that is relevant to *everything* that we do in Government, it is in our Ministerial Code. We are the first Government to have brought that Code into Gibraltar, to abide by it in the way that we acted, the approach that we take. So if he will forgive me, we are going to take no lessons from him in that respect.

1890 We are not taking a power to hide anything by making this Bill, Madam Speaker, we are taking a power for the whole Government to be able to act. And in the context of the McGrail Inquiry, as I have said with a Resolution of the Cabinet and through the Minister for Justice, to protect the public interest.

1895 If the hon. Gentleman thinks that it is possible to conduct the affairs of a modern democracy with everything being public, always, all of the time – the United Kingdom, the United States, France, Spain, Germany, the most modern states. Of course, they have rules on openness. Some of them have less good rules on historic openness than we do, Madam Speaker, but all of them have caveats about keeping information in the public interest. That is not to hide, Madam Speaker, all of these countries have more sophisticated intelligence mechanisms than we have.

1900 They have Committees that sit in private and hear information that is not shared with other parliamentarians! They have money that they can spend – the hon. Gentleman likes to follow the money – without accounting for that money.

1905 In Spain, they are famously called *fondos reservados*, in the United Kingdom and in the United States they have other ways of using money. So of course there are things which it is in the public interest should not be public. That is not to hide something, Madam Speaker, in the pejorative sense, it is to ensure that those who are hostile to you do not get that information; or in the context of some other instances, even those who are friendly to you, not getting information where you might not be so friendly to them.

1910 Is he not aware of that, really? Has the hon. Gentleman stood for election now on three occasions on the basis that he will put a camera in his office so that everyone could hear every word that he utters? Madam Speaker, transparency is fundamental, but Government is not like Formula One, it is not like the VAR now in football where in some matches you can hear what the referee is being told, or rugby where you hear every word.

1915 Of course, Government involves confidentiality. Of course some files, not in Gibraltar, are stamped 'Top Secret' and some are marked confidential. That is not hiding: that is looking after your interests, the public interest, and keeping some things confidential.

1920 So, frankly, Madam Speaker, I have not really heard anything that the hon. Gentleman has said which is serious. It can be mediatically attractive, hon. Members, of course if I was there on that side perhaps I might have done the same thing. What they have done is to be mediatically attractive, attractive to the media, say things that will be attractive to lay people and to the media and try and rouse things.

1925 When they go to bed tonight they need to ask themselves, however big the lights that carry their headlines may be, whether they did the right thing for our country. I know that moving this Bill, despite all of the personal opprobrium and vilification that has come my way already and will no doubt come in coming days, weeks and perhaps months, I have done the right thing for my people. I have done the right thing for my country and I will be able to look my children in the eye and say, when I had to, I did, and I did the right thing. And if they want to continue trying to beat me by doing the wrong thing I will continue, if necessary, losing to them by doing the right thing.

1930 That is what caring for your country is all about and for all of those reasons, Madam Speaker, heartily and unconvinced by a word that hon. Members have said, I commend the Bill to the House. (*Banging on desks.*)

**Madam Speaker:** I now put the question, which is that a Bill for an Act to make provision about the convening and conduct of Inquiries be read a second time.

1935

**Hon. Chief Minister:** Madam Speaker, I call a division.

*A division was called for and voting resulted as follows:*

FOR	AGAINST	ABSENT
Hon. G Arias-Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez:	
Hon. C P Santos		

**Madam Speaker:** The result of the Division is as follows: nine Members in favour, nine Members against. Carried. (*Banging on desks and laughter*)

Nine! I was just testing!

1940

I will repeat that for the sake of *Hansard*. It has been a long afternoon. The result of the Division is as follows, nine Members in favour, eight Members against. Carried.

**Clerk:** The Inquiries Act 2024.

### **The Transport (Amendment) Bill 2024 – First Reading Approved**

**Clerk:** A Bill for an Act to amend the Transport Act 1998.

1945

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 have the honour to move that a Bill for an Act to amend the Transport Act 1998 be read a first time.

1950

**Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Transport Act 1998 be read a first time.

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

1955

**Clerk:** The Transport (Amendment) Act 2024.

### **The Transport (Amendment) Bill 2024 – Second Reading Approved**

**Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to move that the Bill be now read a second time.

Madam Speaker, section 17 of the Transport Act sets out the special conditions that are to be included in all Road Service Licences for taxis.

1960

Subsections 10, 11 and 12 all dealt with a restriction that had been placed on these licences preventing anyone, other than the registered owner or the first-named driver, from using the Road Service Licence for hire or reward during the months of January, February and March. This

Bill aims to remove this restriction. The removal of this restriction will allow for a more efficient taxi service from which the public will benefit; and I would like to thank the Taxi Association, its President Mr Luis Debono and his team for their positive engagement in this measure.

1965

Madam Speaker, I commend the Bill to the House.

**Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill? Yes.

1970

**Hon D J Bossino:** If I may, Madam Speaker, this is something which, I put it in these terms, the Opposition has no fundamental objection to. I would simply invite the Hon. the Minister to comment as to what the rationalisation is behind this. He talks about greater efficiency but I would ask him, please, to state on what basis it makes the service more efficient. I imagine it simply means that by the removal of the restriction, it means that the second drivers can more freely use the taxi licence without the restrictions which are currently in play.

1975

Secondly, if I may, may I also ask the Hon. Minister to also comment as to whether this legislative initiative is as a result of representations which have been made to him or his Department; and if I may, by whom? I imagine, given that it is receiving, he tells us, the wholehearted support of the Gibraltar Taxi Association, was this prompted by them or was it an initiative which the Government thought it was wise to take?

1980

**Madam Speaker:** Any other hon. Member wish to speak? I call on the mover to reply.

**Hon. Prof. J E Cortes:** Madam Speaker, I am grateful to the hon. Member for indicating the Opposition's support for this. I can explain this is, colloquially, called 'the second driver'. If there is only one driver able to use a taxi then when that driver is not available that taxi will not be used. Whereas now, with the possibility of having two drivers, they can take it in turn so there will be more availability and this, essentially, will improve the city service, which is the one that I think sometimes we feel is falling short of what we would expect.

1985

1990

This has come about as a result of discussions with the Taxi Association. They did raise it with me very soon after I took over the transport portfolio and we have worked together, with their support, in order to bring this to the House. (*Interjection*).

**Hon D J Bossino:** The hon. Member has kindly provided an explanation as to why this is being introduced and he refers to an improvement in the city service. Is he also confident that as a result of this change there will be an improved service to the Airport, in particular, which has been the subject of heavy criticism, rather embarrassingly, not just by the local population but obviously those who visit us?

1995

2000

**Hon. Prof. J E Cortes:** Madam Speaker, yes, indeed, this will be positively reflected.

We also, Madam Speaker, just for way of additional information, have reached agreement with the Taxi Association that the city service will, in fact, be initiated a week before it normally is on 1st April. This time it is going to be on 8th April and we are working with them and it is likely that next year there will be a city service throughout the 12 months of the year.

2005

So, Madam Speaker, with that, I once again commend the Bill to the House.

**Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Transport Act 1998 be read a second time.

2010

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

**Clerk:** The Transport (Amendment) Act 2024.

**The Transport (Amendment) Bill 2024 –  
Committee Stage and Third Reading adjourned**

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2015

**Chief Minister (Hon. F R Picardo):** Madam Speaker, just in procedural terms, the House will know that there are a number of Bills that passed last week their Second Reading, and are now able to go into the Committee Stage and Third Reading. I have not moved the Committee Stage of the Inquiries Bill and the Hon. the Transport Minister has not moved the Committee Stage of the Transport Bill, which means that we are not able to take those Bills in Committee today, although we can take the others.

2020

**Adjournment**

**Chief Minister (Hon. F R Picardo):** So my intention now, Madam Speaker, given the hour and the day of the week, and another commitment that I have with the Minister for Sport, is to adjourn the House now that we are moving into Committee and to take all of the Committee Stages and Third Readings on Monday at 3 o'clock.

2025

So I would formally move that we move to the Committee Stage and move that we adjourn until Monday at 3 p.m.

**Madam Speaker:** I now propose the question, which is that this House do now adjourn to Monday at 3 p.m. I now put the question, which is that this House do now adjourn to Monday at 3 p.m.

2030

Those in favour? (**Members:** Aye.) Those against? Passed.  
This House will now adjourn until Monday at 3 p.m.

*The House adjourned at 6.35 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3 p.m. – 3.35 p.m.**

**Gibraltar, Monday, 25th March 2024**

## **Contents**

Prayer .....	3
<b>Order of the Day .....</b>	<b>3</b>
Bills .....	3
Committee stage and third reading .....	3
The Supplementary Appropriation Bill 2019-2021 – Clauses considered and approved.....	3
The Supplementary Appropriation Bill 2021-2022 – Clauses considered and approved.....	4
The Social Security (Non-Contributory Benefits and Unemployment Insurance Amendment) Bill 2024 – Clauses considered and approved .....	4
The Inquiries Bill 2024 – Clauses considered and approved with amendments .....	4
The Civil Aviation Authority Bill 2023 – Clauses considered and approved with amendments .....	8
The Civil Aviation Authority Bill 2024 – Clauses considered and approved with amendments .....	10
The Income Tax (Amendment) Bill 2024 – Clauses considered and approved .....	12
The Transport Bill 2024.....	12
Clauses considered and approved .....	12
The Supplementary Appropriation Bill 2019-2021; The Supplementary Appropriation Bill 2021-2022; The Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) Bill 2024; The Inquiries Bill 2024; The Civil Aviation Authority Bill 2023; The Civil Aviation Authority Bill 2024; The Income Tax (Amendment) Bill 2024; The Transport Bill 2024: Third Reading approved: Bills passed .....	13
Adjournment.....	14

*The House adjourned at 3.35 p.m. .... 14*



# 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*

## Order of the Day

### BILLS

#### COMMITTEE STAGE AND THIRD READING

**Clerk:** Meeting of Parliament Monday, 25th March 2024.

Committee Stage and Third Reading.

5 The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills, clause by clause.

10 Namely: the Supplementary Appropriation Bill 2019-2021; the Supplementary Appropriation Bill 2021-2022; the Social Security (Non-Contributory Benefits and Unemployment Insurance) Amendment Bill 2024; the Inquiries Bill 2024; the Civil Aviation Authority Bill 2023; the Civil Aviation Authority Bill 2024; the Income Tax (Amendment) Bill 2024; and the Transport Bill 1998.

Madam Speaker, the title of the Bill, although it is not on my crib as such, is the Transport (Amendment) Bill 2024, which amends the Transport Act 1998.

*In Committee of the whole House*

#### **The Supplementary Appropriation Bill 2019-2021 – Clauses considered and approved**

15 **Clerk:** A Bill for an Act to appropriate sums of money to the service for the period ended 31st March 2021. Clauses 1 to 6.

**Madam Chairman:** Clauses 1 to 6 stand part of the Bill.

20 **Clerk:** The Schedule.

**Madam Chairman:** The Schedule stands part of the Bill.

**Clerk:** The Long Title.

25

**Madam Chairman:** The Long Title stands part of the Bill.

**The Supplementary Appropriation Bill 2021-2022 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to appropriate sums of money to the service for the period ended 31st March 2022.

Clauses 1 to 6.

30

**Madam Chairman:** Clauses 1 to 6 stand part of the Bill.

**Clerk:** The Schedule.

35

**Madam Chairman:** The Schedule stands part of the Bill.

**Clerk:** The Long Title.

**Madam Chairman:** The Long Title stands part of the Bill.

**The Social Security (Non-Contributory Benefits and Unemployment Insurance Amendment)  
Bill 2024 –  
Clauses considered and approved**

40

**Clerk:** A Bill for an Act to amend the Social Security (Non-contributory Benefits and Unemployment Insurance Act).

Clauses 1 to 3.

**Madam Chairman:** Clauses 1 to 3 to stand part of the Bill.

45

**Clerk:** The Long Title.

**Madam Chairman:** The Long Title stand part of the Bill.

**The Inquiries Bill 2024 –  
Clauses considered and approved with amendments**

50

**Clerk:** A Bill for an Act to make provision about the convening and conduct of Inquiries.  
Clauses 1 and 2.

**Chief Minister (Hon. F R Picardo):** Madam Chairman, I have given notice of a number of amendments which were circulated last week. I have spoken to those amendments,

55 Madam Chairman and they will be relevant as we go through the Bill. So, I formally tabled the notice I have given of those amendments.

**Hon. Dr K Azopardi:** Equally, Madam Chair, I wrote to you on 15th March so at the appropriate moment we will table our amendments.

60 **Madam Chairman:** All right.

**Clerk:** Clauses 1 and 2.

65 **Hon. Chief Minister:** Madam Chairman, I have given notice of an amendment in clause 2 to the definition section on date of conversion and I formally move that amendment in clauses 2(1) and 2(2).

**Madam Chairman:** Is that amendment agreed?

70 I now propose the question that clause 1, and 2 or just clause 1? Clause 2, subclause (1) and (2), as amended, stand part of the Bill. Any Member wishes to speak?

I now put the question that the amendment to clauses be made.

Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No) Carried.

75 **Clerk:** Clauses 3 to 16.

**Madam Chairman:** I have to say that clause 2 to stand part of the Bill and we can proceed. Clauses 3 to 16 stand part of the Bill.

80 **Clerk:** Clauses 17 and 18.

85 **Hon. Chief Minister:** Madam Chairman, the next amendment that I am moving relates to clauses 17 and 18, which is for the deletion of those clauses. It is in the first of the notices that I have given, which is the deletion of clauses 17 and 18; and, Madam Chairman, I am conscious of the fact that the Leader of the Opposition has also, I think, moved an amendment which relates to clause 17, that he may want to address now.

**Hon. Dr K Azopardi:** No, Madam Chairman, I am not moving an amendment to 17. My Letter of Amendment refers only to 37.

90

**Hon. Chief Minister:** So the earlier amendment is removed completely, it is not additional?

**Hon. Dr K Azopardi:** I was never making an amendment to clause 17.

95 **Hon. Chief Minister:** I thought your first amendment was to propose that. Okay, well, even easier then, I move the deletion of clauses 17 and 18.

100 **Madam Chairman:** All right, I propose the question that clauses 17 and 18 be deleted from the Bill. Any Member wish to speak? I now put the question that clauses 17 and 18 be deleted from the Bill.

Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) Clauses 17 and 18 are to be deleted from the Bill.

**Clerk:** Clauses 19 to 25.

105

**Madam Chairman:** Clauses 19 to 25 to stand part of the Bill.

**Clerk:** Clauses 26 to 28.

110 **Madam Chairman:** Clauses 26 to 28 stand part of the Bill.

**Clerk:** Clause 29.

115 **Hon. Chief Minister:** Madam Chairman, there is an amendment proposed in limb three under General Administrative Amendments of the letter that I sent, which relates to Section 29 (6), which I have proposed a replacement for and a new subclause (7) to be inserted, which I have also given notice of and also the consequential renumbering of that current subsection (7), which will become subsection (8) as set out in my letter of last week.

120 **Madam Chairman:** I propose the question that clause 29, as amended, stands part of the Bill. Any Member wish to speak?

I now put the question that clause 29, as amended, stands part of the Bill.

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

Clause 29 stands part of the Bill.

125

**Clerk:** Clauses 30 to 34.

**Madam Chairman:** Clauses 30 to 34 stand part of the Bill.

130 **Clerk:** Clauses 35 to 36.

**Madam Chairman:** Clauses 35 to 36 stand part of the Bill.

**Clerk:** Clause 37.

135

**Hon. Chief Minister:** Madam Chairman, in relation to clause 37, first of all, a consequential amendment on the deletion of clauses 17 and 18, which hon. Members can see in Head 1 of the amendment that I circulated on 22nd March in subclause (2), which deals with transitional provisions; and then in clause 2 of what I circulated, which are amendments to ensure that the power to suspend and terminate do not apply to the McGrail Inquiry, there is also an amendment to clause 37(6), setting out what it is that that clause should read and that notice has been given in writing.

140 Also a further amendment to 37(3), which I also spoke to during the course of my contribution on the general principles and merits, which is set out in under general administrative arrangements at 3.4 of my letter of last week.

145

**Madam Chairman:** I propose the question that clause 37, as amended, stand part of the Bill. Any Member wish to speak? Yes.

150 **Hon. Dr K Azopardi:** I am grateful, Madam Chairman, for the reasons explained at length on Friday. We do not consider that this Bill should apply to the McGrail Inquiry and therefore we will be voting against these amendments.

**Madam Chairman:** I now put the question that the amendments to clause 37 be made.

155 Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) Carried.

Clause 37, as amended, stands part of the Bill.

160 **Hon. Dr K Azopardi:** Madam Chairman, can I put my amendment, contained in my letter of 15th March 2024, given that the amendments put forward by the Chief Minister have been carried, I think the effect of that, given the renumbering of the clauses, is that I am moving an amendment to delete 37(3) – the new 37(3), that was 37(4) of the Bill – in the terms set out in my letter of 15th March 2024, although the words “notwithstanding section 17” would be otiose because that section has been removed by virtue of the acceptance of an amendment by majority earlier.

165 But I move the amendment to delete the new 37(3), which was 37(4), and instead to insert a new clause 37(1) in the terms of that set out in my letter of 15th March. For the reasons, explained on Friday, that this Bill should not apply to the McGrail Inquiry.

170 **Madam Chairman:** I now propose the question that clause ... (*Interjection*) Sorry? Yes, I will in a minute, I am going to propose the question and then I will allow.

I propose the question that clause 37, the amendments proposed by the Hon. the Leader of the Opposition, stand part of the Bill. Any Member wishes to speak?

175 **Hon. Chief Minister:** Yes, Madam Chairman, for all of the reasons that I also set out at great length on Friday during the course of our debate on the general principles and merits of the Bill, the Government considers it imperative that this Bill should apply to the McGrail Inquiry. We ventilated that in quite a lot of detail on Friday; and in fact I am surprised, therefore, that given the amendments have already been done to the Bill, other than for the purposes of wishing perhaps for more form than substance, that the Leader of Opposition might have decided to  
180 nonetheless move his amendment that he knows is going to be defeated.

We are going to be opposing this amendment. For one moment, I would ask Hon. Members to consider that it is possible, even though for them it may not appear probable, that the things that the Government are saying *may* be true; and therefore that they would find that when the sweep of history comes they have been taken in by those who have suggested to them that the reasons  
185 that the Government might be acting is anything other than in the public interest of Gibraltar.

And therefore I do hope, Madam Chairman, that despite moving this amendment at this stage, given everything that the Government has already said, perhaps in the future the Leader of the Opposition may wish to confirm that he has been mistaken to take the attitude he has taken in relation to this matter, this Bill and this amendment.  
190

**Madam Chairman:** Does the amender wish to reply?

195 **Hon. Dr K Azopardi:** Madam Chairman, we have not been taken in by anyone. We have made our own judgement in relation to the circumstances which I described at length on Friday and people have heard it and can consume it by listening to it again through the Parliament website.

So I do, indeed, move the amendment standing in my name. We do so for all the reasons that we have expressed through myself, my colleague, the Hon. Mr Bossino and my colleague the Hon. Mr Clinton and all the Members of the Opposition, and we put it forward because we genuinely believe this Inquiry, for those reasons, should not apply. This Bill should not apply to  
200 the McGrail Inquiry.

**Madam Chairman:** I now put the question.

205 **Hon. Chief Minister:** Madam Chairman, I call a Division on this vote.

**Clerk:** Division:

**FOR**

Hon. Dr K Azopardi  
Hon. D J Bossino  
Hon. R M Clinton  
Hon. J Ladislaus  
Hon. G Origo  
Hon. E J Reyes  
Hon. C A Sacarello  
Hon. A Sanchez

**AGAINST**

Hon. G Arias-Vasquez  
Hon. Sir J J Bossano  
Hon. L M Bruzon  
Hon. Prof. J E Cortes  
Hon. N Feetham  
Hon. Dr J J Garcia  
Hon. P A Orfila  
Hon. F R Picardo  
Hon. C P Santos

**ABSENT**

None

210

**Madam Chairman:** The result of the Division is nine Members voting against the amendment, eight Members voting for the amendment. The amendment is not carried.

So clause 37, as amended by the Hon. the Chief Minister, stands part of the Bill.

215

**Clerk:** Clauses 38 to 39.

**Madam Chairman:** Clauses 38 to 39 to stand part of the Bill.

**Clerk:** The Long Title.

220

**Madam Chairman:** The Long Title stands part of the Bill.

**The Civil Aviation Authority Bill 2023 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to provide for the establishment of the Civil Aviation Authority, its functions and composition and for connected purposes.

Part I, clause 1.

225

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I had given written notice following a conversation with the Hon. Mr Bossino to some amendments that we wanted to make, that the Government wants to make to the Bill. Those were circulated on 22nd March and in clause 1 that is substituting 2023 for 2024.

230

**Madam Chairman:** Is the amendment agreed?

**Hon. D J Bossino:** Yes, simply to confirm what the Hon. the Deputy Chief Minister has just said. We had a conversation following our interventions at the First and Second Reading of the Bill and what he sets out in his letter is all the proposed amendments are agreed. I am not sure that we discussed clause 1, but it is certainly something which we will be supporting by way of amendments.

235

**Madam Chairman:** Clause 1, as amended, stands part of the Bill.

240

**Clerk:** Clauses 2 to 3.

**Hon. Deputy Chief Minister:** Yes, Madam Speaker, in clause 3, after the definition of 'Board', the proposal is to insert a new definition, 'Chairperson', which means a person elected by the Minister in accordance with paragraph 1(3) of the Schedule.

245

**Madam Chairman:** Is the amendment agreed?

**Hon. D J Bossino:** Indeed.

250 **Madam Chairman:** Clause 2 to 3 to stand part of the Bill.

**Clerk:** Part II, clauses 4 to 7.

255 **Hon. Deputy Chief Minister:** Madam Chairman, yes, in clause 5 the proposal is to substitute that clause 4(5) and have a new 4(5) which reads: 'A Secretary to the Board shall be designated in accordance with paragraph 1(11) of the Schedule'.

**Madam Chairman:** Is the amendment agreed?

260 **Hon. D J Bossino:** Yes.

**Madam Chairman:** Part II, clauses 4 to 7 to stand part of the Bill.

265 **Hon. Deputy Chief Minister:** So there is an amendment also in clause 4(5) that one is the word 'Chairman' to substitute that for the word 'Chairperson'; and in clause 7(2)(c) for 'staff' substitute that for the term 'employees'.

**Madam Chairman:** Are the amendments to clauses 5 and 7 agreed?

270 **Hon. D J Bossino:** Yes.

**Madam Chairman:** Part II, clauses 4 to 7 to stand part of the Bill.

**Clerk:** Clauses 8 to 13.

275

**Madam Chairman:** Clauses 8 to 13 to stand part of the Bill.

**Clerk:** Part III, clauses 14 and 15.

280 **Hon. Deputy Chief Minister:** Madam Chairman, there are a few amendments to clause 15. The first one in subclause 1(aa), in paragraph (a), for 'directions' substitute that with 'Directions', the first direction now with a capital D. In paragraph (bb), that is simply an amendment which follows on relating to inverted commas. I am not quite sure how to explain that in words but it is clear in writing as it is set out in the letter.

285 In (cc) we propose a deletion of paragraph (c) and then after subclause (1), the insertion of a new clause 1(a), which reads: 'the Minister shall give any directions to the Authority, as may be specified by the Governor, in the interests of the security of Gibraltar'.

Then finally, in relation to clause 15, in subclauses (2), (3) and (4) after subsection (1), insert 'or 1(a)'.

290

**Madam Chairman:** Are the amendments agreed?

**Hon. D J Bossino:** They are and the picture explains it very well.

295 **Madam Chairman:** Part III clauses 14 and 15, as amended, to stand part of the Bill.

**Clerk:** Clauses 16 to 20.

**Madam Chairman:** Clauses 16 to 20 to stand part of the Bill.

300 **Clerk:** Clause 21.

**Hon. Deputy Chief Minister:** Yes, Madam Chairman, in clause 21 there is an amendment to 21(2)(a) where we substitute the word 'employees' for the word 'staff' on both occasions that the word appears.

305

**Madam Chairman:** Is the amendment agreed? Clause 21, as amended, to stand part of the Bill.

**Clerk:** Clauses 22 to 25.

310

**Madam Chairman:** Clauses 22 to 25 to stand part of the Bill.

**Clerk:** Part IV, clauses 26 to 31.

**Madam Chairman:** Part IV, clauses 26 to 31 to stand part of the Bill.

315

**Clerk:** The Schedule.

**Hon. Deputy Chief Minister:** Yes, Madam Chairman, in the Schedule in paragraph 1 in (aa) for subparagraph 6, we want to substitute a new paragraph 6, which now reads: 'A person appointed as a Member of the Board shall have knowledge and experience in:

320

(a) aviation matters, (b) finance, (c) the law relating to civil aviation, or (d) any related field that the Minister considers appropriate.'

In (bb) in subparagraph 9 and 10(a) for 'Chairman' we substitute 'Chairperson'.

325

In (cc) in subparagraph (11) for 'a member of staff' we substitute 'an employee'; and in paragraph 2(aa) and paragraph 2(b) for 'staff', again, we substitute 'employees' and in (bb) we do the same in relation to 2(c).

**Madam Chairman:** Are the amendments agreed?

330

**Hon. D J Bossino:** Yes.

**Madam Chairman:** The Schedule as amended to stand part of the Bill.

**Clerk:** The Long Title.

335

**Madam Chairman:** The Long Title to stand part of the Bill.

**The Civil Aviation Authority Bill 2024 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to Repeal and Replace the Civil Aviation Act 2009, to modernise the regulation of civil aviation in accordance with international obligations of Gibraltar under the Convention on International Civil Aviation, to make provision for the establishment of an aircraft registry and for connected purposes.

340

Part I, clauses 1 to 4.

**Madam Chairman:** Part I, clauses 1 to 4 stand part of the Bill.

345

**Clerk:** Part II, clauses 5 to 8.



**Madam Chairman:** Part II, clauses 5 to 8 stand part of the Bill.

**Clerk:** Part III, clauses 9 to 15.

350 **Madam Chairman:** Part III, clauses 9 to 15 to stand part of the Bill.

**Clerk:** Clauses 16 to 23.

**Madam Chairman:** Clauses 16 to 23 stand part of the Bill.

355

**Clerk:** Clauses 24 to 28.

**Madam Chairman:** Clauses 24 to 28 stand part of the Bill.

360

**Clerk:** Clause 29.

**Hon. Deputy Chief Minister:** Yes, Madam Chairman, there is an amendment here in clause 29 (2) and (3) where for the word 'guide' we want to substitute that for the word 'guidance'.

365

**Madam Chairman:** Is the amendment agreed?

**Hon. D J Bossino:** Yes.

**Madam Chairman:** Clause 29, as amended, to stand part of the Bill.

370

**Clerk:** Clauses 30 to 34.

**Madam Chairman:** Clauses 30 to 34 to stand part of the Bill.

375

**Clerk:** Part IV, clauses 35 to 43.

**Madam Chairman:** Part IV, clauses 35 to 43 to stand part of the Bill.

**Clerk:** Part V, clauses 44 to 45.

380

**Madam Chairman:** Part V, clauses 44 to 45 to stand part of the Bill.

**Clerk:** Part VI, clauses 46 to 48.

385

**Madam Chairman:** Part VI, clauses 46 to 48 stand part of the Bill.

**Clerk:** Part VII, clauses 49 to 54.

**Madam Chairman:** Part VII, clauses 49 to 54 to stand part of the Bill.

390

**Clerk:** Part VIII, clauses 55 to 58.

**Madam Chairman:** Part VIII, clauses 55 to 58 to stand part of the Bill.

395

**Clerk:** Part IX, clauses 59 to 62.

**Madam Chairman:** Part IX, clauses 59 to 62 to stand part of the Bill.

**Clerk:** Part X, clauses 63 to 65.

400 **Madam Chairman:** Part X, clauses 63 to 65 stand part of the Bill.

**Clerk:** Schedule 1.

405 **Madam Chairman:** Schedule 1 to stand part of the Bill.

**Clerk:** Schedule 2.

**Madam Chairman:** Schedule 2 stands part of the Bill.

410 **Clerk:** The Long Title.

**Madam Chairman:** The Long Title stands part of the Bill.

**The Income Tax (Amendment) Bill 2024 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
Clauses 1 to 3.

415 **Madam Chairman:** Clauses 1 to 3 to stand part of the Bill.

**Clerk:** The Long Title.

420 **Madam Chairman:** The Long Title stands part of the Bill.

**The Transport Bill 2024  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Transport Act 1998.  
Clauses 1 to 3.

425 **Madam Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The Long Title.

**Madam Speaker:** The Long Title stands part of the Bill.

**The Supplementary Appropriation Bill 2019-2021;  
The Supplementary Appropriation Bill 2021-2022;  
The Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment)  
Bill 2024;  
The Inquiries Bill 2024;  
The Civil Aviation Authority Bill 2023;  
The Civil Aviation Authority Bill 2024;  
The Income Tax (Amendment) Bill 2024;  
The Transport Bill 2024:  
Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

430

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to report that the Supplementary Appropriation Bill 2019-2021, the Supplementary Appropriation Bill 2021-2022, the Social Security (Non-Contributory Benefits and Unemployment Insurance) Amendment Bill 2024, the Inquiries Bill 2024, the Civil Aviation Authority Bill 2023, the Civil Aviation Authority Bill 2024, the Income Tax (Amendment) Bill 2024, and the Transport Bill 2024 have been considered in Committee and agreed to, some of them with amendments, and I now move that they be read a third time and passed.

435

**Madam Speaker:** I now put the question, which is that the Supplementary Appropriation Bill 2019-2021, the Supplementary Appropriation Bill 2021-2022, the Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) Act 2024, the Inquiries Bill 2024, the Civil Aviation Authority Bill 2023, the Civil Aviation Authority Bill 2024, the Income Tax (Amendment) Bill 2024 and the Transport Bill 2024 be read a third time.

440

Those in favour of the Supplementary Appropriation 2019-2021 Bill? Those in favour? **(Members: Aye.)** Those against? Carried.

445

**Hon. R M Clinton:** Madam Speaker, the Opposition will abstain.

**Madam Speaker:** In that case it is carried.

450

Those in favour of the Supplementary Appropriation 2021-2022 Bill 2024? Those in favour? **(Members: Aye.)** Those against?

**Hon. R M Clinton:** Madam Speaker, the Opposition will abstain.

455

**Madam Chairman:** Carried. Those in favour of the Social Security (Non-Contributory Benefits and Unemployment Insurance) (Amendment) Bill 2024? Those in favour? **(Members: Aye.)** Those against. Carried.

Those in favour of the Inquiries Bill 2024. Those in favour? **(Members: Aye.)** Those against?

460

**Hon. Dr K Azopardi:** I call a division.

**Madam Chairman:** Division.

465

**FOR**

Hon. G Arias-Vasquez  
Hon. Sir J J Bossano  
Hon. L M Bruzon  
Hon. Prof. J E Cortes  
Hon. N Feetham  
Hon. Dr J J Garcia  
Hon. P A Orfila  
Hon. F R Picardo  
Hon. C P Santos

**AGAINST**

Hon. Dr K Azopardi  
Hon. D J Bossino  
Hon. R M Clinton  
Hon. J Ladislaus  
Hon. G Origo  
Hon. E J Reyes  
Hon. C A Sacarello  
Hon. A Sanchez:

**ABSENT**

None

470

**Madam Speaker:** The result of the Division is as follows: nine in favour, eight against. Carried.  
Those in favour of the Civil Aviation Authority Bill 2023? **(Members: Aye.)** Those against?  
Carried.

475

Those in favour of the Civil Aviation Authority Bill 2024? **(Members: Aye.)** Those against?  
Carried.

Those in favour of the Income Tax Amendment Bill 2024? **(Members: Aye.)** Those against?  
Carried.

Those in favour of the Transport Bill 2024? **(Members: Aye.)** Those against? Carried.

Those in favour of the Inquiries Bill 2024? **(Members: Aye.)** Those against? Carried.

### Adjournment

480

**Chief Minister (Hon. F R Picardo):** Well, Madam Speaker, that ends the business of the House.  
Or, is there another part of the crib that I need to read? *(Interjection)*

So, Madam Speaker, we end the business of the House now at the end of this session.

485

I know that we will not be in session at the end of the financial year and indeed on the date  
that is provided for in the Constitution, for the circulation of the new estimates, so you will wish  
to say something about that.

All I will say, Madam Speaker, is to thank all the hon. Members for their contributions on the  
discussions we have had in the legislative agenda of this House and move that the House should  
now adjourn *sine die*.

490

**Madam Speaker:** Alright, before I propose the adjournment as the Hon. the Chief Minister has  
highlighted and 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.

495

Since the House is now not scheduled to meet until at least 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. As I understand it, this has been the practice of the  
House for some years, so I propose that it should be the case again this year. Is that agreed?  
**(Members: Aye.)**

500

Alright, in that case, I now propose the question, which is that this House do now adjourn *sine die*.  
I now put the question, which is that this House do now adjourn *sine die*. Those in favour?  
**(Members: Aye.)** Those against? Passed. This House will now adjourn *sine die*.

*The House adjourned at 3.35 p.m.*