



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 3.35 p.m.

Gibraltar, Monday, 25th March 2024

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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.

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Madam Chairman: Clauses 1 to 6 stand part of the Bill.

Clerk: The Schedule.

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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**

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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.

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Clerk: The Long Title.

Madam Chairman: The Long Title stand part of the Bill.

**The Inquiries Bill 2024 –
Clauses considered and approved with amendments**

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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

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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.

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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?

235

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.

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Madam Chairman: Clause 1, as amended, stands part of the Bill.

Clerk: Clauses 2 to 3.

245

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.

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.

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Madam Chairman: Is the amendment agreed? Clause 21, as amended, to stand part of the Bill.

Clerk: Clauses 22 to 25.

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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:

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(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'.

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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?

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Hon. D J Bossino: Yes.

Madam Chairman: The Schedule as amended to stand part of the Bill.

Clerk: The Long Title.

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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.

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Part I, clauses 1 to 4.

Madam Chairman: Part I, clauses 1 to 4 stand part of the Bill.

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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'.

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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.

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Madam Chairman: Part V, clauses 44 to 45 to stand part of the Bill.

Clerk: Part VI, clauses 46 to 48.

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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.

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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.

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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.

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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.

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Hon. R M Clinton: Madam Speaker, the Opposition will abstain.

Madam Speaker: In that case it is carried.

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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?

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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

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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

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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.

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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*.

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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.

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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.)

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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.