



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.30 p.m.

Gibraltar, Wednesday, 22nd July 2015

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<i>The House adjourned at 4.30 p.m.</i>	<i>17</i>

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday 22nd July 2015.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 17th, 22nd, 23rd, 24th and 25th June 2015.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Ruling by Mr Speaker

10 **Clerk:** (iii) Communications from the Chair.

15 **Mr Speaker:** On 6th July this year, the Chief Minister wrote to me requesting that I rule on the calls made by the Leader of the Opposition, for the Chief Minister to repeat outside Parliament what he had said in the House about him during his winding up speech at the end of the debate on the Second Reading of the Appropriation Bill, whereupon the Leader of the Opposition would issue defamation proceedings against him.

Specifically, the Chief Minister requested that I should rule as to whether such a threat constitutes an abuse of Parliamentary privilege.

20 In this connection, I wish to refer to and place on record, the Ruling which my predecessor, the Hon. Major Robert Peliza made in similar circumstances on Thursday, 15th February 1990. On that occasion, the Speaker ruled as follows.

‘Matters touched upon at the last meeting of the House have given rise to correspondence being addressed to Members which could inhibit their legitimate activities as elective representatives in this House of Assembly. I thus believe it prudent to bring to the attention to hon. Members and the public generally, the privileges with which elected Members are vested for the purpose of carrying out their duties in this House, and by my doing so, discourage and dissuade people breaching these privileges and in the process, unwittingly perhaps, making themselves liable to the consequences of any such acts of contempt.

Parliamentary Privilege is defined in Erskine May as “the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually, without which they cannot discharge their functions and which exceed those possessed by other bodies or individuals.”

Section 36 of the Gibraltar Constitution Order 1969 states: “The Legislature may prescribe the privileges, immunities and powers of the Assembly and its Members but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the Members thereof.”

Part V of the House of Assembly Ordinance – Powers and Privileges of the Assembly states: “Section 61. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.”

Section 62, no civil or criminal proceedings may be instituted against any Member for words spoken before or written in a report to the Assembly or to the Committee thereof, or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

The privileges extended to Members individually are far reaching and legally complex. The subject cannot be examined widely and extensively in a short statement as the one I am making today’.

That is Major Peliza.

‘Furthermore, each situation has to be considered on its merit if and when it arises.

Thus to meet the situation that has obliged me to make this statement, I must draw attention to the freedom of speech that elected Members are protected by whilst carrying out functions connected with proceedings within the House.

Members are protected from interference through any form of physical, oral or written intimidation which could be considered to obstruct Members of the House carrying out the duties for which they are elected.

Members who may feel being so obstructed may report the matter to the Speaker, who taking into account the facts and circumstances of the case, will follow up the report as he may deem necessary, bearing in mind that the House collectively in its judicial capacity is the court that will pass the final judgement if so required.

As past examples of what may constitute molestation of Members on account of their conduct in the British Parliament, I quote cases embodying this type of contempt.:

“(a) Challenging a Member to fight on account of their behaviour in the House or any Committee thereof or even on account of remarks made outside the House which touched proceedings in the House.

(b) Writing letters to Members taking notice of speeches said to have been made in the House and threatening to contradict them from the gallery.

(c) Sending insulting letters to Members in reference to their conduct in Parliament or letters reflecting on their conduct as such Members.

(d) Threatening to inflict pecuniary loss upon a Member on account of his conduct in Parliament.

(e) Inciting the readers of a newspaper to telephone a Member and complain of the question of which he had given notice.

(f) Calling in a newspaper for the arrest of a Member and describing him as an arch-traitor.

(g) Sending a letter to a Member threatening him with the possibility of a trial at some future time, for asking a question in the House.”

It will be noted from the above that conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as breach of privilege.

This statement should make everybody aware that when any of the rights and immunities both of the Members individually and of the Assembly in its collective capacity which are known by the general name of privileges are disregarded or attacked by any individual or authority, the offence is called a breach of privilege or contempt and is punishable under the law of Parliament as may be applicable in Gibraltar.’

25 Such was Sir Robert Peliza’s Ruling.

It is my own considered view that when a Member of Parliament is challenged to repeat outside this House whatever he may have said in the course of proceedings in Parliament, there is no difference in principle, whether the challenge is made by a member of the public, by a barrister acting on behalf of a member of the public, or by a Member of Parliament.

30 Accordingly I am of the opinion that the Ruling that I have read out applies, in its entirety, in this case.

I am making available copies of the Ruling and to the press as well.

Now, that is the Ruling that I have made. Quite apart from that Ruling, under this item on the Agenda of Communications from the Chair, there are a few words that I wish to say coming from the heart.

35 What has occasioned the need for this Ruling has been a very acrimonious debate in particular, during the Budget session, when perhaps I as Speaker should have intervened very much earlier than in the event I did.

In one instance, I asked the Leader of the Opposition to withdraw the word ‘lie’ and on another occasion I fired a warning shot across the bows of the Chief Minister, because I thought he might be in danger of contravening the Standing Order which states that no improper motives must be impugned to a Member.

40 But all that is against the background of a situation when for months, both sides of the House have been engaged in very, very heated exchanges where personal considerations have come to the fore. Personal considerations sometimes are just short of insults. I warned hon. Members – I think it was back in December or at the beginning of this year – that having regard to the fact that this was an election year, I was not going to allow such blandishments across the floor of this House.

45 I think I failed at the last meeting and as such, I apologise to all hon. Members that perhaps I myself, as Speaker, was not up to scratch. But then hon. Members do not make my job much...very easy either. And these exchanges do not just take place here; they continue outside the House.

I recall that we all saw the Chief Minister and the Leader of the Opposition on television shaking hands, embracing and promising a New Dawn of more amicability. I realise that friendship at the top of politics is extremely difficult. I realise that politicians often have to be ruthless. But I have been a Member of this House for 20 years and have sat on both sides and there is someone here who has done even longer than I have, twice as much and we were on opposite sides and we have had Members of Parliament like Sir Joshua Hassan and Peter Isola who were not on speaking terms for over 10 years, but they did not use the language that I have heard here in this House in the last six months.

I want hon. Members to reflect upon my words. It is not easy to be in politics. It is not even easy to be in this Chair. I dedicated my book to my family because of what they put up with for 20 years. But now that I am not in the political affray, my family are still having to put up with allegations that I am biased and language that is an offence under section 77 of the Parliament Act and hon. Members who are much more involved in the political affray have to put up with much more than I do.

Therefore the question is are we going to carry on like this? I would appeal to hon. Members, in particular to the Chief Minister and the Leader of the Opposition, to draw a line under these heated exchanges – to draw a line today.

I am aware of the fact, because I have not had an opportunity to read it, that the Leader of the Opposition has written to the Chief Minister. I have not seen the letter yet, it is in my office.

I need to read very carefully over the *Hansard* of the last meeting of Parliament during the debate because as I say, I am convinced that I allowed matters to go too far and I should have intervened and called hon. Members to order. Very, very strong language was used and perhaps I should not have allowed it.

So as I say, I apologise for my failings, but unless a line is drawn I do not know what Members are going to be throwing at each other in five or six months' time against the background of an actual General election campaign. It does not make the job of the Speaker easy and I may have to reflect myself, like other hon. Members are doing, whether I am prepared to carry on. After all, what do I get out of it at this stage of my life? I do not need to be here, I can be at 8/7 Buena Vista Road with the hobbies that I have.

Nor do I think that it will be very easy for many other people in Gibraltar to be occupying this Chair in the manner that party politics is being undertaken in Gibraltar. We think of ourselves as a mature community, we are proud of our democratic credentials, we have had a legislature now for 65 years, we have an excellent constitution which gives a lot of powers to the Government of Gibraltar and if we really do think that we are mature, I think this is the place to start. Because what I hear outside Parliament and what is communicated to me from the social media, does not lead me to believe that people look upon Parliament and parliamentarians as what they ought to be.

I pledged myself to uphold the dignity of this House when I took over office. If that does not happen, I may not be prepared to do so again. So I am speaking from my heart. If I have gone too far, if I have said something that I should not, I beg your pardon. I have not planned it, it is not a prepared statement, it is something I have said after reflecting on what has been happening recently.

Chief Minister (Hon. F R Picardo): Mr Speaker, you have made a Ruling and a communication and no comment lies on it other than I wish to rise only to say I am sure that on behalf of the whole House, that without dealing with the substance of what you have said, I am sure that none of us here fear that you have failed any of us in any way, or that you fail in the effort that you put into the work that you do and to thank you for your reflections. Forget your ruling, but your reflections afterwards and to say that no doubt all of us will take it into due consideration and to heart. (*Banging on desks*)

PAPERS TO BE LAID

Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table: the Consolidated Fund Pay Settlement – Statement No. 1 of 2013/2014; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2013/2014; the Consolidated Fund Reallocations – Statement No. 3 of 2013/2014; the Improvement and Development Fund Reallocations – Statement No. 1 of 2013/2014; the Statement of Supplementary Estimates No. 1 of 2013/2014; the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2015.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

105 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Heritage Trust for the financial year ended 31st March 2014.

Mr Speaker: Ordered to lie.

110 **Clerk:** The Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2013 and the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2014.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q445/2015

Registered unemployed – Details for 2014-15

120 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 445/2015, the Hon. D J Bossino.

125 **Hon. D J Bossino:** Can the Minister for Employment provide details of the registered unemployed for the final quarter of 2014 and the last two quarters of 2015?

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

130 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the number of Gibraltarians registered as unemployed is as follows: the final quarter of 2014 – 228; the first quarter of 2015 – 237; the second quarter of 2015 – 225.

Q446/2015

Construction Industry Group – Accident investigation, June 2015

Clerk: Question 446, the Hon. J J Netto.

135 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide details of the accident investigation shown on the Government website for the month of June 2015 in the Construction Industry Group?

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

140 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the matter is confidential and whilst I am not prepared to disclose the information across the floor of the House, I will of course be prepared to do so in private.

145 The hon. Member will recall that I responded in writing to his last question relating to another health and safety accident investigation in the same way.

Q453/2015
Gibraltar Maritime Conference –
Cost

Clerk: We now move to Question 453, the Hon. D J Bossino.

150 **Hon. D J Bossino:** Can the Minister for Maritime Services please advise what the cost of the recent Gibraltar Maritime Conference was?

Clerk: Answer, the Hon. the Minister for Business and Employment, on behalf of the Hon. the Minister for Financial Services and Gaming.

155 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the total cost of the recent and very successful Gibraltar Maritime Conference was £84,623.85, the bulk of which was paid by private sector sponsorship. The cost to the Government was £25,243.85.

Mr Speaker, this is a further example of the public/private sector partnership in promoting Gibraltar and her services. This is the first time ever that such an event has been organised in Gibraltar.

160 **Hon. D J Bossino:** Mr Speaker, thanks for the answer. Has the Hon. Minister had an opportunity of receiving a report of the speeches given there? I am not sure that he was able to attend the entirety of the conference, I know he gave the initial speech, in fact I think on behalf of the Minister who in fact has responsibility for that particular portfolio, Mr Isola, who is away out of the jurisdiction, but has he had an opportunity of getting a report?

165 I attended in a professional capacity, I was unable to attend most of them but I did attend the Friday afternoon session which I found very interesting. This is the reason why I wish to raise this point in the form of a question – because there was a particular speech given by a young Gibraltarian, Dion Danino, who had quite a lot to say about how we should best market Gibraltar in terms of the super yacht industry. I would encourage him, if he has not received a report of that particular speech, that he does and perhaps the Government may be able to formulate policy in that particular area.

175 **Hon. N F Costa:** Mr Speaker, to answer the hon. Gentleman's question, I have not received specifically a report from the Gibraltar Maritime Administration, other than to have read the report that I think appeared in the *Gibraltar Chronicle* written by Eyleen Sheil and which I did discuss briefly with, I think it was Richard Montado, but obviously there will be a full discussion to be had by the current Minister for Maritime Services, Mr Isola and the GMA.

180 But certainly the report in the *Chronicle* did seem to indicate there were some important points to consider in the way that we market Gibraltar for yachts and super yachts, so I would agree with the hon. Gentleman, that is one report to carefully digest.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q447/2015
Solar thermal systems installations –
Financial reward

Clerk: Question 447, the Hon. J J Netto.

185 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any person has installed in his property any type of solar thermal systems or photovoltaic panels and has had a financial reward for doing so under the Solar Energy (Deductions) Rules 2015?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

190 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, just before I give the formal answer, it may be that people have installed in their property, which I would not be aware of. But the substantive answer, in relation to the financial assistance, is no sir, no-one has applied for financial assistance yet. They may have installed, but they have not applied for financial assistance.

195

Hon. J J Netto: Yes, of course that is entirely true. People may have done it and installed it long before the actual Rules came into force. But ever since the Rules have been in force now, no-one has applied but presumably the administration setup is already geared towards considering the application and if it is successful, obviously they will get their reward.

Hon. Dr J E Cortes: Yes, Mr Speaker. The Rules were passed relatively recently and it may not have given time for it to sink in. But the Department is going to be promoting this as part of its energy efficient campaign in coming months.

Chief Minister (Hon. F R Picardo): Mr Speaker, if the hon. Gentleman allows me to be of assistance, we would not expect to see claims until probably the next financial year – the next *tax* year, sorry – in the sense that people would be submitting their claim with their tax return. So it is likely that as this trickles through and people then decide they want to do the work, then they would be able to make their application when they submit tax returns and I think that is when we will likely be able to make a better assessment of the success of the measure and of the promotion of it, which will likely follow shortly.

Thank you.

Hon. J J Netto: I am grateful, Mr Speaker.

Q448/2015
Climate Change Task Force –
Key objectives for 2015

Clerk: Question 448, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what are the key objectives set for 2015 by the Climate Change Task Force?

Clerk: Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the key objectives which are long term and not specifically for 2015, set by the Climate Change Task Force, are included in the Renewable Energy Strategy and the Decarbonisation of the Energy Sector Action Plan, not yet completed.

These documents are currently in the final stages of review by Task Force members.

I will, however, give some of the main objectives here. The key Task Force draft conclusions of recommendations are: (1) to achieve carbon neutrality as soon as possible; (2) decarbonisation of electricity supply and lowering of the carbon footprint of transport; (3) introduction and development of energy transition in the direction of renewables; (4) energy efficiency; (5) sharing of responsibility between the private and public sectors; (6) cost effectiveness; and (7) the possibility of energy offsets.

Q449/2015
Waste treatment facility –
Renewed tender process; commencement of works

Clerk: Question 449, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state by when the ‘renewed tender process’, as stated by the Hon. Minister in his budget address, for the waste treatment facility will end, and by when does the Minister expect works to commence?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, my understanding is that the technical review of the tender submissions is due to be completed in the next couple of weeks. The board will then convene and assess the submissions and reports. I expect this will happen in August and depending on the recommendations, awards should then follow.

245 On average, such plants usually take one and half to two years to complete from date of commission, but again we will not be able to confirm this until the successful tender is chosen.

Q450/2015
Ecopark –
Location and facilities

Clerk: Question 450, the Hon. J J Netto.

250 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say where will the new Ecopark be situated, and provide Parliament with an update in relation to the facilities provided therein?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

255 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Ecopark will be launched imminently. I believe I have a press call sometime next week about this.

260 It will be the Devil's Tower Road area and it will provide a one-stop shop for all waste streams. These include, but are not limited to: scrap metal, bulky items, compressed gasses and ozone depleting substances, vehicle decontamination, glass, batteries, paper, cardboard, paint, tyres, mixed packing recycling, waste, electrical and electronic equipment, lighting and waste oil.

Q451/2015
Department of the Environment –
Prohibited drug on premises

Clerk: Question 451, the Hon. J J Netto.

265 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been an employee of the Department of the Environment who has been found to have had a prohibited drug within the premises of the Department?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

270 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, there has been no such incident.

275 **Hon. J J Netto:** Mr Speaker, is it perhaps the case that instead of being a prohibited drug, a report was issued departmentally that an employee may have had a 'prescribed' drug and as a result of that, a report was issued within the Department?

280 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of a 'prescribed' drug. The question refers to a prohibited drug and I have answered that. But I suspect that the answer would be identical if it had been a prescribed drug. I have no knowledge of any such incident.

285 Mr Speaker, I must add that if it was a prescribed drug with a prescription then therefore there would have been no issue. If somebody has had a cold or some infection and they have antibiotics with them, there is no issue there. But I certainly, the implication is something a little bit more sinister than that and certainly I have no information on that whatsoever – or even heard a rumour.

Hon. J J Netto: Yes, indeed but there are on occasions particularly a 'prescribed' drug or perhaps a better word 'pharmaceutical' drug, which may have an impact on the work that the particular employee may do – whether it is a particular drug that may impede a person conducting a vehicle or works owed to that experience.

290 But is it perhaps not the case that a report was issued by the Department which in a number of ways related to this issue and also in other ways related to the fact that this individual may not have been in his actual place of work when he should have been? Perhaps that was the reason why a Departmental report was issued as a result of these issues jointly.

295 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of that, I think this is purely speculation. If the
hon. Member has any indication that something improper has occurred, then I suggest that he contacts me
and it will be looked into. But I have no such report and I do not believe that my Department has issued any
such report.

300 **Hon. J J Netto:** Mr Speaker, have we had a situation where recently in the last weeks or months, there
has been an abolition of post of one particular employee of the Department of the Environment which may
have had a relationship to the issues that I am raising now?

Hon. Dr J E Cortes: Mr Speaker, I have answered my question, I do not think this is a legitimate
supplementary. I have answered my question factually and I have even gone beyond what I have been
305 asked. Therefore I would need notice of any other question which is so different to the one that I have
correctly and honestly answered.

Q452/2015
Dementia Centre at the old RNH –
Details of opening and staffing

Clerk: Question 452, the Hon. J J Netto.

310 **Hon. J J Netto:** Mr Speaker, given the imminent opening of the Dementia Centre at the old RNH, can
the Minister for Health state the opening date of the centre, and whether the employment of staff has been
completed, stating which grades may be deployed from existing resources within the GHA or the Care
Agency, which grades will be new employment opportunities and provide the new annual recurring cost as
a result of the opening of this facility?

315 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr
Speaker, the date for the opening of the Dementia Centre, although it is close, has not yet been set and is
320 subject to commissioning and snagging, as in all such projects.

The aspects which will be redeployed to the new centre may include the Memory Clinic and related
activity, subject to final confirmation. Various models of care are currently being considered so that full
details are not yet available.

325 **Hon. J J Netto:** Mr Speaker, one of the reasons why I have asked this particular question was because I
believe that either the Minister for Health or the Minister for Social Services – I cannot remember if it was
in the Budget speeches or perhaps in the months before – made a statement to the effect of saying we are
planning to have this facility open in the month of August. Now, the month of August is only a couple of
weeks from now, hence the reason for my particular questions.

330 Is it still the view that the facility will be ready by August?

Hon. Dr J E Cortes: Mr Speaker, this is why I started my question by saying that this is subject to
commissioning and snagging which in all building projects, particularly some with such a specialised
335 nature, can always delay the actual commissioning date.

Therefore although the end of August is still our aim, it may be that it will slip by a few weeks.

Hon. J J Netto: Yes, but even accepting that you know all construction projects have delays and this
would not be the first one, but whether it is the end of August or the first few weeks in September, we are
340 really talking about between four to six weeks from now basically.

I would have imagined that by now the Government would have had a very clear picture in relation to
not the snagging, but in terms of the facilities to be provided, the kind of staff and personnel that would be
there deployed to make sure that the facility works in accordance with the plan that the management has in
place. And by its very nature, they would have known well, we need so many people of this particular
grade, we need so many people these type of professionals and all these cost x amount of money. Where is
345 the Government in relation to knowing the grades, the professionals, the cost etc?

Hon. Dr J E Cortes: Mr Speaker, a lot of work has gone into this but some of the services provided we
are looking at outsourcing and we are at the moment considering expressions of interest, I think from six or

350 seven providers, each with their own model and each with their own proposals which need to be adjusted. So therefore there is a variation of possibilities and funding was in fact voted in the Appropriation Bill for the Centre so that is not an issue.

355 The issue is that we are looking at different possible models and also which services, for example the Memory Clinic is the most likely will be transferred to the new site using existing staff. And it is this tweaking which actually is obviously very laborious and we have got to get it right. I believe all that will be properly done and completed by the time that the commissioning of the building has taken effect.

Hon. J J Netto: Let me see if I understand this clearly. The facilities within the main building itself, would that be manned and managed both by GHA staff or the Care Agency or will that be contracted out?

360 Or is the Minister saying that there are some facilities like the Memory Clinic which will not be housed in the main building and such facilities or others are the ones that the Government is considering contracting out?

365 **Hon. Dr J E Cortes:** What I am saying, Mr Speaker, is that we are looking at models in which, for example, care and so on is likely to be outsourced, specific more specialised, like the memory clinic which is doctor led and specialist nurse led, will continue to be GHA but would be carried out in the RNH site instead of where it is carried out now.

370 In the new site instead of where it is now which is in Coaling Island or sometimes in St Bernard's Hospital so there will be some movement which will vacate areas for other development, will be some movement to this site. Then there will be other specialised... for example, the doctor who will attend will be a GHA doctor but the care packages and so on – sorry, not the care packages; the caring and so on, we are considering as I said, six or seven proposals for outsourcing of the care and related activities.

There will obviously be overall management from the elderly residential services or the Health Authority but this is the model that we are looking at.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q454/2015

Future Job Strategy – Government companies providing employment

375 **Clerk:** Question 454, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please provide the names of the Government companies which are currently providing employment during the training period as part of the FJS?

380 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I assume, Mr Speaker, the hon. Member wants me to answer it; it is not that he is trying to take away my job from me and give it to somebody else.

385 The hon. Member has had the names of the companies involved since 2012.

Hon. D J Bossino: Yes, what I wanted to establish is whether there had been any additions to that or any removals of companies – that is the only thing. But if it is as set out in his reply back in 2012, then I am happy with the answer.

Q455-459/2015

Government cash reserves – As at 30th June 2015

390 **Clerk:** Question 455, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash reserves were as at 30th June 2015?

395

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 456 to 459.

Clerk: Question 456, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises bank debt, as at 30th June, 2015?

Clerk: Question 457, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide this House with a breakdown, by debenture issue, of that part of the aggregate public debt which comprises Government debentures as at 30th June 2015?

Clerk: Question 458, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 30th June 2015?

Clerk: Question 459, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments, as at 30th June 2015.

Clerk: Answer, the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as at 1st June the Government cash reserves were £28,180,000.

The aggregate public debt, consisting of bank debt was Barclays Bank £150 million and NatWest Offshore £50 million.

Government Debentures were as follows: one month's notice, £247,700,000

The value of the Gibraltar Savings Bank debentures and other debt security by maturity date was:

One Month	£33,164,200
2015 Debentures	£6,072,400
2016 Debentures	£22,833,800
2017 Debentures	£101,414,500
2018 Debentures	£163,570,600
2019 Debentures	£205,566,000
Other Debentures	£159,044,093
Bonds	£70,594,812
Deposit Accounts	£186,000,000

The average yield in respect of the different categories of investment vehicles held by the Savings Banks for the month of May are as follows:

On-call accounts with the Bank of England, the Crown Agents and Gibraltar Banks had an average yield of 0.55%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, National Westminster, Jyske Bank and Lloyds Bank.

Floating Rates Notes quoted on the London Stock Exchange now had a slightly higher yield of 1.02%. The Floating Rates Notes are issued by the following:

European Investment Bank, International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica plc, ASB Finance, Royal Bank of Canada, BG Energy Capital plc, Suncorp Medway Ltd, BMW Finance and National Grid Gas plc.

Monthly Income Debentures had a 6% return and preference shares in Credit Finance an average dividend of 5.7%. As previously explained quoted stocks and on-call accounts fluctuate marginally on a daily basis. These fluctuations are not significant.

I now hand over to the hon. Member the schedule of the Savings Bank statement listing the investments for the month.

Answer to Question 459 - Schedule to Question 459

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/05/2015
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.118 0.173	£5,005,895.29 £8,656.64	£5,014,551.93
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.997 0.114	£4,999,868.61 £5,722.19	£5,005,590.80
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.015 0.101	£4,000,591.78 £4,034.14	£4,004,625.92
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.137 0.080	£5,006,843.15 £2,962.88	£5,009,826.03
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.811 0.141	£1,996,217.56 £2,824.53	£1,999,042.09
WESTPAC SECURITIES NZ LT FRN 3/10/17	£5,000,000.00	100.000 0.166	£5,000,000.00 £8,316.58	£5,008,316.58
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000 0.096	£5,000,000.00 £4,802.46	£5,004,802.46
NATIONWIDE BUILDING SOCIETY FRN 27/4/18	£5,000,000.00	100.000 0.072	£5,000,000.00 £3,589.24	£5,003,589.24
ASB FINANCE LTD LONDON FRN 1/05/18	£5,000,000.00	100.000 0.088	£5,000,000.00 £4,386.99	£5,004,386.99
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.074 0.232	£5,003,718.34 £11,613.35	£5,015,331.69
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	101.808 0.921	£5,090,396.78 £46,027.40	£5,136,424.18
LVHM MOET HENNESSY VUITT 1.625% 20/12/17	£5,000,000.00	101.671 0.721	£5,083,538.25 £36,061.64	£5,119,599.89
PRUDENTIAL PLC 1.375% 19/01/18	£7,000,000.00	100.134 0.497	£7,009,413.73 £34,808.22	£7,044,221.95
ABN AMRO BANK NV 2.5% 18/12/18	£7,000,000.00	103.185 1.123	£7,222,932.54 £78,630.14	£7,301,562.68
JP MORGAN CHASE & CO 1.875% 10/02/20	£4,000,000.00	100.279 0.565	£4,011,162.94 £22,602.74	£4,033,765.68
THAMES WATER UTIL FIN 4.9% 30/6/15	£1,600,000.00	100.343 2.046	£1,605,484.36 £32,738.46	£1,638,222.82
VOLKSWAGEN FIN SERV NV 1.25% 15/12/16	£5,000,000.00	100.711 0.573	£5,035,548.38 £28,674.45	£5,064,222.83
SCOTLAND GAS NETWORK PLC 4.75% 21/02/17	£1,991,000.00	106.051 1.288	£2,111,480.90 £25,651.17	£2,137,132.07
NEDER WATERSCHAPS BANK 0.875% 07/03/18	£5,000,000.00	99.845 0.122	£4,992,231.56 £6,096.31	£4,998,327.87
KOMMUNEKREDIT 1.125 07/12/18	£5,000,000.00	99.802 0.080	£4,990,087.65 £4,006.85	£4,994,094.50
KFW 5.5% 7/12/15	£5,000,000.00	102.651 2.643	£5,132,558.25 £132,152.78	£5,264,711.03
LLOYDS 5.5% 25/09/16	£3,000,000.00	105.859 1.010	£3,175,762.93 £30,287.67	£3,206,050.60
SCOTTISH & SOUTHERN ENERGY 5% 01/10/18	£4,000,000.00	112.094 3.315	£4,483,771.70 £132,602.74	£4,616,374.44
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£2,000,000.00	100.001 0.070	£2,000,022.20 £1,390.07	£2,001,412.27
NEDER WATERSCHAPS BANK FRN 09/04/18	£2,200,000.00	100.000 0.107	£2,200,000.00 £2,351.47	£2,202,351.47
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.018 0.009	£5,000,884.72 £425.30	£5,001,310.02
NET AMOUNT DUE TO BROKER IN RESPECT OF TRANSAC- TIONS EFFECTED IN APRIL FOR SETTLEMENT IN MAY			(£2,112,052.80) (£25,651.17)	(£2,137,703.97)
GOVERNMENT DEBENTURES	£247,700,000.00	100.000 0.000	£247,700,000.00	£247,700,000.00
BANK OF ENGLAND	£22,432,296.42	100.000	£22,432,296.42	£22,432,296.42
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£11,000,000.00	100.000	£11,000,000.00	£11,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£2,449,540.25	100.000 0.001	£2,449,540.25 £13.43	£2,449,553.68
CROWN AGENTS	£5,000.00	100.000	£5,000.00	£5,000.00
LLOYDS BANK GBP CALL A/C	£4,409,937.76	100.000 0.033	£4,409,937.76 £1,454.33	£4,411,392.09
BARCLAYS BANK	£68,835,159.69	100.000	£68,835,159.69	£68,835,159.69
NATIONAL WESTMINSTER OFFSHORE	£33,058,514.61	100.000	£33,058,514.61	£33,058,514.61
JYSKE BANK	£21,389,149.85	100.000	£21,389,149.85	£21,389,149.85
CASH	£6,081,000.00	100.000	£6,081,000.00	£6,081,000.00

Hon. D A Feetham: Mr Speaker, I wonder whether the hon. Gentleman can help me with this. According to my calculations, gross public debt is at the figure it has always been for the last several months, £447 million. Cash reserves are £28.8 million and I hope I have heard the hon. Gentleman correctly, that means that the net debt is £418.2 million.

Can he confirm that is the level of net debt as at 30th June 2015?

Hon. J J Bossano: That is correct, yes.

Hon. D A Feetham: And of course, Mr Speaker, it is the highest level of public debt that we have ever had in the political history of this community.

Now, Mr Speaker, in the light of the fact that it is the highest net debt that we have ever had in the political history of this community and in light of the fact that the hon. Gentleman in his manifesto has a commitment certainly to reduce the gross debt by half from the levels that it was, so roughly he is going to have to reduce the gross debt from £447 million to £260 million, does he feel that in the light of these levels of net public debt, which are the highest they have ever been in the history, that he is still on course and on target to reduce that gross debt to £260 million?

Hon. J J Bossano: Well first of all, Mr Speaker, there is no reference in the manifesto to net debt, as he knows and I know. Secondly, it used to be the mantra of the Members Opposite that it was the height of economic illiteracy to talk about debt in absolute terms and not as a percentage of the GDP. Therefore if he wants to do it in the way he used to do it when he was in Government, he should look at the figures as a percentage of the GDP.

And certainly since I am an optimist, I expect to be on target.

Hon. D A Feetham: Well, Mr Speaker, in the light of that I have to say that I am gratified to see that he too, apart from the Chief Minister, has had this Damascene conversion and now he is urging upon me what we used to urge upon him and his side, which was do not look at debt in absolute terms; look at it as a percentage of the economy and look at net debt rather than gross debt.

So is he, in the light of what he has just told me, accepting that their entire political discourse during four years of being in Opposition and making all those arguments about high levels of public debt, that really that was misconceived and that really what we should be talking about and that we were correct indeed in talking about net debt as a percentage of the economy?

Hon. J J Bossano: Well not to the same degree that his discourse in 2003 was misconceived. When he argued that gross debt of £89 million was excessive, irrespective of the level that it represented. So in fact, I do not think he ever used the mantra of the percentage of GDP until he became the Leader of the Party and the Leader of the Opposition.

So if he thinks I have been converted to it, I can only be following in his footsteps because a conversion happened to him before it happened to me. *(Laughter)*

Hon. D A Feetham: So, Mr Speaker, we have all according to him been converted. *(Laughter)* I am doubly gratified, Mr Speaker, that we have both been converted. But let me in my own defence say that was not the point that I made in 2003, he knows that. The point I made in 2003 was that the public debt was not £89 million, that the level, the ceiling of public debt at the time was pre-constitution was £100 million and that the then Government had had a PFI arrangement which was an off balance sheet transaction. And if you took that into account that would probably have taken it over the £100 million limit.

That was the argument I raised in 2003. But well, Mr Speaker, I am happy that he has converted to our policy in this regard, but I wonder whether he can at least enlighten this House on how he is going to be reducing gross public debt from £447 million to £260 million which is their manifesto commitment, which no doubt bearing in mind that they sing from the rooftops that all their manifesto commitments are going to be met, that this is one that is going to be met and I just wonder whether he can explain that to the House.

Hon. J J Bossano: Well, first of all, I have not said I have been converted. I said if I had been converted I would only be following his conversion, so it is either a good thing to be converted when it happens to him and not a bad thing if it happens to me.

But I have not been converted. I am telling him that as far as we are concerned, the manifesto commitment that we are targeting is still one we expect to achieve and I certainly have no intention of explaining to him how we are going to do it because our function is to believe that what we say but not to teach the hon. Members how they can do it as well if they ever happen to be back on this part of the House.

Hon. D A Feetham: Well, Mr Speaker, doesn't the hon. Member – and I just wonder whether just for old time's sake at the very least, he might be prepared to accept that – doesn't he think that is a tad unfair, bearing in mind that he is bringing a motion that is going to be debated later, asking me how we were going to be doing something about community care? Well, I am asking well, how are you going to be reducing gross public debt from £447 million to £260 million? (*Laughter*) I can tell the hon. Member, look, pre-judging that that I have no intention of changing his policy in relation to community care, if I continue to be the Leader of the GSD, I can tell him that and I am being straight with him.

Now does he not, in the light of that and for old time's sake, let us say, at least want to volunteer how he is going to be reducing gross public debt from £447 million to £260 million, bearing in mind that the net debt – and there is a correlation between the two – is the highest that it has ever been in the political history of Gibraltar, by the election?

Hon. J J Bossano: Well, the relevance of whether it is high in the political history of Gibraltar or not is, as far as I am concerned, a matter of judgement and I am certainly not prepared to give him any information as to how it is going to be achieved for old time's sake because the old time is now so far back that I would not want to go back that far.

CHIEF MINISTER

Q460/2015

United Nations Committee of 24– Report to House on discussions with Chairman

Clerk: Question 460, the Hon. D J Bossino.

Hon. D J Bossino: Will the Chief Minister provide a report to the House of matters discussed with the Chairman of the United Nations Committee of 24?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am not prepared to say more publicly at this stage. A note of the meeting is being prepared by the Office of the Chairman of the Committee of 24, which I understand the Secretariat of the Committee of 24 will circulate to all its members.

I am happy to sit down, however, with the hon. Gentleman and provide full details to him privately of the discussion that ensued. It may be that in the future I can say more publicly but at this stage I would be happy to share more privately.

Mr Speaker, I want to take this opportunity to thank Mr Bossano and Dr Garcia for their important input during that meeting. Gibraltar sometimes does not seem to realise the important resource that we have in both of them. Dr Garcia's historical understanding of the post-war politics of Gibraltar is unrivalled and I know the questioner has as high a regard for the Deputy Chief Minister's knowledge and ability as I do, although I have been politically clever enough to stick with him and he has not. And moreover, Mr Speaker, Mr Bossano's own expertise in self-determination matters is not only second to none, but seen by many members of the C24 as unparalleled.

I will share publicly with hon. Members that Chairman Mendoza was highly complimentary, during our meeting, of Mr Bossano's knowledge of the United Nations Decolonisation subject and indicated how much he himself had learnt from Mr Bossano's interventions in the seminars organised by the Committee of 24 since he became Chairman.

Hon. D J Bossino: Mr Speaker, can he at least enlighten the House as to what reply he received from the Chairman when he renewed the invitation for a visiting mission?

Hon. Chief Minister: Well, Mr Speaker, he did not say no.

Q461/2015
Tax affairs of the previous Speaker –
Investigation into leak

565 **Clerk:** Question 461, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what has been the outcome of the investigation as to the leak of the tax affairs of the previous Speaker of this House?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains the same as was set out in my answer to Question 619/2014. However, I am advised by the Chief Secretary, who has carriage of these matters, that he will shortly be requesting the Commissioner of Police to carry out an investigation into the leak of the tax affairs of the previous Speaker of the House.

Q462/2015
Naturalised British citizens in Gibraltar –
Number obtaining Government housing

Clerk: Question 462, the Hon. D A Feetham.

580 **Hon. D A Feetham:** Mr Speaker, is the Government now in a position to state how many people of those that have been naturalised British in Gibraltar since 9th December 2011 have obtained Government housing?

Clerk: Answer, the Hon. the Chief Minister.

585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, since 9th December 2011 one such applicant has obtained Government housing and the reference he will see is to such an applicant so that it is clearer and I think it gives him the answer he was seeking when we last debated this matter.

Q463/2015
Defamation claims brought/defended by Ministers –
Taxpayer funding

590 **Clerk:** Question 463, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what are the criteria for determining whether defamation claims either brought or defended by Government Ministers should be funded by the Taxpayer and whether those criteria apply to other Members of Parliament?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, my answer remains as set out in answers to Questions 430 and 515/2013.

600 **Hon. D A Feetham:** Mr Speaker, is the Taxpayer funding legal representation? I have to declare an interest, the representation appears to have been provided by my firm but it is irrelevant. This is really the question of whether the Taxpayer is funding that representation against Gareth Gingell or is the hon. Gentleman paying it out of his own pocket?

605 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is asking a question about a matter which is on foot. I am quite happy to deal with it, but where we go with this debate is something that I think we have to be particularly cautious with.

The Chief Minister was seeking representation as to things that were said about him in respect of his office, of his discharge of the office of Chief Minister and in keeping with the principle set out in the

610 questions that I have referred the hon. Gentleman to, that is a matter that is funded for the Chief Minister by the public purse, as is absolutely right and proper it should be.

Hon. D A Feetham: Mr Speaker, I had occasion to go to the United Kingdom, to travel to the United Kingdom to take advice from specialist counsel in the United Kingdom about statements that the Hon. the
615 Chief Minister made, not in this House, but in fact in a comment that he made outside the House, saying that he stood by everything that he said inside the House, as to whether that represented a republication of defamatory comments and that obviously applied to me in my capacity as Leader of the Opposition because the comments were made to me in my capacity as Leader of the Opposition.

Now, what are the criteria for a Leader of the Opposition to actually be able to receive the same
620 treatment as a Chief Minister of Gibraltar and ask the Chief Secretary, 'Well, can the public now fund any advice that the Leader of the Opposition has received in relation to any potential claim against the Chief Minister of Gibraltar?'

Hon. Chief Minister: Mr Speaker, I dealt with similar issues in the answers to Questions 430 and
625 514/2013 which I invite the hon. Member to revisit and conscious of the words that you shared with us at the beginning of the session, I do not intend to say more.

Questions for Written Answer

Clerk: (viii) Answers to Written Questions, the Hon. the Chief Minister.
630

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W82 to W85/2015 inclusive.

Clerk: (ix) Order of the Day.

ADJOURNMENT

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move that the House do now adjourn until Monday, 27th July at 3.30 in the afternoon.

Hon. D A Feetham: Mr Speaker, my wife is travelling on Monday morning, we are going to Spain for an operation on her leg. I am then going to be travelling back with her so it is not possible for me to cancel
640 an operation for my wife which is for health reasons.

Therefore if it is going to be a determination of the motions, I need to be here and if there is any Parliamentary business that can be undertaken without me, that is fine and if he decides to plough ahead, that is fine.

645 But of course I cannot cancel an operation that my wife is having which is for health reasons and has been booked not on the relevant week when we have Parliament and I ask him to bear that in mind in any adjournment.

Hon. Chief Minister: Of course, Mr Speaker and there is no question of us standing in the way of any
650 operation, most of which are for health reasons. Therefore, Mr Speaker, I would propose that we instead come back on Tuesday, 28th at the same time.

Mr Speaker: I now propose the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

655 I now put the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon. Those in favour? (**Members:** Aye.) Agreed.

The House will now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

The House adjourned at 4.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.41 p.m. – 5.55 p.m.

Gibraltar, Tuesday, 28th July 2015

Business transacted

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<i>The House recessed at 1.23 p.m. and resumed its sitting at 3.03 p.m.</i>	21
Community Care – GSD proposals for replacement – Debate concluded; amended motion carried	21
ADJOURNMENT	22
<i>The House adjourned at 5.55 p.m.</i>	22
<i>The House recessed at 1.23p.m and resumed its sitting at 3.03 p.m.</i>	21
Community Care – GSD proposals for replacement – Debate concluded; amended motion carried....	21
Adjournment.....	22
<i>The House adjourned at 5.55 p.m.</i>	22

The Gibraltar Parliament

The Parliament met at 3.41 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Question for Oral Answer

BUSINESS AND EMPLOYMENT

Q445/2015

**Registered unemployed –
Corrected details for 2014-15**

Mr Speaker: The Hon. Mr Neil Costa.

5 **Minister for Business and Employment (Hon. N F Costa):** Yes, Mr Speaker, in the first place to thank you for your indulgence to allow me to rectify the record.

As I wrote to you on 23rd July in respect of Parliament Question 445, I inadvertently provided the Hon. Mr Bossino the incorrect unemployment figures, and therefore, I would like to read the answer as it should have been read at the Parliamentary sitting of last week, as follows.

10 Mr Speaker, the average number of Gibraltarians registered as unemployed for the fourth quarter of 2014, the first quarter 2015, and the second quarter of 2015 is as follows: the fourth quarter of 2014 – 268, the first quarter of 2015 – 282, the second quarter of 2015 – 204.

Thank you, Mr Speaker.

Order of the Day

GOVERNMENT MOTIONS

**Social Security (Open Long-Term Benefits Scheme) Act 1997 –
Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits)
Order 2015 approved**

15 **Clerk:** Government Motions – the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2015.’

20 Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rates of old age pensions and survivor’s benefit by 1.6% with effect from 1st August 2014 and which represents the annual pension increase for that year.

25 **Mr Speaker:** Does any hon. Member wish to speak to the question?

I now propose the question in the terms of the motion moved by the Minister for Business and Employment. Those in favour? (**Members:** Aye.) Those against? Carried.

**Community Care –
GSD proposals for replacement –
Amended motion carried**

30 **Clerk:** Government Motion – the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘This House:

Notes that the former GSD Government announced its intention of no longer funding Gibraltar Community Care and that it would be replaced by payments channelled through the social security system more favourable than the support provided by Community Care to current and future senior citizens and that this was intended to be put into effect after the 2011 General Election.

Regrets that to date the GSD in Opposition has refused to share with the Government the details of the proposals it claims to have had ready to implement and which they have alleged would be better and more in the interest of pensioners than the existing arrangements, and

Condemns the Leader of the Opposition for withholding this information, which would otherwise allegedly have benefitted senior citizens and calls on him to correct the situation by providing a full detailed account before the General Election of what the proposals for replacing Community Care are.’

35 Mr Speaker, before I proceed with my motion, I want to clarify to the House what this motion is about. Given the comment by the Leader of the Opposition at Question Time, he asked me how I was going to fund the reduction in the net debt. I answered it was not for me to tell him how I intended to finance a policy objective and he claimed that this is what I am asking him to do in respect of the motion before the House.

40 Mr Speaker, either the Member had not yet read my motion last week, or he is incapable of understanding what he reads, which I would say would be fairly lethal for someone in the legal profession.

The motion calls on him to do what we have been asking the GSD to do since the day they announced they had an alternative to Community Care, which would give equivalent or greater support to current and future pensioners. From day one, all we have asked is how is this going to work as a statutory social security entitlement and how is it better? And if it is better, we would support it.

45 They have refused to provide this information before the 2011 General Election, during the General Election, after the General Election and at every Budget since. To this question, on each and every occasion, the response has been deafening silence so I hope that on this occasion the House and the interested parties – the 6,000 recipients of Community Care support – will get answers to what are legitimate questions.

50 The hon. Member advanced the information last week that the GSD under him now intends to abandon the policy that they had been committed to until now and will instead retain community care as presently structured but I am afraid that as an answer, it is not enough.

55 Mr Speaker, Gibraltar Community Care came into existence as an initiative of the GSLP and, as a registered charity, received financial support from the Government. This was done in order to enable it to provide Gibraltar resident pensioners a quarterly household cost allowance, in the knowledge that such a payment contributed to our senior citizens’ ability to meet basic cost of living needs.

60 The Government’s view was, prior to 1996 – and continues to be, post 2011 – that such a result can be best achieved by providing grants at a level such that the charity will be able to build up its reserves and be in a position to attain a level of investment income on which it can rely in the long term. This is in effect what we set out to do, to ensure so that if at any time a Gibraltar Government had competing demands on its finances and found it difficult to provide support, the charity would still be able to do the sterling work in support of our senior citizens which it has been doing since the day it was created.

65 Although the then Chief Minister in 1998 stated in Parliament that the setting up of the charity was a very good idea, I regret to say that his actions belied his words. On that occasion he said that he applauded the fact that we had taken the opportunity of revenue that was coming in from a particular activity which enabled us to create the fund; that there was absolutely no criticism; that on the contrary he applauded it.

The only caveat was that if the source of funding were to drop and there were less funds from which to support the charity, so be it. At the time, the money from this product was £8 million a year and other products contributed to the total £50 million being provided.

I imagine, given the importance of the work of the charity in support of our senior citizens, that he could hardly have said or done anything else, other than place the initiative to set it up. However, he failed to practise what he preached and failed to honour what he promised, and gave no explanation as to why he was doing so, until the GSD had been some 14 years in office.

The present leader of the GSD and Leader of the Opposition has constantly praised the record of the previous year of the GSD Government shortly after he stopped trying to remove them from office in the 2003 election. That was when he first claimed to have decided to enter the election campaign, then in competition with the GSLP, because I was not willing to hand the party over to him and he believed I was content to allow the GSD to continue in Government whilst I remained in Opposition as the handbrake on any sovereignty deal with Spain. This incidentally, Mr Speaker, by implication suggested that he believed a sovereignty deal with Spain was a possibility under the GSD Government, unless I was there to put a stop to it.

However, shortly after coming a poor third in 2003, he started his journey from fierce critic of the GSD to stalwart defender. This to the extent that he said at the time of winding up his outfit and merging it with the GSD, that if his move put them at risk he would himself pull the plug on the proposed merger rather than expose them to risk. Such was his incipient love affair with the party, even at that early date. A love that has grown since, to the extent that he now intends to cling to the leadership title even if he gets slaughtered in the forthcoming election. Such an example of love at first sight, from outright opposition to selfless suppression of self-interest, is in my experience a rare event in politics. However, it bears a resemblance to a phenomenon in social psychology known as ‘cognitive dissonance’.

Be that as it may, the facts are that it was only in the final term of office of the GSD, 2007 to 2011, when he was a former Minister and therefore covered by collective Cabinet responsibility, it was only then that the new explanation was first revealed. Therefore the mantel of responsibility falls on him now to account for and defend the policy with which he is identified as a participant, as a Minister and which his recent statements suggested, continue to be the policy to which the GSD still subscribes under him as Leader of the Party and Leader of the Opposition. At least it was so until last week, when he announced that it was about to change.

Even though in March 1996 the charity had assets of £63 million, of which £60 million was in cash, the policy was to continue to build up the reserves and to this end we committed three payments of £5 million each in April, August and November 1996. The Treasury was instructed to make the first payment in April. This did not happen so the first effect of the change of Government in May 1996 was that a grant of £5 million approved before the General Election never reached the charity.

The excuse of the GSD administration was that if it had been paid, they would not have asked for it to be refunded; but as it had been overlooked and not handed over to the charity, they had decided not to honour it because the charity had more than sufficient money. Not only did they not make this initial payment, but no other payments were made for any other year in their first term, by the end of which the reserves were down £3 million.

In 1996-97 the charity continued to provide support to pensioners without any grants from the Government by relying on its investment income, which was high enough to cover its ongoing costs and leave a small surplus, in spite of not having received the £5 million we had already committed to pay before the General Election. This meant that cash reserves actually increased in this financial year in the first 10 months of the GSD Government – the first time the reserves of Community Care went up under the GSD and the last.

In 1997-98 investment income fell below running costs and the reserves went back to the level of 1996. In the Budget of 1998, I raised the matter, pointing out that what had been missing from the estimate for 1997 actual expenditure column was a £50 million grant from the Social Assistance Fund; that the same was true for the forecast outturn of 1997-98 and for the draft estimate for 1998-99.

The over-the-top characteristic response from the Chief Minister was:

It is true that the hon Member made two £15 million contributions to Community Care Limited. It is also true that this is not happening but it is not happening, Mr Speaker, because it is not necessary or was the hon Member proposing to continue to pump in £15 million a year to Community Care Limited regardless of whether it needed to simply so that he could go outside to the Piazza downstairs and when he passed the old folks sitting by the kiosk and say, "I have given you another £15 million of security for the future". How long was he going to try and spin out that nonsense?

Well, I am going to go through the 14 years of spinning out the nonsense. *(Laughter)*

Of course, what he knew then and we did not, was that the charity was already failing to cover its running costs. In the 1999 Budget I raised the question again, pointing out that contrary to the view

expressed previously, he had, that the import duty might go down, the opposite was the case and the Government could now afford to resume making capital grants to Community Care. The Government's response was that the grants had not been stopped because of lower revenue. The Chief Minister said:

Well, I am sure it is not intentional that the hon Member misquoted me. What I actually said was that the capital payments to Community Care were not being made because Community Care was currently fully funded to meet its obligations but that the Government had a commitment to increase its financial provision to Community Care to ensure that that remains so and the Government stand by that commitment. The income that Community Care is making from its present capital assets is sufficient to meet its payment out obligations and the Government see no virtue in tying up capital to meet an obligation which is presently being met but, of course, it is axiomatic that if and when that ceases to be so that the Government will top up the financial provision for Community Care to ensure that they can continue without eating into their capital to continue to make their annual outgoings in terms of payment to the beneficiaries of the trust.'

Whereas the previous years' statements might have been intended to convey such a commitment, this had not been done in such explicit terms. But now there was no doubt. The Government told Parliament that its position had been since 1996 that it would top up the financial provisions to Community Care so that they could continue to meet their outgoings without eating into their capital. It was, we were told, nothing less than axiomatic. Well, Mr Speaker, never mind whether it was axiomatic; it was not even true.

In 1997-98 the recurrent expenditure exceeded investment income of a charity by £1 million and cash reserves were down. In 1998-99 the move into the red by the charity accelerated and the deficit grew. The random continued in 1999-2000, reaching £2 million deficit in that year.

In 2001 we learned something new: the GSD Government claimed to be *still* committed to providing the annual recurrent costs of the charity so that the reserves of £60 million cash would not need to be depleted. This was the reason given for buying from the charity £3 million nominal value of Gibraltar loan stock on 1st November 1999 and a further £7 million on 1st February 2001.

They told us in Parliament that this was in order to protect Community Care from a diminution in the value of capital assets and that the Government was purchasing the stock so that the capital value would remain as close as possible to the £60 million the charity started with. The message was clear: the House was told the information on cashflow projections were being produced so that the Government would know exactly at any given moment what the ability of Community Care to meet the commitments were, without having to resort to capital spending. They declared: 'This is the target. That is the criteria that the Government follow on the question of when finance needs to be injected.'

In 2001, when this was being said in Parliament, the annual deficit hit almost £2.5 million and by the end of that year, the reserves had dropped to £57 million from the £63.6 million reached in 1997. The reiteration of the commitment was as clear as the axiomatic of 1998, and as untrue.

The next step to attempt to square the circle came with the rate on the reserves of the Social Security Short-Term Benefits Fund. The £5 million from social insurance contributions had been accrued over a number of years as a result of a larger share of the contribution being attributed to the Short-Term Benefits Fund rather than the Long-Term Benefits Fund. The removal of this money to put it at the disposal of the Government for other expenditure was the first time that any Government had attempted to do any such thing since the beginning of the social insurance system in 1954 and legislation was brought to enable the Government to remove the money from the fund and use it elsewhere as the Government saw fit, finishing up in the Consolidated Fund or in any special fund.

We voted against this and criticised the Government for making this move; and even more so, for the transfer to the Social Assistance Fund when it had been known for years how important it was to maintain a clear demarcation between the source of funding for social assistance and the source of funding for statutory entitlement to social insurance benefits paid for by contributors.

In the 2002 Budget, I said the following:

'There is one thing in the forecast out-turn which for us is an important issue of policy which has not been mentioned and on which the Opposition feel very strongly and there is therefore a clear political divide in this House. The estimates show that in the financial year just ended, £5 million have been removed from the Social Insurance Short Term Benefits Fund and paid into the Social Assistance Fund. We are totally opposed to this decision. When the Government brought an amendment to this House to provide for money to be taken out from the Social Insurance Fund and transferred to the Consolidated fund or to another special fund we opposed it and argued against it. Social Insurance Contributions are compulsory payments to fund the receipt of identified benefits, they are not taxes on income to provide general revenue.'

Just before polling day in the 2003 General Election, the GSD was still defending the continuation of the charity with capital grants from the Government. They issued a leaflet saying the GSLP statement that the GSD had stopped funding the charity was completely untrue and that they had put in an extra £10 million into community care, clearly showing that they were, at the time, trying to conceal the planned

rundown from the electorate so they reversed their policy temporarily and went back to it after they were re-elected.

So to put their £10 million in context, we need to understand that this was not a charge on their existing revenue of 2004. There was the unfulfilled commitment from April 1996 of the £5 million approved payment to the charity which was retained by the GSD because the cheque had not been handed over to Community Care after they took office; and secondly there was the £5 million which was not from import duty or Government taxes but from social insurance contribution first credited to and then removed from the Short-Term Benefit Fund.

These were the only contributions which were grants not specifically linked to the operating cost of the charity. There was no further funding until 2009 when the charity had totally exhausted its resources and the Government announced its intention of replacing it with a statutory system and started meeting its day-to-day operating costs in the interim.

A projection made in October 2009 showed that by February 2010 the reserves would have fallen to £890,000, from the £63.5 million that we left, and that by March the charity would have been in the red to the tune of £1.9 million, a figure progressively increasing every month after that.

The real bombshell, however, was the revelation by the Chief Minister in the 2010 New Year message that the Community Care support arrangement in place since 1990, a total of 20 years, six under the GSLP, 14 under the GSD – 13 years out of the 14 GSD years which were funded by the grants under the GSLP – was about to be done away with, alleging concerns about an EU challenge of which there was no indication. At the time he said: ‘Whatever we may think of the merits of any such claim, it represents a ticking time bomb, and there are children and grandchildren in the future, for which they cannot have recourse to the UK. I am not willing to bequeath this potentially lethal legacy of a massive and unaffordable backdated claim to our future generations and so this year, the Government will, as I said at Budget time, introduce significant reforms to protect Gibraltar from this possibility. This reform will not result in financial loss to our pensioners or recipients to Community Care.’ The reference to the Budget was to 2009.

Six months later, in June 2010, he reacted to my statement that he had allowed Community Care to run out of money, claiming that I was saying this to suggest that Community Care payments were in jeopardy, which he said I knew to be a complete and utter lie. Well, Mr Speaker, it is not a lie to suggest that having its own reserves makes community payments more likely to be delivered by the charity than if the charity is dependent, hand to mouth, on the political will and financial capability of the Government of the time – especially when it was relying on the delivery of promises from a Government that said it was ‘axiomatic’ that the £60 million cash reserves would not be depleted but kept intact. He was saying it in 1998 and in 2001, and was now saying in *The Chronicle* interview the contrary – namely, for example, on pensions and Community Care, the complete abuse of a statement by the Leader of the Opposition that the Government has allowed Community Care to run out of money.

‘He did not say’ – meaning me – ‘that as a matter of book-keeping. He said that to transmit to the elderly the view that their Community Care payments may be in jeopardy which he knows to be a complete and utter lie. But did he have any reluctance to worry elderly people in Gibraltar? No. It has been the Government policy for 15 years to run down the fund in Community Care so that we can make alternative and better arrangements. Does that mean that anybody’s payments are in jeopardy? No. Payments for Community Care will come from where they always have – from the Gibraltar Government budgetary finance’, which is not true.

This was even more astonishing than what he had said in January: a policy of 15 years deliberately to bring Community Care reserves down to zero, which was the opposite of the commitments given in Parliament describing the opposite policy, namely to preserve the £60 million cash reserves, not to run it down. If it was a policy for 15 years, it is a policy that the hon. Member defends and applauds. And if as a result of this policy to run down the fund, we see this finalised and reached in 2009, then he was already in Government as a Minister and shares the responsibility.

A situation which I predicted in my 2009 New Year message, when I said: ‘Keeping the reserves at the level we left them was one promise Mr Caruana broke very soon after he made it. The Government finances are likely to be in surplus for the foreseeable future and no doubt fairly soon some of this will have to be provided on an ongoing basis to Community Care, as his own reserves begin to run out’, something which I have now been able to confirm.

So now, the 15-year-old policy of run-down was complete. Was it replaced by a statutory entitlement to equivalent payments through Social Security and enhanced dignity for our pensioners which was supposed to be all the plusses of the new system? No, Mr Speaker. In my contribution to the 2010 Budget, I raised the issue which he had failed to mention. I said:

‘... if the Government has come to the conclusion that there is a risk of Spanish pensioners claiming Community Care payments, as he said in his New Year message, and has had a plan and an alternative to Community Care which will be more advantageous to pensioners, then the sooner he does it the better. We shall judge whether and, if so, how advantageous it is, when we see it. If he has had something better than Community Care for 15 years then it is certainly a mystery why he has not done it before.’

In his reply to my Budget speech, he accused me of being selfish and cynical for saying that, and worrying pensioners to steal a handful of votes from them. He went on:

‘The hon Members opposite, Mr Speaker, have poo pood’

– he said it –

‘the idea of the need to reform Community Care. So that there is no doubt about the difference between the party in Government and the parties in Opposition on this matter, the Government rejects as irresponsible and un-thought through the GSLP Liberal Alliance’s view that there is no need to reform Community Care in Gibraltar.’

225 Irresponsible and un-thought through – when *we* thought it. I would like to know what they think now that they say they are going to do it.

I asked in September 2010:

‘Can Government confirm whether it is still the intention to introduce this year, significant reforms to the system of Community Care to protect Gibraltar from the possibility of any successful EU challenge, as it said it would do in the Budget session of 2009?’

The answer was:

‘It remains the Government’s intention to carry out this *necessary and desirable* reform, although it may suffer delay until next year.’

230 In my January 2011 New Year message, I said the following: ‘One important issue for us this year is the future of Community Care, the brainchild of our party and the backbone of the financial security of my generation and those that come after us. A year ago, you were told that the arrangements for Community Care payments represented a financial time bomb, ticking away under our children and grandchildren. Mr Caruana said he was not willing to bequeath this “potentially lethal legacy” to future generations and that he would introduce reforms in 2010 that would protect Gibraltar against this possibility as he had promised to
235 do in the 2009 Budget. This year we find not one word in the Government’s message. A time bomb ticking away about which he has done nothing since June 2009. If the danger is as real as this, then it seems a gross dereliction of duty not to have provided the protection he claims to have up his sleeve. We are fully committed to the continuation of Community Care and have yet to be convinced that it needs to be replaced by something else. In Government we would therefore act so that it has its own financial reserves, contrary
240 to the GSD policy of deliberately running this down to zero, which is what we have done since 2011.’

In the 2011 Budget, the Chief Minister said:

‘Mr Speaker, I have said before that the Government is committed to reforming pensions and Community Care, among other reasons, to avoid the threat of a future legal challenge for which we could no longer hold the UK responsible, and which may be a financial threat to future generations. Gibraltar is past the stage where the financial support that it gives to our elderly people needs to be in the form of charity. It would be much more compatible with the dignity and respect in which we hold our elderly in the modern Gibraltar that their financial support be a matter of legal, statutory right and not charity. Accordingly, with effect from next year’

– meaning 2012 –

‘Community Care payments will become a statutory right and will be paid in conjunction with old age pensions. Everyone will continue to receive the same amount of money as they do now. There will be no losers. No one will lose out or receive less. But it will be a legal right and not a matter of charity.’

I replied as follows:

‘Community Care’s future is another bone of contention, Mr Speaker. The ticking time bomb under Community Care has been the way the Government has chosen to describe the situation, not mine. If anything can be said to be designed to make pensioners worry about the future of the support they get from Community Care, surely it is to tell them that there is a ticking time bomb, not to say, as we have done, that our policy is to continue with the system. Here we have a classical example of the irresponsible and politically self-serving arguments put forward by the hon. Member opposite. If the Government says it is a ticking time bomb in the Budget of 2009 and has done nothing about it two years later, either it is not such a great risk, as he chose to portray by his choice of words, or he is failing to put in place a better system with a lower risk which he claims to have up his sleeve, having been preparing for this by deliberately running down the reserves of Community Care for fourteen years. The crime that I am accused of is, that having seen no evidence of what he says, and having seen a number of changes introduced which, in my judgement, if anything, increased rather than reduced the exposure to risk and which I do not think is in anybody’s interest for me to spell out, when I say I do not agree with him and that I will hold back my judgement on an alternative when I don’t know what that alternative is, I am accused of scaring our pensioners. This Parliament is being asked by the Government to vote money for Community Care again this year with no attempt being made to deal with the exposure to risk which he says exists, which he says he knows how to cure at no cost to either existing beneficiaries or future generations and which he chooses not to put in place just yet. Why, if there is such a huge risk which he only has discovered after Community Care ran out of money in 2009, why does he not give it priority? As usual with the hon Member, he gave different reasons on different occasions. In January 2010 he said he would introduce it during the year. Towards the end of 2010 he said that there was slippage and that it would happen in 2011. Well, I do not see what priority he has given the Legislation Unit to produce what is required in 2009 if after 18 months the legislation he says he needs to produce was simply not ready. Now it is two years and we still do not know exactly when this legislation will see the light of day or whether the legislation will be published before the general election. We were told in the Budget last year that the danger of the ticking time bomb blowing up was not imminent. Well, I can only say that if someone knows there is a ticking time bomb, knows how to disable the bomb and knows where it is going to blow up, then it is not unreasonable a conclusion to come to, that that is the person who knows all these things is the person that put the time bomb there, in the first place. I cannot for the life of me understand why he has chosen to make such statements which can only serve to encourage others to do something we would all want not to happen without being ready to immediately close the risk. Because I press him to come clean and present his alternative ... when we see it so that we can decide if we can support it when we know what it is, because our position is to reserve our judgement when we know what he is up to, he claimed last year that this meant I had poo pood his idea. Mr Speaker, I can assure the hon Member that poo pooing was not something that I was ever taught how to do, in the area of the city where I was born and bred, near Devil’s Gap. It may be polite public school terminology, but in my environment we always used more, shall we say, robust language, to decry or oppose something. He said last year that his Government sees a real danger for future generations and was going to do it because it was the responsible thing to do to protect future generations without affecting their pensions. Our reply is that we do not see the danger, but if you do, get on with it and do not waste any more time. He claims that this reply makes us unfit to win an election. He insists it will be done but the ticking time bomb that only he sees is not going to explode just yet. Well, there is another ticking time bomb’

245 – I told him –

‘the one he will have to face in the coming general election and that has a definite date by which it will go off!’

And it did and we are here and they are there.

‘Though I accept he is the only one that can decide, for a while longer, when the ticking stops. Perhaps he has chosen not to protect future generations after all and use the risk he claims to see as an election platform’

– which frankly I thought was going to happen – they would campaign on the new policy –

‘because the window of opportunity, if legislation is needed to deal with this issue, is fast closing and if the danger is real he should not delay it one more day. Today he has produced a new version of his motives for wanting to get rid of Community Care. I hope it is not that I started it. He says that the payments are charitable handouts and that they should become a legal right. This is incredible, Mr Speaker. Nobody has ever suggested that the independent entity with charitable status that receives Government funding from the process of import duty, has spent 22 years dispensing charitable welfare payments to those who are too poor to look after themselves. The status of the institution as a charity is because it is not a profit making organisation. To imply, for example, that the social wage extension in 2009, introduced at his instigation, to which I referred above which suggests that up to £5,000 per year can be given to a person with an occupational pension, irrespective of its size, as well as in addition to earning £15,000 from gainful employment, to suggest that this is an undignified and offensive handout, is simply unbelievable. The very risk that he has been hinting at for two years is the one that arises when a Government elsewhere pays out statutory amounts which are not means tested, not linked to any threshold and not linked to the payments of contributions. If he has an alternative that can preserve all the benefits of the present system that are provided by the Community Care entity and intends to stop funding the Trust after December and pay directly the beneficiaries as from January’

– which was the implication of what he had said –

‘together with their social insurance pension, that is not enough to say so in a couple of paragraphs in a Budget. If he is saying that the money we are voting this week to allow the Trust to continue until December and that in January they will no longer have a role to play and that the social security department will be making the same payments to the same person, then he needs to produce the alternative mechanism now and not after the general election. If when we see what it is, we agree that it works, we will support it. We will support any system that is better than the one that is there. But he has got to go further than simply telling us that he thinks it is because, in fact, the description today did not sound like a very safe system to me. I have to say that if payments to pensioners directly by the Government leaves the Government less exposed to challenge and makes it less risky than when a third party, a private charity is making the payments, then, Mr Speaker, everything the experts have been saying on the subject since 1989 has been complete nonsense.’

250 The ticking time bomb was discovered in 2009. The legislation to diffuse it was not yet ready in 2011. We have not been able to complete it by 2015. For a very simple reason, Mr Speaker: no-one in the Legislation Unit seems to know anything about the draft legislation that was supposedly in the pipeline and we are in no position to provide a brief, since we have absolutely no idea what was planned.

255 During the election campaign that followed, the GSD refused to provide any explanation of how the replacement for Community Care would operate and limited itself to say that no-one would be worse off and that it would be implemented early in 2012.

I was accused of being selfish when I criticised the policy of the GSD. Well, how much more selfish can you get than to claim you have already identified and designed, ready to implement in 2012 after some slippage, a system which is much better for pensioners but you refuse to reveal it to the Government of the day so that the pensioners benefit from it, so that they can implement it, so that they can implement what was your policy and what you intended to do? We cannot do this without their co-operation because we have looked at other options a long time ago and there was no way that we, or the officials with expertise who were consulted, could see how it could be done.

265 Mr Speaker, in my previous intervention since December 2011 when I have asked the Members opposite to share with us what this new scheme is, I have made clear that no-one in the relevant Department had any knowledge that there was any such scheme ready to implement in 2010; that it is not the case that there has been some slippage; and that it might have been done in 2011; and that it was not going to commence in 2012; and that it would not have happened if the GSD had been returned to Government.

270 Well, if no such alternative exists, then the Members Opposite participated in an election campaign, promising to deliver a replacement system for pensioners which would be better than Community Care when no such system existed and there was no intention of delivering on this election promise.

What this does not explain is why they should want to do away with Community Care if there was nothing to put in its place and why was it necessary to do this in 2009 other than the fact that the reserves of the charity had run dry that year? But in any event, it is not as if there is any evidence that their alternative, even if it ever existed, would have cost less. Unless of course it was not true that everybody that is eligible now would have been eligible under the proposed statutory scheme.

275 This is not the only issue that needs explaining. If in 2009 something happened which led the hon. Members opposite to conclude there was a ticking time bomb and they had a solution which the Social Security Department was not aware of, why have they been unwilling to share it with us so that we could have done something about the ticking time bomb since 2011? We would have been happy to look at a better option if it worked and let them take the credit for thinking of it.

285 If the present system no longer represents such a massive risk that merits the ticking time bomb label, what has changed since 2009? If indeed as we stated in 2010 and as the evidence from the finances of the charity suggests, this was no sudden decision nor was it a case of benign neglect as I had assumed it to be, but a deliberate policy carried out systematically since 1996, then there is a lot to answer for, given that this Parliament was told the very opposite *consistently* throughout the 14 years. A classic example of misleading the Parliament and the electorate on a massive scale in a highly sensitive and very important issue, with no explanation as to why it was done and no apparent reason for doing it.

I commend the motion to the House. (*Banging on desks*)

290 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Minister for Economic Development, Telecommunications and the GSB.

The Hon. the Leader of the Opposition.

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

295 My intervention will be rather short. I hope the hon. Gentleman does not interpret this as a sign of my dismissing anything that he has to say. It was very interesting to hear what he has to say, much of which I think had some force. So I hope that he does not interpret my short intervention as a sign of dismissing anything that he has said today.

Mr Speaker, I am going to resist the temptation of striking at his political past in the way that he has struck at my political past. And indeed, I am not going to strike at anybody else on the Government's side, at their political past, because I am not the only one to have changed political parties. Because really, what I want to do is to concentrate on the issue at hand, which I accept is an important one.

What I will say is this, Mr Speaker: it does sadden me that somebody who has had the distinguished political trajectory and the distinguished political career the hon. Gentleman has had – and I accept that – that he, almost seems to be caught in a political time warp. He has spent an hour of this Parliament's time, not arguing with me or debating with me, because I have already said that I agree with much of what the hon. Gentleman has said in terms of how we structure this particular issue... The rest of it is periphery, the funding of Community Care. He has spent an hour arguing with the hon. the backbencher, former Chief Minister, who is not even here, Mr Speaker, *who is not even here*, because he has spent an hour with quote and counter quote about what he said about what Mr Caruana said in response. It was almost a valedictory statement of his political career and his political and personal political battles with the hon. the backbencher, Sir Peter Caruana, which I believe are irrelevant in today's political climate and in moving forwards and looking to the future in terms of trying to sort out issues of this nature and trying to see how best one can fund Community Care and make payments to our elderly.

Mr Speaker, the motion reads as follows, the second paragraph:

'Regrets that to date the GSD in Opposition has refused to share with the Government the details of the proposals it claims to have had ready to implement and which they have alleged would be better and more in the interest of pensioners than the existing arrangements,'

Well Mr Speaker, I am telling him that the GSD has no alternative to the funding of Community Care in the way that they are funding Community Care now. I have told them!

Now, every political party is entitled – and it often happens when there is a change of leadership, or indeed a change of personnel – to change their policy. We have changed ours. If he was really interested... and indeed I would not debate it across the floor of this House because I believe it would be damaging to the greater public interest and indeed to pensioners, who at the end of the day are the ones who benefit from Community Care. If he was really interested in alternatives to Community Care, because, for example... and he has already quoted the hon. the backbencher in 2009 when he said about the ticking time bomb. If he was really interested, why was it a ticking time bomb? He could have written to me and I could have discussed it with the hon. the backbencher and it could have been dealt with behind the Speaker's Chair. Very often the hon. Gentleman asks me, when I ask a question, 'Well, let's deal with it behind the Speaker's Chair,' because it is a matter that may be commercially sensitive. Well, there cannot be anything more sensitive, Mr Speaker, than an allegation that Community Care was a ticking time bomb, and if he were to ask me, 'Well, why is that the case?' I am quite prepared to sit down with the hon. the backbencher for the hon. the backbencher to explain it to me in private and for me to explain it to the hon. Gentleman – in private, not across the floor of this House, not across the floor of this House, because what I am not going to be doing is placing in the hands of the Spanish Government or anybody across the Frontier any munitions that they could use against us and against Community Care, which at the end of the day is something that is in place in order to benefit our pensioners. Indeed, it is something that he was the architect for it and it is one of the plusses in his political career, and I do not suppose he would do anything or want me to do anything across the floor of this House in order to jeopardise Community Care. So if that is what he is interested in... If what he is interested in is an explanation, why was it a ticking time bomb in 2009? Well, I will talk to the hon. the backbencher and we can have a conversation behind the Speaker's Chair and talk about it.

But, Mr Speaker, as far as policy is concerned we have absolutely no intention of changing the current structure for Community Care, how Community Care is funded and the receipts of Community Care payment by our elderly.

Other than that, Mr Speaker, I cannot usefully contribute to this debate.

Mr Speaker: Does any other hon. Member wish to contribute to the motion?
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, the hon. Member opposite in his contribution has suggested that the statement by the Hon. Mr Bossano in presenting this motion, the speech by him somehow suggests that Mr Bossano, to use his words, is caught in a political time warp. Mr Speaker, I think that requires some careful reflection because Community Care, which is the subject of this motion, is actually a very real and present issue for many members in our community. The charity Community Care pays a household cost allowance today to many people who sincerely need or who genuinely need that money. Therefore, to suggest that arguments about the possibility of Community Care continuing to exist

not in the political league of 1996-2000 or the league match 2000-03, or even the league match 2003-07, but in the run-up to the General Election in 2011 and what might have been the policy of the current administration were it of the political colour of Members opposite, is not to talk about something which is steeped in history; it is to talk about the issues which are present and real.

Mr Speaker, it is true that Mr Caruana, the hon. the backbencher is political history, it is true that the GSD may soon be political history and it is true that the hon. Member opposite is doing everything possible to make himself political history as soon as possible. But Joe Bossano has demonstrated today and in other interventions in this House in the past year that he is very much a part of the present and of the future with his incisive analysis on a number of matters, in particular now on this important subject.

Mr Speaker, what we have seen, however, from Members opposite, is not just falling into the trap of once again seeking to portray a Member on this side in terms which are less than positive – I mean accusing Mr Bossano of being caught in a time warp etc; what we have seen, and this is a factual description, I think, given what we have just heard, is a political U-turn of the highest order, and I do not think that the hon. Member opposite has tried to hide that. Perhaps, Mr Speaker, that is to his credit but it demonstrates, in terms of consistency, that it may not be possible to even describe Members opposite in their current incarnation as the GSD, because if the people who stand under the banner are so different and they represent such different policies... Mr Speaker, of course they have the right to change those policies, but are they really the GSD? I put it to you, Mr Speaker, and to all those listening, that the answer is no; that we are seeing a transformation not just of approach to this subject but on many others, some of which we might actually welcome on this side of the House; that the party opposite is not actually the party that we had opposite us until the hon. and learned the backbencher was leading it some 24 months ago.

There is an opportunity, Mr Speaker, however, for broad agreement across the floor this afternoon. The hon. Member opposite has in his statement at least recognised the huge value to this community, in particular to our pensioners, of the work that was done by the Hon. Mr Bossano when he was Chief Minister in the establishment of the charity Community Care, ably assisted, if I may say so, Mr Speaker, by Mr James Levy QC at the time, who was, I think, and still is the Chairman of the Trustees of Community Care, that has been able to withstand repeated attacks from people beyond the shores of Gibraltar, not just in Spain, and have therefore demonstrated that the brains of Bossano and Levy together were able to devise a mechanism to protect the income of our elderly people in Gibraltar in a manner as effective as was necessary and which was unassailable even by those who at one stage sank to an unprecedented low and described those arrangements as a scam.

Mr Speaker, I think that, given the debate in this House has been less than friendly in the past month, this is a good opportunity for the House, in considering this motion and having heard what the hon. Member has said, which I have dealt with until now, concentrate on that issue which I think meets a great measure of agreement between us, and that is to recognise that work that was done by Joe Bossano in what will be, in my view, one of his many very enduring legacies to this community.

It is not lost on me, Mr Speaker, and I am sure on many others, that the photographer who took the portrait of Joe Bossano for the booklet that the Gibraltar Photographic Society issued, I think three months ago, of local personalities, in setting up the shot put in view, just at about the same level as the legendary moustache, a booklet on the accounts of Community Care, which was as visible as all the other well-known and well-loved characteristics of the man being photographed. That, Mr Speaker, will be his legacy – one of his many legacies – and the one good thing to come of this debate is the very large measure of agreement across the floor of the House in that respect. (*Banging on desks*)

Mr Speaker: Does any hon. Member wish to contribute before I ask the mover to reply?

The Hon. Mr Joe Bossano.

Hon. J J Bossano: Mr Speaker, I think what the hon. Member cannot escape simply by saying, ‘Well, look, this is history, that is the past, and let’s look to the future’ is that we are not talking about 2,000 years ago; we are talking about 2010. That is to say in the year before the General Election his position, as part of the Government, had to be what the House was told. The position of the Government then said, ‘There is no doubt that the difference between the party in Government and the party in Opposition is that the Government rejects as irresponsible and un-thought-through the view that there is no need to reform Community Care today.’ Should I now welcome him to the ranks of the irresponsible and un-thought-through?

One of the things about Parliament and *Hansard* is that everything you say in this place catches up with you sooner or later, and when you have got a guy like me who remembers everything over the last 43 years that is not a very safe thing.

What I am saying to the hon. Member... independent of the issue of whether there was a risk or there was not a risk, because it is not a question of us, by mentioning the risk, doing something that is dangerous – we are saying we do not believe the risk exists. But if you tell me that there is a risk and you feel that it is

dangerous to explain it to me here, then it is up to you, as has been said when the hon. Member gives the example of asking a question – if he asks the question in public, he gets the answer in private. Well, I am asking the question in public and I have been asking the question in public for the last seven years since it was first mentioned in 2009, but I have never had the answer in public or in private, or an offer of the answer in private on the basis that it was not in the public interest to give me the answer in public.

The reason why I did not get an answer is because there was no answer. We still do not know why the GSD wanted to shut down Community Care. We do not know that. If it is true that a change of leadership can make a ticking time bomb disappear, then we have discovered some new concept in life which I have never heard of before. If it is true that the hon. Member was a Member of that party when it was thought irresponsible and un-thought-through to say there is no need to reform it, if that was true then he should be able to tell me without having to ask the distinguished backbencher what it is that made us irresponsible, because he has now joined the rank of the irresponsible if he does not know it himself.

I can tell the hon. Member that in my judgement the risk did not exist. In my judgement, the way that it was said that it was going to be done is impossible to do, and I will tell him why. If he goes back to May 1996, in the official opening of the House I revealed that the British Government, before the 1996 election, had tried to commit me to give a written indemnity and an undertaking that Community Care would be closed down after the election, whoever won the election, and I refused to do it. And the first thing I did was to make it public in 1996 and urge the GSD to resist the pressure to close it down, which they did because it is still there, and I am glad that they did. But having resisted the pressure it would appear that, for reasons that were never spelt out, of their own volition they decided that there was a better way of doing it. And it would not have been a controversial thing if from the first day we did not say, ‘Well, look, if you have got something better we are not going to do it, because if you say black we say white, and if you say white we say black.’ We did not say that. We said, ‘If it’s better tell me – show me how it’s better.’

The answer is that what I have brought today for the hon. Member might just be repetitive history and living in a different...time warp, but I have to tell him what this record shows is *consistent*, consistent lying in Parliament. That is what it shows and that is serious, because I have given the evidence –

Hon. D A Feetham: Mr Speaker.

Hon. J J Bossano: Yes, I will give way.

Hon. D A Feetham: Mr Speaker, obviously it is not my lying, because... He is not making an allegation of lying against me because of course I made no... none of those things, but he is making an allegation of lying against the hon. the backbencher and I urge the hon. the Speaker to show consistency in the way that this question of lying has been dealt with. Mr Speaker admonished me when I said the Hon. the Chief Minister had been lying when he made certain allegations against me, and I think that he ought to uphold the rules as well against the Hon. the Father of the House.

Mr Speaker: The Leader of the Opposition I think is quite right. I would urge the Hon. Mr Bossano to withdraw what he has just said and perhaps he might think that what was happening was that the hon. the backbencher never got around to revealing what plans he had.

Hon. J J Bossano: No, no, no, no. No, Mr Speaker, I am not saying he was lying about having plans; I am telling the Parliament that there were no plans. At least there were no plans known to anybody other than him, but he might have had plans in his head. What I am saying to the House is the House was told on several occasions, ‘The £60 million will not be touched.’

You can only use the word ‘lying’ in a substantive motion and this is a substantive motion, and if I have to move an amendment to the substantive motion to include the distinguished backbencher then I will do it, but what I cannot accept is that I have to withdraw. If I am telling the House on such and such a date we were told there is an axiomatic commitment that the reserves will not go down, and on such and such a date we are told the Government has been planning from day one to eliminate the reserves, well look, the two things cannot be true.

Mr Speaker: But in the question of unparliamentary language, such as ‘a lie’, the context is important. It is the context in which it is being said which very often determines the extent to which it is unparliamentary.

I take the view that I do not think it is entirely fair, in the absence of the Hon. Sir Peter Caruana, that he should be accused here today of lying when probably... From what I have heard of the history that Mr Bossano has outlined it is clear that he seems to have been the only one who felt that it was a potential time bomb, because given the principle of collective responsibility one would have expected the Hon. the Leader of the Opposition to have known what those plans were, if they actually existed.

I can never recall, during the 16 years when I was in Government, that the principle of collective responsibility did not apply, other than in some cases of foreign affairs where something went from Gibraltar to London, which history has recently shown all Ministers did not know about. But on an issue such as Social Security and Social Assistance we would all have been involved and it is clear that the Leader of the Opposition, who was a Member of that Government... There are other Members of that Government here – they do not seem to have been aware as to what plans there were, neither were officials aware, so perhaps... I think it would be more correct to say this is what the then Chief Minister had in mind; he never got around to doing it.

Hon. J J Bossano: I have not said that he is lying about the time bomb, because if there is something described as a time bomb it is a matter of opinion and it is a matter of judgement. Something might be considered a time bomb by Mr Caruana and not considered a time bomb by me. What I am saying is that it is not possible to say that the GSD Government – because he was speaking not as an individual but in the name of the Government – the GSD Government gave a solemn undertaking in this Parliament on several occasions that they would guarantee that the £60 million reserves would not be depleted. They gave a solemn undertaking. And when I said they had not honoured what they committed themselves to, they had not honoured it, the answer was that I was lying. I was called a liar for saying they had not honoured it, but then the person who calls me a liar turns round and said that I am lying because it is not that he did not honour the commitment, it was that he never intended to comply with it because he was planning from day one to run the thing to zero. So the two statements cannot be true.

If to say that somebody is lying is something that one should not say, I would say one should not say it unless there is evidence and if anybody makes a statement in Parliament they should back it up with facts, and I am backing it up with facts because it is not my words – I am talking about the policy of a Government, not whether an individual person, whether he is the Chief Minister or the backbencher, tells the truth or does not tell the truth. I suppose none of us are a hundred per cent truthful a hundred per cent of the time. That is not the issue. I am talking about the credibility of a party that is going to an election this year and making electoral promises. And if they make an electoral promise saying, 'I'm going to put a new system in if you get me elected,' and there is not a shred of evidence that they were going to do it, well, what do you call that?

Mr Speaker: Well, I would say that political credibility is not the same as telling a personal a lie in Parliament. The two are different and therefore, to that extent, if that is what he has in mind then I think that that amounts to a withdrawal of the word 'lie' as applicable directly to the Hon. the Leader of the Opposition – (*Interjection*) the hon. the former Chief Minister.

Hon. J J Bossano: Yes, but I am not withdrawing anything, Mr Speaker, let's be clear. If, in order to make it consistent with the ruling, I have to move an amendment to include him in the motion, I will, because as far as I am concerned it is not about him, it is about the party; it is about the party in Government. The Government of Gibraltar, the person who stands up for the Government of Gibraltar today is my friend Fabian and he will stand up and say something and say, 'This is what the Government policy is,' and that Government policy he is saying in the name of all of us. And if what he is saying is not true is not true and, all of us are equally guilty. This is not about a person telling a lie; this is about a Government openly, deliberately and unquestionably saying things in Parliament which are not true – not even misleading: not true. Because they say there is £60 million and I can prove today that when they said there was £60 million there was not £60 million, because they say, 'We are monitoring it closely,' and I can prove that that Government was not monitoring it closely.

Mr Speaker: It is a fact of political life that Governments, even in democracies, are very often economical with the truth, and the years go by and then we find out that that is the case. But that is not the same as deliberately uttering a lie here in Parliament. That is not the same.

Hon. D A Feetham: I would urge Mr Speaker to be careful here because Mr Speaker, I think, inadvertently I have to say, is now descending into the political arena. In order to try and get the Hon. the Father of the House out of a procedural hole because he has a lot of affection for him, he is now trying to give him the political out, which is the GSD Government was economical with the truth. Well, look, that is not accepted on my part.

Mr Speaker: I have not said that the – (*Interjection by Hon. D A Feetham*) I said that there have been many instances throughout... I can recall myself being in Government and things being said by Ministers, by the Chief Minister of the day, which would not stand 100% investigation – because that is politics and it is a fact of life.

Look, you can say somebody is politically corrupt – and it happened in the case of Mr Damon Bossino in the Budget of July 2012 – and that is not the same as saying somebody is corrupt. You can say here a Minister is not to be trusted in a political sense, in a parliamentary sense, and it is not the same as outside in the street saying, ‘This person is not to be trusted.’ It is not the same, that is clear. This is what I am saying about the context in which...

Now if the hon. the Leader of the Opposition wants me to name Mr Bossano – is that what...? Or that I should chastise him further... I am trying... Yes, I am trying to give him a way out, because he has been here over 40-something years. I know how obstinate people in our generation can be. As we get on in life we can be *very*, very obstinate, and I do not want to have another unsavoury incident two or three days after... I thought we had had enough recently.

Hon. D A Feetham: Mr Speaker, nobody wants an unsavoury incident. I have just seen that Mr Speaker has made a comment which could be misinterpreted and I have just pointed out that it could be misinterpreted.

I really do not want to have a situation where every session of Parliament turns into exchanges with the Speaker turned into a central aspect of proceedings; I really do not want that to happen, Mr Speaker. All I have said is that perhaps you have made a comment that could have possibly been misconstrued and I was just pointing that out, Mr Speaker.

Of course nobody wants to have these exchanges about lying. The hon. Gentleman could just simply withdraw, but he seems determined to continue and continue. And of course I pointed out that Rule 45.12 basically provides even if he were to want to move an amendment, he can move an amendment, but my understanding of this is in this particular case he has got to give notice as well, and the hon. the backbencher would have to be here in order to be able to defend himself. Or are we going to have effectively – (*Interjection*) Or are we going to have a motion without notice effectively questioning the conduct of an MP without notice and with that MP not being here?

A Member: He has chosen not to be here.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as Leader of the House and trying, insofar as is possible in this situation, not to be partisan, and trying to do a bit of what you are trying to do, which is to give both parties an opportunity here to stand by what they believe, I think what Mr Bossano is saying, without getting into the substance of it, is that when statement A is made and later statement B is made, both of those cannot be true, and perhaps to say that one of the statements that was made – either the first one, to preserve reserves at a particular rate; or the second one, that there was never any intention to preserve reserves – was, one of those was not true is parliamentary language and is a way of dealing with the subject.

Alternatively, Mr Speaker, if Mr Bossano goes on to say that what he said was actually the preamble to moving an amendment to the motion which includes that wording, then he would be speaking on a substantive motion, which is the amended motion, and would therefore avoid being in conflict with the rules, subject of course to the fact that it is true that the hon. the backbencher is not here, but notice of this motion has been given for some time and an amendment to an existing motion is an amendment that can be made without notice.

However, I would invite both Mr Bossano and Mr Feetham to accept that the possibility is to say that on the occasions that those statements were made, on one of those occasions at least one of those statements had to be untrue, and therefore other people can then reach the conclusions that the ‘L’ word applies if they wish.

Mr Speaker: On the question of amending a motion, I have never known in all the years when I was a Member of the House that a motion was moved by the original mover during the course of his right to reply when he is making his winding up speech. It has never happened, but we can check the rules and see what the rules say about amendments. That is Rule 21: ‘Manner of debating motions and amendments thereto.’

Hon. D A Feetham: Well, Mr Speaker it is 45.12, and 45.12 says that –

Mr Speaker: No, that is another one.

Hon. D A Feetham: No, that is what he wants to do; he wants to question the conduct. Basically what that says is that you cannot question the conduct of a Member of Parliament ‘except upon a specific substantive motion moved for that purpose’. Mr Speaker, it is here:

‘and in any amendment, question to a Member or remarks in debate on a motion dealing with any other subject or reference to the conduct of the persons aforesaid shall be out of order.’

My reading of that is that you cannot amend a motion in order to... effectively turning it on its head into a substantive motion questioning the conduct of a Member. You have got to bring a separate motion. That is my reading of this and it flows from the wording:

‘except upon a specific substantive motion... and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the person... shall be out of order.’

595 **Hon. Chief Minister:** Mr Speaker, you have already ruled in that respect when the hon. Member did not like an amendment I was making to a motion about him. That is not the correct interpretation, as you ruled at the time.

Motions under Standing Order 20, Mr Speaker, are said to be possible to be amended by way... A motion which does not require notice is a motion which is being amended when it is being debated in the Parliament. There is no statement as to when, in the course of that debate of the motion, the amendment can
600 be brought. I think that is not something that is provided for, and therefore it must be proper to allow the amendment at this stage as well.

In any event, Mr Speaker, the hon. Member has not yet heard the proposed amendment. He has gone on about it not being possible to call into question the conduct of a particular Member, but a motion could be amended to call into question the conduct of the GSD Government, for example, which is not to call into
605 question the conduct of a specific Member – although given what we are hearing about collective responsibility it seems there was only one Member in the GSD Government at any particular time. *(Laughter)* But the rules, Mr Speaker, do not prevent such an amendment being moved at this stage, and I think if I can call Mr Speaker’s attention to the type of debate which is less acrimonious, when the House is trying to agree something often amendments are made, even when the mover is replying, to try and get to
610 the motion that the whole House can support. In that sort of attempt to work together and have a motion that is supported unanimously I have seen amendments moved during the course of a reply. This is in a more combative procedure, but there is nothing in the rules that prevents that.

615 **Mr Speaker:** That is why I say in over 20 years membership in this House I can never recall an instance where an amendment was moved by the mover during exercising his right to reply, and I remain to be convinced – and I am not, after a cursory glance at the rules – I remain to be convinced that that is within the rules, because I have never seen it happen.

620 **Hon. Chief Minister:** Mr Speaker, can I ask you in this respect, in respect of such a ruling, to point to any part of the rules that prevent it, because if the rules do not prevent it then we are in the territory where simply recollection is not precedent.

625 **Mr Speaker:** Logic demands that once the mover is exercising his right to reply, that is going to be the end of the debate, and now he raises... He himself brings up an amendment to his motion, when all the other Members have spoken beforehand and now they no longer have an opportunity.

Hon. Chief Minister: No, Mr Speaker, you would be absolutely right if that were the situation, but there is of course the right of every Member now to speak on the amendment.

630 **Mr Speaker:** Yes.

Hon. Chief Minister: So once the amendment is moved it is not as if we then go immediately on to vote on the substantive motion as amended. We then go on to a debate on the amendment, and therefore Members will be able to speak on the amendment should they so wish.
635

Mr Speaker: I think I would have to take advice. I will have to perhaps consult *Erskine May* or maybe even the Office of the Clerk in the House of Commons before I allow him that, as I say.

640 But I think it is a pity that... We were making progress this afternoon in what was a very sober, interesting debate, and the matter is turned on its head because of an unfortunate word. I am trying to avoid that this should happen in Parliament, but I do not seem to have been, of late, born under a lucky star.

645 **Hon. Chief Minister:** With respect, Mr Speaker, I am the first one to think that you are absolutely right to try and bring temperance to this place and the first person to stand on behalf of all of us here to say that we should reflect on the statement that you made last time. But a Parliament is a place to parlay and to debate and debate sometimes requires disagreement, and disagreement must sometimes be robust; and

robust disagreement, when it is based on the sort of debates that we have heard Mr Bossano present, should not be something that scares any of us, nor indeed the public. This is not a debate that is being conducted in any way that is anything other than entirely proper, and the only issue is whether one word has been used in this debate which is appropriate or not, and Mr Bossano's position is, as I think he has explained more than adequately himself, that in the circumstances he thinks it is appropriate and wishes to use the parliamentary devices that are available to him in order to be able to deploy that wording.

If Mr Speaker thinks that, despite that, the procedure which is being put to him should be followed so that the House can, not *allow* Mr Bossano to use that language but *debate* the use by Mr Bossano of that language, because then the House will be able to consider that, that is of course a matter for Mr Speaker, and Mr Speaker knows that on this side of the House we accept his rulings when we agree with them and we accept his rulings in particular when we do not agree with them, because that is what accepting the right of the referee must be about.

So, Mr Speaker, the matter is entirely one for you but I would ask Mr Speaker that he has raised an issue which I have never heard raised in this House. I think it will be possible to point to a number of motions which have been amended during the course of the reply, whether in combative or non-combative motions, and that Mr Speaker must rule on that subject because I think it severely circumspects the ability for debate if we do not have a ruling from Mr Speaker on this. Not today necessarily, because Mr Speaker has indicated he will want to take advice not available immediately, but I think it is important for the House that we should have a ruling on that subject.

Mr Speaker: I was not here, of course, between 1992 and 2012. It may well have happened during those 20 years. I may well be wrong. It may well have happened during those 20 years and I am just not aware that it did, and therefore it is something that can be looked into and can be checked.

Hon. Chief Minister: Indeed, Mr Speaker, actually I am just shown by Dr Garcia and Mr Costa that the answer actually lies in 21.3, and 21.3 is actually explicit. It says:

‘Any amendment to the motion which a Member wishes to propose in accordance with the provisions of Standing Orders 23 and 24’

– which deals with amendments and amendments in writing –

‘may be moved at any time’

– at *any time*, specific wording –

‘after the question upon the motion has been proposed by the Speaker and’

– and these are the words that I think deal with Mr Speaker's point –

‘before it has been put by the Speaker at the conclusion of the debate upon the motion.’

The conclusion of the debate upon the motion has not yet been reached, and therefore, Mr Speaker, Standing Order 21.3 engages and Mr Bossano is able to move the amendment.

Mr Speaker: But then 24 says:

‘Any amendment may be required by the Speaker to be put into writing by the mover and delivered to the Clerk.’

Hon. Chief Minister: Yes, Mr Speaker, and we have a draft of it in writing ready for the Clerk to pick up.

Hon. D A Feetham: Mr Speaker, this is the point that I have attempted to consistently make in relation to this, because in relation to other types of motions I have been concerned about the practice of substituting effectively an entirely new motion for a new one, without notice, that catches people by surprise. And the way that the rules are structured, in my view, always gives the Speaker an element of discretion, the residual discretion to say, ‘Fine, I have got the written amendment but I require that you give notice.’

When one is dealing effectively with a substantive motion... I have not read it and I can only go by what the Hon. the Father of the House said his intentions were going to be, which was that there was going to be a substantive motion effectively calling into question the conduct of the hon. the backbencher.

A Member: No, it's not.

Hon. D A Feetham: Well, that was the position at that point. *(Interjection by the Hon. J J Bossano and laughter)* Yes, the Hon. the Father of the House says that I have lied! *(Laughter)* Okay, I take it from him without making any Point of Order.

The issue, Mr Speaker, is that on this question of notice and whether it requires notice, and whether Mr Speaker wants to, in the circumstances, say, 'No, hang on a minute – I don't want to deal with this on the hoof for x, y and z reason,' that particular rule in Standing Orders actually gives Mr Speaker the discretion to say... not just writing, Mr Speaker, because it cannot just be a question of writing, so I just write the amendment out and that is the end of the matter; it is also about notice, because the writing is there to give notice to those who obviously have to debate this matter.

So Mr Speaker is absolutely right that Mr Speaker does have a discretion in relation to this, but at the end of the day it is Mr Speaker's decision as to whether... and I really do not want to waste any more time in relation to this because it appears to me that the other motion in relation to LNG is something that we ought to be debating and is something that is going to be thoroughly interesting, to say the least.

Mr Speaker: I think it is clear from what has emerged during the debate this afternoon, given what the Hon. Mr Bossano has said and what the Hon. the Leader of the Opposition has said, that perhaps it is not appropriate that it is the GSD in Opposition that should be condemned for having refused the information and it indeed is not appropriate that it is the present Leader of the Opposition who should be condemned for withholding information which he does not have, which we have been told he does not have and which nobody in any Government Department seems to have.

Hon. Chief Minister: Mr Speaker, with the very greatest of respect and summoning all of the collective respect that there is in this House for you, Mr Speaker, you have to be careful not to descend into the arena, and Mr Speaker has to be very careful not to form part of the debate of GSD or not GSD.

The Hon. the Leader of the Opposition has said that there is in the rules a residual discretion for you to require notice to be given. Mr Speaker, the rules are explicit: there is no issue of discretion and notice. This is a motion that can be amended without notice. This motion has been on the Order Paper for a month, or for three weeks. This motion was to be debated today, Mr Speaker, at the earliest.

If a motion is to be debated, then the possibility of amendments to it arise, including, as you ruled last time, Mr Speaker, the amendment of every word after 'This House' or even the words 'This House' to the very end. That has been the practice of this House for the 50 years that it has had its incarnation since it was a House of Assembly.

There is an amendment before the Chair, Mr Speaker. It is an amendment that is within the rules. There is no provision for notice and the House needs to get on and deal with this on the basis of the way it has done in its history and in accordance with its rules, Mr Speaker.

Mr Speaker: Let me have a look at the Rules and perhaps we might get more guidance.
Rule 20:

'Motions not requiring notice.

Unless the Standing Orders otherwise direct, notice shall be given of any motion which it is proposed to make with the exception of the following-

(a) a motion by way of amendment to another motion being debated in the Parliament;

That applies here. We are now debating another motion in Parliament and therefore an amendment can be made to it.

As I said, I have never experienced that it is made at such a late stage, but I do recall the Hon. the Chief Minister recently doing something similar in one case and I remember I queried it in my mind and I was told this has become the practice. It must have become the practice during the time that I had been away from this House. So on that basis it would seem that the Hon. Mr Bossano can move such an amendment.

Mr Speaker: Has the amendment been circulated? Do Members of the Opposition have the amendment? No, not yet.

In allowing the amendment, I also have to rule that an amendment to the amendment will also be allowed. I will also allow any Member to move an amendment to the amendment.

Now would the Hon. Mr Bossano then actually propose the amendment?

Hon. J J Bossano: Well, as I indicated in my previous intervention while you were considering the matter, Mr Speaker, the amendment to which I referred and which I now propose to move makes it clear that the issue is not about whether there was or there was not an alternative in place, because I accept that I have found no evidence of it. Members opposite may not have known any details about it. It was mentioned

and it is possible that the person who mentioned it did not share whatever he had in his mind with anybody else, and I do not think that constitutes any evidence of something being said that was not true – because in fact if one person does not share information with anybody else... well, then, nobody can know whether it is true or not.

But there is something, which is what I tried to draw a distinction... which is incontrovertible, and that is: was the commitment that was given in Parliament on behalf of the Government by whoever spoke – it is not the individual; nobody who was in the Government can say, ‘Well, I didn’t know that our policy was that we would let Community Care carry on paying.’ The GSD, Mr Speaker, took the credit for all the money that was paid to the pensioners for the 15 years they were there, as if they *were* giving money to the charity, and they were saying in Parliament that they were committed to making sure that the reserves were not touched.

Therefore, the amendment which I wish to move to the original motion is to add at the end the following words:

‘And therefore considers that the GSD Government was therefore lying in its statement suggesting it was preserving the reserves of Community Care of £60 million when in fact it later confirmed that it had been planning to run down those reserves to zero from day one.’

The confirmation has not come from the GSLP; the confirmation has come because there is documentary evidence that shows that on a certain date it was revealed that, contrary to what I had supposed, I had actually given the GSD the benefit of the doubt and I had actually assumed that they had taken a view in 2009 – and that is reflected in my original statement – that maybe something different should be done with Community Care, because at that point the charity had run out of money.

When I made that public the answer that was given was, ‘No, it was not by accident, it was not a question of not having given it money, but it was that it was always planned from day one that the point would be reached when the £60 million would run out and then, instead of continuing with the existing system, we will put something better in its place.’ Whether that something better was there or whether it was not there, whether they intended to do it or they did not intend to do it, the statement that there was a deliberate rundown can be tested against what happened – and what happened was in fact that there was a rundown. It is not that the charity went up and down on different years, which might have been the case – the Government may have had a very good year with a big surplus, which is what we are saying now. We are saying if the surplus is very big we will give more money, and if there is less money at the end of the year we will give less money, but what we will do is we will give the charity the money depending on how much money we have to spare after our recurrent expenditure has to be made.

If the position is on a number of occasions the Government of Gibraltar gives a solemn commitment in this House saying – beyond doubt, it is not possible to interpret it in any other way because it is repeated more than once – we are doing all sorts of things, we are even buying their investments from them to make sure they have got £60 million in cash, and that is a solemn promise; we are not going to give money when they do not need it, but they will never have to dip into their reserves.... They are saying that. And when what they are saying is one thing and what they are doing is another thing, then there is only one way of describing it.

It may be unparliamentary – it is not a nice thing to say of any organisation or any institution, but in fact when in the House of Commons people are seen not to be telling the truth in Parliament, they are held to account for not telling the truth. It seems that somehow here it is considered less of an evil to say somebody is not telling the truth than to actually not tell the truth. Well look, the truth in Parliament is serious, because if Governments... if we come here, look... My hon. colleague inadvertently gave the wrong information in the House and he has just come today to put it right. Why? Because otherwise it could be said he had been lying and giving unemployment figures that were not correct. Therefore, when you say something and it turns out that you had got it wrong, you come back and you put it right and put the record straight.

But of course if I have been able to demonstrate that on the very dates that they were saying, ‘We are preserving the £60 million,’ the £60 million was already not there, it was already below £60 million... Way back in 1999 it was already at £57 million and therefore the only conclusion is that this is not an issue about an individual and this is not a censure motion about that individual who is not here; this is about the conduct of a Government in Parliament in not telling the Parliament the truth of what it was they were doing and revealing it 14 years after the event and saying, ‘This is what we were doing throughout,’ and in fact the evidence that we now have, showing that in fact it was true, that is what they were doing. So what they were doing was one thing and what they were saying was another, and therefore they were lying in Parliament and I move that the amendment be supported so that we tell the truth this time and the record shows what was really happening.

800 **Mr Speaker:** Given that the hon. Member has said that he is prepared to give, he has given the GSD Government the benefit of the doubt, he might be equally generous and delete the word 'lying' and substitute for it some other word, such as 'was therefore incorrect in its statement' or 'was therefore not accurate in its statement'. I will not propose this question with the word 'lying'.

805 **Hon. J J Bossano:** Yes, but Mr Speaker, look, I believe –

Mr Speaker: I am now ruling that it is unparliamentary –

Hon. J J Bossano: You are ruling –

810 **Mr Speaker:** I am ruling it is unparliamentary. I will not propose the question with the word 'lying'. I require that it be amended by a word that is parliamentary, such as 'accurate', 'incorrect', or something to that effect, and then I am being consistent in doing my job as Speaker, which I have a right to do, as I have told hon. Members previously.

815 **Hon. J J Bossano:** But Mr Speaker, if an hon. Member comes here and gives an incorrect number, then that Member is giving incorrect information. If a Member comes here and says something that is not true, knowing that it is not true, then I do not know what you call it and why you think to say –

820 **Mr Speaker:** What I call it is a sense of justice in that the Member is not here to defend himself.

Hon. J J Bossano: But, Mr Speaker, the amendment does not mention a Member. I am saying the Government of Gibraltar was not telling the truth in Parliament.

825 **Mr Speaker:** But I am ruling that that word is unparliamentary, and if he does not withdraw it I will suspend the session.

Hon. J J Bossano: Well, Mr Speaker, then are you saying that I cannot say they were not telling the truth?

830 **Mr Speaker:** You can use some other word which may amount to a similar word – (*Interjection by the Hon. J J Bossano*) I am not having the word 'lying' in a substantive motion of this Parliament in a session over which I am presiding. I am just not having it.

835 **Hon. J J Bossano:** Are you saying, Mr Speaker, that there is now a new rule that I cannot give notice and bring a new motion that says anything about –

840 **Mr Speaker:** I am saying that the word 'lying' is unparliamentary and I will not allow it in a substantive motion before the Parliament over which I am presiding. If he does not want to accept that, the Government can bring a motion –

Hon. J J Bossano: No, no, I want to understand –

845 **Mr Speaker:** The Government can bring a motion against me, and I will then go home and that is the end of the matter.

Hon. J J Bossano: Well, yes, I may want to do that, but that is not the issue.

Mr Speaker: Go ahead and do it! (*Several Members: Ooh!*) Go ahead and do it. Go ahead and do it.

850 **Hon. J J Bossano:** Mr Speaker, I am not saying that I am going to do it; I am saying I *may* well want to do it. But wanting to do it and doing it are two different things.

Mr Speaker: Not that I am going to go home, but that I *may* go home.

855 **Hon. J J Bossano:** Right. What I am asking, Mr Speaker, for clarification on your ruling. Is it that you are saying that under no circumstances a motion can be brought to this House which includes the word 'lying'. Is that what you saying?

Mr Speaker: Not whilst I am the Speaker of this Parliament.

860 **Hon. J J Bossano:** Okay, then, Mr Speaker, are you satisfied with the words ‘not telling the truth’?

Mr Speaker: No.

865 **Hon. J J Bossano:** No.

Mr Speaker: I am satisfied with ‘was therefore not correct in its statement’, or ‘was not accurate’, but ‘not telling the truth’ amounts, it’s the same as ‘lying’.

870 **A Member:** Deliberately misleading.

Hon. J J Bossano: Deliberately misleading?

Mr Speaker: No.

875 **Hon. J J Bossano:** The freedom of speech in this Parliament gets better by the minute, Mr Speaker!

Mr Speaker: Well, the freedom of speech is curtailed, whether Members like it or not, by the rules. [Hon. J J Bossano: Yes.] And they have asked me to and I have to interpret the rules. People do not like it. I am getting anonymous letters accusing me, but it is a fact of life. They may not like it. But freedom of speech is one thing, but there is a law and there are rules, surely.

880 My job is to implement the rules and it is a well laid-down fact of life that the word ‘lying’ is not acceptable. It is unparliamentary. It is unparliamentary when used in a speech; even much more so is it unparliamentary when contained in a motion.

885 **Hon. Chief Minister:** Mr Speaker, I think that we need to reflect on the rules to understand what they are there for and what has been built up over centuries as parliamentary debating procedure. And the procedure, which I do not have to hand but is well known to every parliamentarian, is that you cannot use the word ‘lie’ or say that somebody is lying other than in a substantive motion.

890 Mr Speaker, this is a substantive motion and therefore it is with the very greatest of respect that the Government needs to consider your ruling, not for our sake and for today but for the sake of the Parliament and the right of all Members on both sides of the House at any stage to avail themselves of the rules as they have been established over centuries, not just in this place but in other Parliaments which we take guidance from. Because I think we have to preserve – and I have to preserve not just for the Government but for all Members – the right to use language which is otherwise unparliamentary in a motion, which is what makes it parliamentary, because the rule has always been that you cannot say that somebody is lying or that there is a lie other than in a substantive motion.

895 Now, Mr Speaker, trying to avoid, all of us who have such a high regard for each other, finding ourselves in conflict, can I propose Mr Speaker, that –

900 **Mr Speaker:** Can I propose that I be shown evidence of the fact –

Hon. Chief Minister: No, Mr Speaker, can I –

905 **Mr Speaker:** – that the word ‘lying’ can be used because it is being used in other Parliaments? I have never seen that happen.

Hon. Chief Minister: Alright, Mr Speaker, we will –

910 **Mr Speaker:** And because I do not know that that is the practice, I cannot but rule the way that I am ruling –

Hon. Chief Minister: Well, Mr Speaker, the practice –

915 **Mr Speaker:** – given that I am being required here and now to make rulings, it is not a question of going away and coming in four or five days’ time when one has had an opportunity to try and find out what the position is.

920 **Hon. Chief Minister:** Mr Speaker, you are among the most experienced Speakers that this Parliament has had, not by dint of your period as Speaker but by dint of your service to this community as a *Member* of this House. And if you have not come across that principle, I will of course make it available to you in the

context of dealing with this issue, not for today but for the future, because it is very important that there should not be a ruling on the books of this House which somehow curtails the right of Members of this House, to express themselves in a way that Members of other similar houses are able to express themselves on substantive motions.

925 But can I propose, Mr Speaker, in an attempt to ensure that old parliamentary colleagues such as you and Mr Bossano, for whom I have, for both, such equally high regard, do not find yourselves at loggerheads for any longer, that we recess for five minutes and that we have an opportunity of considering the language of the motion in a way that might enable us all to feel that we have achieved what we each respectively have to achieve and what the taxpayer expects from all of us, and that the House do now recess for five minutes?

Mr Speaker: Yes, thank you, the House had better recess and we have a cup of coffee.

The House recessed at 1.23 p.m. and resumed its sitting at 3.03 p.m.

**Community Care –
GSD proposals for replacement –
Debate concluded; amended motion carried**

Chief Minister (Hon. F R Picardo): Mr Speaker –

935 **Mr Speaker:** The Hon. Mr Bossano.

Hon. Chief Minister: Well, I believe, Mr Speaker, it is an opportunity to reflect that the recess has allowed an opportunity for the Government to consider the amendment, to consider the issue with you.

940 I am delighted that there is an element of white smoke, if I can call it that, in respect of the amendment and to I think reflect that there is such deep affection between Members of this House – in particular you and Mr Bossano, who are the same age and have served here for so long – that I do worry, Mr Speaker, that one day perhaps the Leader of the Opposition and I might feel so deeply and so affectionately for each other 40 years from now. But it is very salutary to see that we have been able to progress.

945 **Hon. J J Bossano:** Mr Speaker, the amendment that I am moving has been redrafted so that it now reads:

‘and therefore considers that the GSD Government was deliberately providing incorrect information in its statements suggesting it was preserving the reserves of Community Care at £60 million when in fact it later confirmed that it had been planning to run down the same reserves to zero from day one’.

950 Mr Speaker, the evidence in support is in my original opening statement, which, as I explained when I opened on this motion, shows that there was a consequential decline from 1997 onwards. That is to say the reserves went up actually in 1997, simply because investment income was high enough to cover the benefits paid to entitled persons and there was money left over. But since no money was put in in the first term, by the end of the first term it was already lower than it was in 1996 and it is impossible for the Government not to have known this, given that they made a statement at a later date, in 2001, that they were closely monitoring the situation to make sure that what was actually happening did not happen. They were telling us they were taking effective, preventative measures, redeeming the debt that was held by the charity which was in fact quoted in the London Stock Exchange, which was Gibraltar Government debt that was trading in London above its par value, and the Government was buying that debt from the charity at the rate that it was selling in the market, so that it would not be redeemed on the maturity date where the value would have been less. And it was saying to us in Parliament this was being done in furtherance of the policy that they would not need to touch the £60 million. That information was not correct.

960 They were buying those things but it was not so that the reserves would be kept intact; it was simply because they were, in effect, doing the very opposite. It was because the assets were being sold in order to pay the benefits, in order to pay the costs. It was only in 2003 that anything happened that was different and then, immediately after 2004, the decline continued and it was only when the reserves reached zero, which was in February 2010, that we had the Government openly explaining that, contrary to what I had believed, 965 that this had not happened as a deliberate policy, it was a deliberate policy and that the deliberate policy that the House was told was being followed was not true. It was incorrect information we were given and therefore we believe it is opportune to reflect this in the motion in a way which is consistent with the rules of the Parliament.

I commend the amendment.

970

Mr Speaker: I now propose the amendment in the terms moved by the Hon. Mr Bossano, and of course all hon. Members are able to contribute, are able to speak about the amendment.

If no-one wishes to do so, I will put the amendment, which reads:

That the following words be added as the last paragraph of the motion as follows:

'and therefore considers that the GSD Government was deliberately providing incorrect information in its statements, suggesting it was preserving the reserves of Community Care at £60 million when it in fact later confirmed that it had been planning to run down those same reserves to zero from day one'.

975

All in favour? (**Several Members:** Aye.) Against? (**Two Members:** Aye.) The amendment is carried.

I will now put the motion as amended to the vote. All those in favour? (**Several Members:** Aye.) Against? (**Some Members:** Aye.) The motion is carried.

ADJOURNMENT

980

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn to Thursday at 11.00 a.m.

Mr Speaker: I now propose that the House do now adjourn to Thursday at 11.00 a.m.

I now put the question that the House do now adjourn until Thursday at 11.00 a.m. Those in favour? (**Members:** Aye.) Against? Carried. The House will adjourn until Thursday at eleven in the morning.

985

The House adjourned at 5.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.06 a.m. – 1.23 p.m.

Gibraltar, Thursday, 30th July 2015

Business transacted

Order of the Day.....	2
Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report.....	2
Debate commenced	2
<i>The House recessed at 1.23 p.m.</i>	20

The Gibraltar Parliament

The Parliament met at 11.06 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

GOVERNMENT MOTIONS

Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd's Register Report Debate commenced

5 **Clerk:** Order of the Day. Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House:

Calls upon the Leader of the Opposition to disclose the identity of the person, persons, entity or entities who funded the £100,000.00 (one hundred thousand pounds sterling) cost of the Lloyd's Register Report titled the 'Gibraltar LNG Terminal Risk Assessment'.

10 Mr Speaker, many things have happened since I moved the motion which I have just read in the terms in which I have presented it. Indeed, one of the most important things that has happened since I moved that motion is unrelated to the substance of it, but was the statement by you, Mr Speaker, at the beginning of this meeting in which you asked all Members, and in fact specifically asked myself and the Leader of the Opposition, to try to tone down the level of acrimony in the debates between us. I told you, Mr Speaker, immediately that you uttered those words that I would certainly reflect on what you had implored us to do,
15 and indeed today I will of course seek to make my intervention one which is in keeping with your statement as to your feelings about the tenor and pitch of the debates in the proceedings in this House. I am mindful, Mr Speaker, that you made a ruling at the beginning of this meeting and that what you said about tone and acrimony was not part of your ruling but your expression of your own heartfelt feelings as to the sometimes acrimonious tone of the debate.

20 Mr Speaker, let me start by saying that in politics, or at least in politics in Gibraltar, one gets used to being the subject of 'robust linguistic exchanges', if I could characterise them in that way. We have an adversarial system of laws, we have an adversarial system of court proceedings and we have an adversarial political system that has not served this community badly, and it has been the case for many years that that is the position, the halcyon days long past were not ones in which there was not also strong disagreement and strong debate on any less important or indeed any less relevant subject, and the debate was in no way
25 less robust.

I know, Mr Speaker, that you are a political animal yourself and that you have long relished the political argument, but I get it when you tell us that you want us to stop – not debating, but you want to see us debate in a style which is less acrimonious and more befitting this Parliament in some way, and I will certainly try
30 and reach for a higher standard in that respect, as I always have. I believe that our democracy craves and deserves that. I do not believe that I have ever failed the higher standards in that respect and I think it is important that we look at some of the recent debates in that respect in a moment.

But, Mr Speaker, as I start on this motion and on this debate you will allow me for one moment to remind Members of the House of the practice of others in this place before your time here – before your second time here, if I might put it that way. Indeed, it was just under four years ago, in September 2011, that I was the subject of what I will call an attack by the then Leader of the House, now the hon. the backbencher, which I believe was and is without precedent in the history of this place. I was called many things, Mr Speaker, none of them *bonito*, as they say in Spanish, and not referring to the relative of the tuna, and in particular I was called ‘unfit’ – not generally unfit, which would be quite a fair description of my state of physical fitness, but ‘unfit to govern’ was in fact the epitaph that the hon. the backbencher, then Chief Minister, sought for me. And I say ‘epitaph’, Mr Speaker, because he did want it to be my political epitaph. Indeed, I understand that the hon. Member – and I am delighted to see him here with us today – had promised his colleagues in the GSD at the time that he would finish me off during the course of that debate in September 2011 and in that way secure for himself and his party their so desired fifth successive election win. But it did not happen, Mr Speaker.

The debate then in this House, using the strongest possible language of condemnation against me in the mouth of the then Chief Minister and in the language of the motion passed – something that perhaps we will look at later – did not avail the Members opposite of their coveted electoral prize. Indeed, Mr Speaker, I dare say it reflected on the then Chief Minister and the party he represented in a negative way and turned people off from them. That is why I am so keen to heed your call for reflection, Mr Speaker.

That was a harsh debate on finances and in respect of what was best referred to as a ‘social media podcast’; a harsh debate, which when set in the cold light of day – or perhaps I should say read in the cold light of day and analysed with *Erskine May* in hand – showed that the debate was characterised by the manner in which the then Chief Minister had not been kept to the rules of debate by the then Chair of our proceedings.

Mr Speaker, I have no desire whatsoever to imitate that sort of style. I think I have been gracious in my references to some of the work the hon. Member has done, especially after his valedictory remarks during the Appropriation Bill. But that part of what he did and how he did it is not something that I ever want to imitate, consciously or otherwise. Indeed, as a result of that debate I have always sought not just to ensure that I do not imitate him but that I conduct myself much more in keeping with the rules of proceedings in this House and the rules of debate.

Despite that, Mr Speaker, after my opening speech on the Appropriation debate, on the Second Reading, or what we call the Budget debate, when I introduced the Bill on the Second Reading – an introduction that was economic, that set out the success of our nation, that dealt with the measures that were to be applied, that did not call anyone anything – I was again to be subject, by a member of the Gibraltar Social Democrats represented in this House, to much the same tactic I had been subjected to four years earlier. So when the hon. the now backbencher had said in 2011 that I was unfit to govern, his now heir and successor – who would have thought it, Mr Speaker – his new leader, adopted much the same style by starting his intervention in the Budget debate by saying that I was not to be trusted. Not much change in their attitude, Mr Speaker. The hon. backbencher and his chosen successor can at least be seen to be consistent in at least that way. Despite the many U-turns and the inconsistency that characterises the leadership now from the leadership before, the one thing they are consistent in – I suppose I should take it as a backhanded compliment – is their repeated attempts to disparage and to denigrate me and to bring me down in the estimation of right-thinking people generally, members of the public, by attacking my fitness for office and in particular whether I could be trusted with it.

Needless to say, Mr Speaker, I did not threaten to sue either of them, nor did I challenge them to repeat anything else that they had said here outside of this House. Imagine my surprise then when I see that the Hon. the Leader of the Opposition, the now Leader of the Opposition, stating publicly that I have tried to destroy him, denigrate him or in some other way disqualify him politically by the things I have said in a debate. Well, he and his predecessor tried to do just that to me and to others of my colleagues in almost every intervention they made from Question Time to motions to debates on Bills. In fact there is a shorthand way of referring to what it is that they have been trying to do. Let us at least just draw the line in September 2011 and look forward, but we could look back and see this everywhere also. It is, in layman’s terms, attempted character assassination, attempted political character assassination. Some might say that is the political game, not that *we* play it that way. Whether it was for me or the Hon. Mr Bossano or others on these benches, Mr Speaker, their tactic has always been the same – not unsuccessfully, the hon. the now backbencher might say: four election wins is four scalps on the side of the political vehicle.

But I now understand, Mr Speaker, and I think the whole of our community now understands that they consider on the benches opposite that although that is a legitimate tactic for them to repeatedly engage in, it is not a legitimate *fate* for them, even if it is brought about not by character assassination or political character assassination but by simple disclosure of facts. Such is ever the ‘do as I say but not as I do’ or the ‘holier than thou’ of the right wing of the political world, Mr Speaker, so *a la Partido Popular* because *our* style, our style whether we are on this side of the House or on that side of the House, wherever our political

fate may put us, is not ever to succumb to the lazy trigger of character assassination but to simply identify and relay facts in debate. In fact, character assassinations come back to haunt putative assassins, Mr Speaker. If not, for example, some of my – or, if I may say so on behalf of all Members of this House, *our* – antagonists across the Frontier, in particular certain individuals who are now being subjected to tax investigations having spent so long talking about Gibraltar and its tax affairs.

And so, Mr Speaker, when the time came to make a statement in this House on what we might, for shorthand, this morning call ‘the Spark affair’, for which I had to interrupt the debate on the Second Reading of the Appropriation Bill, I made sure that I stuck to the facts as they were then known to the Government, completely sticking to facts and making no comment in the context of what was a Government Statement for which I suspended Standing Orders. And they were, Mr Speaker, self-evidently damning facts, they did not require comment: facts which illustrated that the company that had been responsible for power cuts in the plant that they rented to the Government was also the company that had funded the preparation of the report from Lloyd’s Register and that the Opposition had presented as being commissioned ‘for the GSD’ – that is in quotation marks, *for the GSD*, and I will come later to when those words were used – by an entity, they said, with no commercial interests in the provision of power or LNG in Gibraltar. That is what they said, Mr Speaker. Those are the *facts*, the facts without comment, just the bare *facts*.

Mr Speaker, when I returned to the subject in the course of my reply on the Second Reading of the Appropriation Bill – I was closing for the Government in that debate – I was equally determined to stick to the facts, and where I did not I caveated my intervention and even agreed at one instance to withdraw an inference which the Leader of the Opposition objected to, telling him that I hoped his assertions were correct in the interest of our democracy. I was praised by many supporters and non-supporters for my intervention in that debate. The *Hansard* of that reply is now available, I see, on the Parliament’s website – and I once again congratulate the Parliament for being able to make *Hansard* now available so quickly to Members – and the relevant extract reads as follows. I am now going to read from the *Hansard*, Mr Speaker. I was talking when I said this:

‘It is one thing, Mr Speaker, to take industrial action, give notice of when you are going to do it and be covered by the Trade Union and Disputes Act in the 1970s and 1980s to fight for parity and pay rises; but it is quite different, Mr Speaker, to bring about power cuts in the country with the largest gaming industry on earth, during a Euro qualifying game.’

Mr Feetham then gets up and he says this – I am quoting him, Mr Speaker:

‘Point of Order, Mr Speaker. He is now completely going beyond what is reasonable, what is parliamentary. What he is really saying – and which is completely and utterly untrue, it is false, it is untrue – he is saying that I have been at the centre of a conspiracy so that there are power cuts. That is absolutely untrue, Mr Speaker, and that kind of accusation has never been made in this House and he is breaching Parliamentary Rules and he is exceeding what is proper by a country mile. And I note – because it has been brought to my attention – that indeed Spark’s have today come out with a statement actually disputing any question of them being responsible for power cuts... But, Mr Speaker, what he is saying about me is absolutely false, it is not true; and quite frankly he should be brought to order because this is unparliamentary and beyond the Rules of this House.’

You did not have to speak, Mr Speaker. *Hansard* reflects that the next statement is mine. I said:

‘Mr Speaker, I am prepared to accept the position that the hon. Gentleman puts. He says he has nothing to do with it and I sincerely hope for the sake of our democracy that he does not; and if he says he does not, I have no evidence to suggest the contrary and I accept his word. He has told the people of Gibraltar today in the Parliament that he has nothing to do with it. I have been talking only about it.’

So, Mr Speaker, he says he has nothing to do with it and as a democrat and as a Member of this Parliament, I sincerely hope that turns out to be true. We will see. We will let the investigations take their course, Mr Speaker; but he will accept of course that if it turns out that he is found to have been involved, then his denial today will be even more of an indictment of his involvement and will mean that he is finished, not just as Leader of the Opposition, but politically for ever. But look, I accept his position...’

Mr Speaker, the rest of my speech is also worth rereading now and I commend a good reading of it to all those who might have time – there is the summer coming and it is not a bad few pages of the *Hansard* – but there was not another squeak out of the Leader of the Opposition.

It is the facts, Mr Speaker, that I disclosed in my speech which were damning of the Hon. Leader of the Opposition – not the language I used, not because of any breach of the rules of debate. Indeed, Mr Speaker, Mr Feetham did not raise any other objection during the course of the debate after that, not a peep, but because the facts as they stood then, to the knowledge of the Government and as presented to the public, were damning of the Leader of the Opposition and his sidekick, the now Chairman of the GSD, who enjoys greater prominence than many of its elected Members – Mr Trevor Hammond – he seems to have taken

much objection since we left this House then. It is the facts, Mr Speaker, that damn them – not any conjecture; not any speculation; not any language, parliamentary or unparliamentary or otherwise that I might have chosen to employ. Just the plain facts.

135 And things have moved on and have become, in the Government's view, even more damning of the conduct of the politics of the Gibraltar Social Democrats under the leadership of the hon. Member opposite, and that is what I am going to refer to today, Mr Speaker: facts. I can imagine that just the thought of that, just the thought of facts, makes the hon. Member opposite nervous. It is the facts that make him tremble, not the tone of the debate, because the problem with facts is that they just do not go away. They do not disappear and they do not lie. They have a nasty habit of demonstrating the truth that will always stubbornly
140 come out, just like in the case of the podcast debate, the fitness debate where I was eventually, uncannily, four months later when the election was over, proved right when I showed people the doomsday memo that the Financial Secretary had provided to us, which demonstrated we were actually about to exceed the ceiling of debt – and the previous Chief Minister demonstrated that I was right by inviting me at the ceremonial opening of the House to bring a resolution to exceed the debt limit that he had said we were
145 well clear of. Facts, Mr Speaker.

And in the case of the Spark affair the facts get curiouser and curiouser and the reality is clearer and clearer. You see, when we first brought this motion the public had been told by the Hon. Mr Feetham and his sidekick Chairman that the cost of the report prepared by Lloyd's Register had been £100,000, but the party that had been so opaque in Government for 16 years and had spent three years in Opposition calling
150 for greater transparency at that time would not tell us who had paid the alleged £100,000 for the GSD. But you see, Mr Speaker, a director of Spark, Mr Damian Carreras, as I think I have already told the House, had come to the Office of Chief Minister and had, in the presence of officials who are witnesses to this fact, specifically told the Chief Minister to his face, to the Minister for Utilities to his face and to the Chief Executive Officer of the Gibraltar Electricity Authority to his face that Spark had not had anything to do with the preparation of the Lloyd's Register Report. That was the position at the time of the presentation and wording of this motion. But things moved on, Mr Speaker, and by the time we reached the Second Reading of the Appropriation Bill we knew it had been Spark who had funded the report in question. There is nothing wrong with funding reports, Mr Speaker, but there is a lot wrong with a Government contractor, who has failed in its duty to provide the services contracting, compounding their failure by stating what I
160 will call for the purposes of today 'the opposite of the truth' to the face of their client in the shape of the Chief Minister himself.

That is the nub of the issue, Mr Speaker, and will bring me to propose an amendment to this motion as it presently stands, given that its text has been overtaken by events. So, now that we know who funded the Lloyd's Report, I move to amend the motion by the deletion of all the words after 'This House' and the replacement of them by the following new words. Mr Speaker, "This House" and then the following:

'This House:

Recognises the importance of a reliable, modern, clean, sustainable, safe and affordable power supply to Gibraltar for its political, economic and social welfare and development;

Welcomes HM Government of Gibraltar's commitment to public consultation and provision of information on its proposals for the new dual-fuel power station;

Condemns all and any attempts to conflate, distort and thereby misuse any report prepared by recognised independent experts for partisan political gain, for commercial self interest by any party or purposes that work against the general public interest and transparency;

And so therefore in the public interest of the whole of the community, hereby calls on the Leader of the Opposition, in the spirit of transparency that he so often espouses, to instruct Lloyd's Register Energy or in the alternative call upon the Spark Group of Companies to instruct Lloyd's Register Energy to release the original, full and un-redacted and otherwise edited version of their Report directly to The Speaker of the Parliament for distribution to all members and general publication in Gibraltar, as well as full disclosure of the cost of the Report paid by the Spark Group of Companies.'

I hereby give written notice of this proposed amendment. Shall I wait for the amendment to be circulated, Mr Speaker, or shall I carry on?

Mr Speaker: Do you have copies to circulate?

170

Hon. Chief Minister: I do not, Mr Speaker, I had extracted... I think I left them on my desk, so that is why I had to do it this way. Shall I wait, or..?

Mr Speaker, this is and must clearly be unobjectionable language for all parties who come to this debate with a clear conscience, and that is why I have worded my amendment in this way. It is not a motion

condemning anyone; it is a motion condemning behaviour that nobody can defend and it is a motion calling for unimpeachable clarity, because this is about shining a light on things.

My motion today is about power; not, I should add, the power which the Hon. the Leader of the Opposition so assiduously and eagerly seeks – nothing wrong with that – but the power that keeps our businesses operating, our babies warm and our homes illuminated, the power we have to ensure is securely supplied.

The motion had originally focused, as you know, Mr Speaker, on the anonymity behind the alleged £100,000 report, which was attributed to Lloyd's Register and circulated by the Opposition in what has become their electoral campaign of 'No to anything LNG'. In fact, I am grateful that the Hon. the Leader of the Opposition has recently made that clear, that in the election campaign he, in fact, has said they will run will be an entirely negative one. He has told GBC's Jonathan Sacramento that there will be only one issue or platform for them, and that is 'No to LNG'. Well, nothing new there, Mr Speaker, because all of their past campaigns have always been just 'No to the GSLP', so I guess it is only the initials of what they are against that is going to change.

'No! Nein! Negative!' That will be their mantra, be it to the supply and storage of liquefied natural gas to the new power station or even to the new power station being fuelled by it. 'No! Nein! Negative!' That will be their mantra in respect of LNG bunkering, which will be a key element in the business which our Port has until now been one of the most significant players in the Mediterranean of bunkering and which the port in Algeciras is working hard on trying to establish for themselves in competition to us. So they are saying, 'Yes! *Si! Por favor!*' and we are saying, in the face of the Leader of the Opposition, 'No! Nein! Negative!' That is going to be their election campaign, he told GBC.

Mr Speaker, the Government having established that the Spark Group of Companies was behind the funding of the report, a version of which was released by the Hon. the Leader of the Opposition, I will not question what his motives were in releasing the report in the form in which it was released, but I will say that the facts suggest motives which members of the public will be able to see for themselves. Sadly, Mr Speaker, this is a very serious issue. There is more at play here than just a mischievous political tactic by a leader of an Opposition, and I shall be calling on him to reflect on some of the statements he has made to the public and perhaps trusted and relied on himself.

The last few months we have heard a great deal about experts, but the real experts have yet to be heard in their unredacted independent voice. Some experts in propaganda and distortion have had a field day in playing with public opinion and manipulating notions of fear among some of the most vulnerable in our population. The tools of those experts in distortion have been misrepresentation and deception, and all of it has been held together by clear self-interest.

I am not going to once again go through the whole story of neglect of the power station and the power network which this Government inherited from the previous administration. I am not going to talk about the failure to take up recommendations made by in-house experts to them over the decades which might have solved the problem. People know how many power-cuts they have had to put up with because of failing infrastructure – infrastructure that should have been replaced over a decade ago.

We all know that Gibraltar has to have its own independent power supply. As far as this side of the House is concerned, dependency on Spain is not an option now, tomorrow or ever. We need a reliable power supply because Gibraltar has to fend for itself and provide security to the people and the many industries established here and those that may look to come and invest in the Rock.

If I may say so, Mr Speaker, if some of our contractors were as good as going through main cables in finding petrol with those things that pile, we might actually be much wealthier than we are.

We also have to ensure that we are doing our best to meet international standards and requirements to cut pollution. That has to be put in the balance as well. These are standards that we fully agree with because they are primarily aimed at minimising the impact on people's lives and their health. These are not esoteric targets set for no purpose. This is about what we breathe in and what it does to our bodies, and that is what we have been working on with our own Gibraltar experts – who are no less expert than those from outside Gibraltar – since the day that we were elected.

Thanks to Members' opposite's failure to invest in power before our time, grimy, smelly diesel, the very initials of which spell GSD, have been belching out from Waterport Power Station and down at Jumpers for many years longer than they should have. Indeed, Mr Speaker, if they had been re-elected they would have commissioned – they say already; we doubt that – a new facility to burn even more grimy, smelly diesel. And if they are elected now they are committing themselves again to finish our power station – because we will start it before the election – but not to burn clean LNG in it; they are committing themselves to burn grimy, smelly diesel in it.

Mr Speaker, just across the bay in Algeciras for some time, and even now as we speak, port operators there and beyond are keenly engaged in seeing how they can be ready for the LNG bunkering market as this is emerging. Gibraltar's economy today has to keep looking forward to the future and to diversification if we are to continue to enjoy our standard of privileged prosperity – not just in financial services, not just in

gaming. We have to have an eye to where insurance is going and where online gaming is going and where financial services is going: shouldn't we have the same keen eye on where bunkering is going? Anybody with a keen eye can see that bunkering is going in the direction of LNG. The percentages may be different depending on who makes the estimate of where the bunkering market in LNG or diesel will be. It may fluctuate depending on whether estimation is made in a year where diesel is at a low price or at a high price. It may depend on how quickly the European Commission moves on its agenda to reduce emissions in the Mediterranean. But if we do not move, if we do not have an eye to the future, then Algeciras and Ceuta and Tangier Med will fulfil their aspirations, which some in our community do not seem to share, to be seen as the gateway for bunkering in that commodity when accessing the Mediterranean.

You cannot build an LNG bunkering market in a day, Mr Speaker. Today we are a leading bunkering port and I can tell this House that we are fully confident that we can be a leading player in the LNG market tomorrow as well, but not if the Member opposite has his way. He has already said, 'No! Nein!' to the concept of LNG storage, without which there can be no LNG bunkering. Instead, *our* attitude is to say that we *can* achieve Gibraltar's continued growth in the bunkering industry by focusing on excellence, on meeting all standards on safety and doing everything necessary to give us a solid reputation in that market, and at the same time ensure that of course our people are protected.

We can also ensure the continued growth of our tourist industry by being able to service the cruise ships which are being built with on-board LNG storage tanks and regasification facilities. These too would necessarily be banned from our shores by the Leader of the Opposition if there is to be one fibre of consistency in any of his arguments in relation to LNG. Indeed, Mr Speaker, I understand that some of these ships will have LNG storage tanks which will be close in size to the LNG tanks being proposed for Gibraltar.

But that is not just our view, Mr Speaker. Everything I have said is not the GSLP Liberal political Government saying this. From the Port to the GEA to the Department of the Environment that is the advice we are being given by the same experts who will advise Members opposite if they were ever to form Government again. That is what our experts are telling us we should aspire to achieve, but given that nobody is a prophet in their own land let us be clear it is also the advice we are getting from internationally renowned experts. In fact, I should add that it has been put very emphatically to us by Lloyd's Register – not by the Health and Safety Laboratory, not by any in-house expert, but by Lloyd's Register – that it must be our aim to be fully engaged in the LNG bunkering market and the opportunities that it will bring. By *Lloyd's Register*. It is them, Lloyd's Register, who are saying that they believe Gibraltar has a good future in the LNG market that is coming and that we must be a part of it – not another group of experts, not one group of experts we say are better than the experts the Member opposite relied on to say that LNG could never be done safely here. Actually, it is the same group who said, via their Mr Nick Brown, that the report of Lloyd's Register as published by Members opposite was made up in its presentation of, and this is a quote, 'conflations and distortions'.

Mr Speaker, I have the *Chronicle* of Thursday, 25th June 2015, and in that report of what Mr Brown said... At page 21, just opposite the column that says "Sir Peter is a giant of Gibraltar politics," says the Chief Minister'. There, Mr Speaker, Nick Brown of Lloyd's Register says something which I think is worth quoting to the whole of this House. I am going to read the three paragraphs of the report in the *Chronicle* so that it is set in context and nobody can accuse me of setting it out of context. I am going to be very parliamentary in the way that I read it. In fact, I am going to read four paragraphs:

'In issuing the statement, Lloyd's Register acknowledge that since it handed the report to the commissioning client the document had been placed in the public domain and cited in political exchanges in Gibraltar. Nick Brown, the company's Brand and External Relations Manager, said Lloyd's Register wanted to ensure there was a clear understanding as to its role as an impartial risk assessor and the nature and scope of the report. He said the company was uncomfortable with some of the media reports being published as a result of the political clash over this issue'.

Then the *Chronicle* opens quotation marks and says this:

'There were clearly some conflations and distortions of what the report was about', he told the *Chronicle* in a telephone interview yesterday.'

Page 21 of the *Chronicle* of Thursday, 25th June. That was not the headline of the article, Mr Speaker, but it was right there in the verbatim quotes of the published interview. I am surprised it was not the headline, but look, that is not a matter for a politician.

Of course, we also understand the concerns of people, lay people. Talk about gas and you have one of the two leading political figures in that political party saying, 'This is unsafe, it cannot be done without risk, the world's experts say it cannot be done.' We have to balance that national interest and individual interest and that is always going to be a challenge, explaining issues like this in ways that are not going to blind people with science. But something should always be a given, something should always be clear, something

should always be unimpeachable whoever forms Government after an election, and that is that none of us in this House are ever going to do anything where the safety and security of our people will be called into question. Of course it is true that people will prefer any industrial site to be as far as possible from their own home – I think that is called *nimbyism* – but that is not easy in a place that is two miles by one mile. We have long had to work in Gibraltar to ensure our safety when we are able to also do things that would not traditionally be done anywhere near a conurbation in the way that it is done here: an airport, a Z berth. The MOD have been our partners for three centuries. From cannon to nuclear submarines, all of them pass here and we have always welcomed them. Fortress life, siege life, is unfortunately in our blood. The whole world actually wonders at landings at our Airport: it is almost the ninth wonder of the world. Of course there are airports with lower risk factors than ours in terms of location, I have no doubt of that, but I will make this concession to Mr Hammond and his colleagues at air traffic control: we – the Government and every member of this community, we collectively – all trust the measures they take and that were devised by experts to lower the risks. I have never challenged or questioned Mr Hammond’s expertise as an air traffic controller; it is his lack of expertise whatsoever on LNG that I highlight and his different appetite to risk in respect of that. But those risks of flying are never zero, and they are not just risks for those who are flying or being flown in the aircraft. There are risks in particular in Gibraltar’s geography for anybody who might be affected by an air crash – that, please God, will never happen, but the risk of it happening can never be zero, which is the parameter that Members opposite have set for LNG. Mr Hammond and Mr Feetham will know, Mr Speaker, that by the setting of that standard what they are ensuring is that no bus ever runs, no vehicle is ever driven and that of course the only answer to LNG can ever be no – but not just LNG, everything else. They might have forgotten the explosion of a tank that was burning diesel to produce electricity last Easter at Waterport Power Station.

Mr Speaker, we must strive always to keep up with technology and progress, and those who have perhaps in the past few days seen reports in the United Kingdom will now be satisfied of the substantial scientific evidence that regards diesel as largely *the* dirtiest fuel and a serious risk to health. We owe it to our people to ensure that we move to a more healthy as well as a safer means of producing power. The slogan must surely be not ‘No to LNG’, but ‘No to pollution’, and believe me, Mr Speaker, we are under considerable pressure from the EU to reduce the current levels of emissions in our air. But, sadly, the story I am telling is not one where much on the opposite benches seems to be concerned about health and safety in respect of emissions. In fact, Mr Speaker, I am sure that as they quietly walk away from standing with the Hon. the Leader of the Opposition at the General Election some Members opposite may have cottoned on to what it is that is happening in their name. Indeed, Mr Speaker, if I could just pause there and be so bold as to suggest the title for the GSD’s manifesto for this election. It might actually look quite good with a big narcissistic photo of the Hon. the Leader of the Opposition on the front page and with the words ‘And then there were none’ emblazoned on the front.

Because Mr Speaker, often in Gibraltar we reflect historically on the events of 1972 as the ‘Big Lie’ election. The big lie election of this generation will not be a debate about what some might or might not have been willing to consider in relation to Spain, which was the issue in 1972. None of that could ever happen on our watch; it is not something that would ever worry people with the GSLP Liberals at the helm. No, the big lie election would be about a calculated deception played out ruthlessly, exploiting people’s natural fears and carried out with a deliberate misuse of a brand name like that of Lloyd’s Register. We could also talk about the one in 2007, which was the one about ‘no cherry-picking’, which has been demonstrated to have been a big lie by people from beyond our shores; but anyway, let’s leave the cherries out of it for once. The big lie would be a tactical deception which pretends that this side of the House, the GSLP Liberals, would be even prepared to consider entering into a major and critical infrastructure project absolutely indifferent and reckless to issues of safety, and to be joined in that negligent endeavour by some of the world’s leading blue-chip companies, by some of the world’s leading health and safety assessors of risk and by all of the experts of the Government of Gibraltar – because there are facts and then there is what is put out there by Mr Feetham and his tribe, because at the best of times what is said in Opposition invariably only carries the weight of ambition to take over Government.

Conversely, Mr Speaker, Government decisions must carry the burden of responsibility and careful due diligence, and we in Government have the obligation to work with great officials and professionals to achieve what is best for our country using our skills and resources to their full extent. We must have a power station, we must have clean air, we must also be sure that we produce these safely and responsibly, and in assessing which side is right the sequence of events and statements in this matter in the past few months is of crucial importance.

But before I get into that, Mr Speaker, let me just be categorical that at no time has any decision, revision of decision or instruction been made other than according to the best advice received by the Government. From our experts and from internationally recognised experts there has been a painstaking stage-by-stage approach and with a commitment throughout to be transparent with facts when we have them to hand in a meaningful way. We have listened constantly. Indeed, we have even listened outside

Government, because on 6th March this year, as the ESG aired their views – views which we always listen to with great respect – we issued a statement assuring the public that we would keep it fully informed and consulted. I quote from our press release 145/2015:

‘The Government takes this opportunity to reiterate that the necessary copious studies and assessments regarding the proposed facilities are underway and that there will be a full public consultation upon their completion.’

That could not be clearer. I reiterate that commitment and the reassurance of HM Government that we will not take any steps that would not conform with the best international standards and advice.

Lloyd’s Register is a major international name in the shipping, energy and safety world. It is owned not by shareholders out to make money but by a foundation, and it is fiercely and rightly proud of its independence. We have experienced that first hand when it has bent over backwards to meet those standards in its dealings with us.

We have detailed over time in numerous public statements the steps being taken and our engagement of experts, but the Opposition have wanted to create a myth that no safety report is being prepared or has been prepared. The safety report, Mr Speaker, is necessarily organic as designs and plans change and adapt to circumstances which are technical, physical or legal in nature. That is how projects work. That is how prisons cost double what they set out to cost. That is how courts cost more than double what they were initially budgeted to cost, let alone airports.

The safety experts of the companies working with us making proposals have been working continuously. They will only receive the final verdict on their work when independent experts – in this case the Health and Safety Laboratory – have their final submissions from each company. If the review by HSL and now a further review by Lloyd’s Register require changes to be made, those too will be subsequently reviewed by HSL and then by Lloyd’s Register. *They* have the final say and like all professionals they work together in an open and transparent way.

We are not asking Lloyd’s Register to design LNG storage and supply facilities; we are asking them to look at both the final proposals and the HSL safety reports. HSL have been involved in reviewing proposals every step of the way and we all know that the only reason for this belt-and-braces approach is that the Government would not do otherwise. But add to it the cynical campaign that we have had to suffer, of what Nick Brown refers to as distortion and which Gibraltar has been subjected to – and I use that word ‘distortion’, Mr Speaker, because it is the one that echoes the words of Lloyd’s Register when they were shocked to see what was being done with their report. It has become inevitable, Mr Speaker, to engage with Lloyd’s Register to ensure that their independent judgement is not further abused. The Government wants their good advice. We are very happy to now welcome Lloyd’s Register and I publicly undertake that the Government will obviously not interfere with Lloyd’s Register in carrying out its tasks. We will make the instructions to them and the assumptions that we work on public, and their full report will be made available unredacted. In our statement of 6th March 2015 we also made clear the public consultation will involve our already named experts, including the Health and Safety Laboratory Group, and at that time members of the public and the ESG will be able to ask questions, to comment and to voice any remaining concerns.

We echo the ESG’s view that the priority is to move towards completion of the new facilities, but only after due diligence has been ensured, the environmental impact assessment processes have been completed to international standards and all necessary health and safety considerations have been properly addressed. I do not think we could be clearer, but I understand, Mr Speaker, that the Opposition have muddied the waters and that the cost now of engaging the additional expertise and advice of Lloyd’s Register will be worth every penny. We would rather have been in the position of having the power station up and running long ago, of course we would, but we also had to put up with the Opposition’s ranting over 16 years in Government when they did nothing on the subject – and they still have the gall to ‘LOL’, or laugh out loud, on Twitter when there is a power cut. It has become a joke for them. How sad and cynical. This is a very serious issue.

And so let us look at the core of this motion: who is really behind the commissioning and the abuse of the Lloyd’s Register report, the abuse of a world brand hallmark and a doctored report trying to sabotage Gibraltar’s future power plans and our goal of cleaner air, our basic economic resources and opportunities?

Mr Speaker, whilst the Government is engaged in the process of working carefully towards finalising all aspects of the power station project, the Opposition instead has engaged over several months in a campaign of partly googled and partly referring to experts in demonising LNG in a series of unrelated and often doubtful examples, principally on social media. But of course the LNG experts they were talking about, who were saying that LNG was not safe, could not be Lloyd’s, the ones that they eventually came out with, because Lloyd’s go around the world doing the very opposite. They go around the world evangelising the prospects for LNG, even in crowded urban community areas.

When you look at the chronology of this, it is helpful in revealing some of what might have been happening. On 6th June 2015, after some discussion about the experts, Mr Feetham took to a podcast to reveal that Lloyd's Register had carried out a report, but this was after the *a duo* Feetham-Hammond film on the North Mole.

Then there is the 10th June press conference, where Mr Hammond not only puts himself forward as an expert on LNG and at times appears to be speaking for Lloyd's Register in what he is saying, but claims that the report has cost some £100,000. Indeed, Mr Hammond specifically told GBC's Jonathan Sacramento that the report had, and I quote – this is a quote from Mr Hammond:

‘effectively been funded by a third party who supports the GSD and are willing to commission this report on our behalf.’

Those are the words of Mr Hammond, the Chairman of the GSD. But we now reliably understand that the amount paid to Lloyd's Register was significantly less than the £100,000 and that the report, according to Spark, was not commissioned for the GSD but shared with them once completed. So even as to price and as to commissioning it would appear that the community has not yet had full disclosure of the real position.

Mr Speaker, many will have paused to think why a generous donor who is earning substantial profits from a contract for the Government would be afraid to reveal who they are, not least in their stated reasons of doing this for solely philanthropic purposes – for the wellbeing of Gibraltar, nothing less.

Perhaps even more mysterious is that, under pressure of being told that they have substantially redacted their report, they suddenly decide to issue what they now say is the full report, just days ago. So that report which had not been redacted... they now said, ‘Well, I'm now going to give you the full one. The first one wasn't redacted, but now I'm going to give it to you unredacted.’ We were told that the only thing that had been not published initially was, only, the cover page. Why hide the cover page from the public in the first instance? What is so dramatic in the cover page that they felt they should not only hide Spark's name but the name of the Lloyd's Register personnel responsible for the report? If Spark wants to hide and blank out their name... I do not see why they would want to, but why also not reveal the personnel at Lloyd's responsible for the report? Well, because, Mr Speaker, this has all been a game, an irresponsible game and a game that has been played on the people of Gibraltar and at the expense of their security.

The Government has held meetings with the parties responsible for the preparation of the report and I can tell the House that what I read you from Nick Brown in the *Chronicle* is only the tip of the iceberg of how unhappy Lloyd's are with the political abuse their report has been the subject of. Read what they have said in public carefully. They are an international firm with a brand to preserve. They are cautious in what they say. They, like us, want to get on to the real work of providing that safe, clean and reliable new power plant that Gibraltar urgently needs. But look at the quote from Nick Brown that there were clearly conflation and distortions of what the report was about. That is a hugely damning statement from the authors of a report about the way it has been presented by the hon. Member opposite and Mr Hammond.

Imagine if someone had said that about something I had said. The hon. Member, perhaps Mr Hammond – I am sure not some others, who have as high a personal regard for me as I have for them, but certainly Mr Feetham and Mr Hammond – would be setting up the gallows in Casemates and contracting a gun carriage to carry me to it from here if anybody was able to accurately say that I had conflated and distorted anything which I presented to this House. It is a good thing the hon. the now backbencher is not in charge at a time when I can be said to have conflated and distorted anything. The political flagellation I would have had would have taken the skin off my back right through to my lungs if I had conflated and distorted something in the view of the person who prepared the report – not in his view but in the view of the person who had prepared the report that I had then misdescribed. Because let's be clear: these are not *my* words about what Mr Feetham and Mr Hammond have presented, these are not the Government's words; these are the words of Lloyd's Register, Nick Brown – a conflation and distortion of their report. Those words in that report in the *Gibraltar Chronicle* on Thursday, 25th June 2015... That is now therefore an objective fact – an objective fact that presents the hook on which the Hon. the Leader of the Opposition has hoist himself, an objective fact from which he cannot get away. The world renowned experts that he so eagerly sought to talk up and rely on, who are rightly recognised as leaders in the field, who are the evangelists for safe LNG in their own areas, they are the ones who have now described the Feetham-Hammond tandem as conflated and distorted in the presentation of their report.

Let's go back to the text of the report itself. Why hide the cover page and the inside page? But those two sheets were held back. What those two sheets actually reveal is that whilst a revised and final version of the report was signed off in June last month, the draft report was in fact ready in March and it would appear to me that the Leader of the Opposition was excitedly campaigning on this subject at the time because he thought he had a torpedo that could sink this Government. Because it is clear that he and his high-flying sidekick seemed to believe that the draft report revealed that any form of LNG activity in or near Gibraltar would be catastrophic and an unacceptable level of risk for Gibraltar.

But Lloyd's have themselves now said that that is not the case. They would not be working with us if the only advice they had was to tell us that Gibraltar cannot touch LNG. What they are going to do is analyse final proposals from those bidders bidding and scrutinise them to ensure they are acceptable. And in any event, as I said already during the Second Reading, Mr Speaker, the Government and its experts had already discarded the suitability of the use of the sites identified in the Lloyd's Register report as unsuitable. Had Spark's included *our* professionals in the meetings for the report they might have saved time and money, because they would not have looked at those sites. But no, Spark worked without consultation to the Government authorities. The Government actually, however, publicly told Mr Feetham on 18th February 2015 – my birthday – that his unidentified experts were working with wrong or incomplete information, but they kept on working with wrong or incomplete information. Even in March 2015, when the Government said it was doing due diligence and would ensure safety and was acting on advice from experts, the GSD and Spark could have aired their draft report. Clearly, they were not interested in public safety but in holding out until they and the Opposition could play a twisted card to great effect.

Did the Leader of the Opposition know that that very month, on 26th March 2015, his putative philanthropic benefactor, Spark, having attended the meeting with Lloyd's Register where the unsuitability of *their* identified locations was the subject of discussion, also then wrote to the Government bidding to build a dual-power diesel LNG station? In the same month! In the same week! In addition to this independent power producer (IPP) power station they were proposing, they suggested – and this is a quote from the Spark document:

‘We’

– Spark –

‘would also like to discuss the possibility of evaluating investment opportunity of the construction of LNG terminal in Gibraltar. We believe that the first step forward in this matter could be entering into negotiations with GOG of the terms of framework agreement that will establish the basis of our co-operation’

I am not reading in shorthand – that is the English they used.

So, Mr Speaker, whilst they can claim to be philanthropically funding and making available a report saying that LNG is a disaster for Gibraltar, they are seeking a deal with the Government on the very subject in the same month.

And in their 29th June 2015 statement Spark said this:

‘We instructed Lloyd's Register to produce a report in January this year. A draft was then provided that confirmed it was not safe to build an installation at the Detached or the North Mole. The final reply was provided in June.’

But the sheet that they hid and subsequently published demonstrated that they had the draft in March when they were writing to make the proposal. Mr Speaker, the duplicity is *staggering, staggering*, and it will be seen as such by members of our community.

It is also clear, Mr Speaker, that Spark were never in the league to provide LNG to Gibraltar. I have from even before, in August 2014, a proposal from Spark:

‘LNG storage supply and bunkering project description’

– before they even think of going to Lloyd's –

‘for HM Government of Gibraltar. LNG storage supply and bunkering.’

and they put our crest on their proposal. A document with the Spark logo and the Government of Gibraltar logo proposing LNG storage supply and bunkering! These are not the calibre of people who could ever have supplied us with LNG, Mr Speaker. I am quite happy to publish this and to give copies to the hon. Gentleman if he wants to see some of the designs.

In my meeting with the excellent Chairman of Lloyd's earlier this month one point that was made very clear was that the big players in the industry are embracing LNG precisely because they are the ones, the blue-chip players, that will be capable of investing in plants, people and standards of the required type to provide LNG safely, not just here but other places in the world. These are the world's and Europe's top blue-chip experts and those are the people we are talking to – the top blue-chip companies that do this work. That is the very high standard of operator that we are working with.

In fact, Mr Speaker, there are issues in relation to the Spark report that I am presently not yet able to discuss, but I invite the public and parliamentarians of integrity on the Opposition benches to look back on all the statements and tweets, the challenges taunting the Government to apologise – they said the Government must apologise – and, to do so, to look back in light of the fact that this report has actually now

been available in raw form for months. That is what the Leader of the Opposition says: the raw form of the report has been available for months. And yet after he says that they publish the full report, which contains all of the information I have now gone through.

What about the nub of the matter? Was there any grounds for this concern for the public? Well, Mr Speaker, is the full report now in the public domain? I challenge the Leader of the Opposition to state publicly in this House that he truly believes that the full Spark/Lloyd's Register report is in the public domain. I challenge him to say that there are no further important or even trivial elements left out. I invite him – since I must give him the benefit of the doubt, as I did during the course of the Second Reading – to consider the possibility that *he*, he may have been duped and that the hitherto published versions of the report, those that he referred to as raw, may still actually be less than raw – that they may be cooked and that they may still be redacted versions of what Lloyd's prepared. And let's be clear, Mr Speaker, changing the apparent meaning of a report is a substantial redaction of it, whether you remove many pages of dry data, which may mean nothing to us but may mean a lot to relevant experts, or if you content yourself with a little bit of doctoring, say with changing the title or the findings with a little bit of word processing. As we have seen just from the cover sheets, a bit of both can remove important elements of the information in a complex technical report. It can produce conflations and distortions.

I invite the Leader of the Opposition, if he has it available, to reveal whether he has a totally different version of the report to the one that is published or to call on Spark to reveal also who sat round the table with the experts from Lloyd's when they came to Gibraltar, because that is also essential. Who sat round the table when Lloyd's came to Gibraltar? Because this is far from being a report delivered by the Leader of the Opposition to save us and our community from a fire bomb that would destroy the north-western face of Gibraltar – another remark that they made.

What we have found, and we will continue to work to bring fully into the public eye and the relevant authorities if necessary, is a manipulation of pages of the report and its meaning, to which the Leader of the Opposition is either a party or a victim duped into presenting something to the public that is incomplete, redacted, or simply, to use the words of Lloyd's again, conflated and distorted. Whether he is aware of these redactions already disclosed, of others to be disclosed, of more conflations and distortions, is not something I am asserting. I am asking him: did he know about the conflations and distortions, or was he duped into conflating and distorting?

Mr Speaker, politically either is as damning, in my view. If he is a dupe, imagine if he were to be duped also again in the future, not by the Russian in Spark but by the Spaniard at the Ministerio de Asuntos Exteriores. Were he and Mr Hammond duped or tricked into trying to rally the votes of fear in the housing estates? We now know that they knew that the report was commissioned by a commercial interest, although they said otherwise. Did they also know about the redactions that have come to light already, or were they tricked on those?

I was quite touched by Mr Hammond's reply to the Hon. Dr Cortes when he cited his expertise and played the card of being a slighted Gibraltarian. I will tell you about hardworking Gibraltarians, Mr Speaker, who have enough on their plate to be firefighting the reckless and damaging problems being caused by Opposition mischief.

The team of Gibraltarian experts from the Gibraltar Electricity Authority, ably led by Manolo Alecio, they give everything in seeking to ensure we have a secure supply of power. They are seeking the best fuel source and the safest working and generating environment. *Their* work is denigrated and disparaged every day by the Leader of the Opposition and those members of the GSD executive who rubbish the work being done on the safe storage of LNG. *Their* work is denigrated and disparaged every time there is a power cut and Members opposite find it funny and laugh on social media. Whilst our professionals frenziedly and efficiently work to restore power, a twitter 'LOL' is all that some opposite can manage.

The great professionals at the Ministry of the Environment who work hard to reduce emissions, not just with a view to our climate change agenda but also so that we can breathe cleaner air: tell *them* that burning diesel – grimy, smelly diesel – is safer than burning gas, in particular in a geography the size of Gibraltar. They will 'LOL' their heads off as they loll their heads. *Their* work, Mr Speaker, is denigrated and disparaged by the Leader of the Opposition when he gets up and says that he will burn diesel if he is elected.

If he wants to forget emissions for a moment, has he even bothered to work out the fines he will have to pay on carbon credits if we continue to burn diesel? And what about how our port officers and our planning officers are denigrated and disparaged when we are told by the Leader of the Opposition or the hon. Member for Atajate that they are allowing unsafe ship-to-ship transfers of LNG, or that they might allow a power station to be located in an unsafe location? Denigration and disparagement is what that amounts to; not of me, but of all of those who put hours of hard work in making sure that what is delivered to Gibraltar is good for our people.

Mr Speaker, the European Union is pressing for clean air on health grounds and that was precisely why the Government turned to look at reducing pollution by using gas as far as possible. Every step of the way

we have stopped and listened to the experts, we have engaged the top players in Europe and the world and we will publish their advice unredacted.

565 Mr Speaker, as I have told the House already, Daniel Carreras, one of the directors of Spark, sat in my office in front of various witnesses and volunteered the statement that the company of which he is a director had nothing to do with the anonymised report that the Leader of the Opposition had released after months of manipulation to pre-empt and torpedo the safety and consultation process already being undertaken by the Government with blue-chip bidders. A week later, Lloyd's Report Register confirmed Spark is indeed
570 the firm involved.

I ask him today: does the Leader of the Opposition distance himself from a firm that has *blatantly*, blatantly, misled our nation's elected leader, or does he consider that that deceit was acceptable? We may be political rivals, Mr Speaker, but surely when their barefaced untruth is told to Gibraltar's elected leader, whoever he may be, it is a disgrace that this prompts sheer indifference from the person seeking to take that
575 post in future. Imagine a comparable scene in the United Kingdom: the Russians, a Russian-backed company with a major and lucrative Government contract, working in secret with the official Opposition party; the Russians in a meeting lying to the Prime Minister, to David Cameron, in front of a number of witnesses; the Leader of the Opposition, Ed Miliband as he would have been at the last election, says there is nothing wrong with that. Surely not, Mr Speaker.

580 The rules of debate say that I cannot impute an improper motive to any Member of this House. I will not do so in respect of any Member of this House, but if they really wanted to get to the bottom of whether LNG was safe or not, surely they would have wanted to get the Government's input so that the report they prepared might be accurate instead of the nonsense they have put to Lloyd's and which they have subsequently conflated and distorted. Again, those involved in the preparation of the Lloyd's report were
585 surprised at how it had been presented by the Opposition: a very narrow and early-stage assessment of a very specific point being generalised as a global statement on LNG and the possibility of it being used in Gibraltar, whether to supply fuel to the power station or to be bunkered.

In fact, Mr Speaker, I know that it will be difficult to believe – and given the way that Mr Carreras behaved, maybe this is not worth the paper in which I quote it from – but even the totally discredited Spark
590 said this in their press release of 29th June:

'Spark did provide Government with our vision of building an LNG bunkering facility at the Detached Mole. As we have said in one of our earlier public statements,'

– on the 29th June they say this –

'we believe there is a safe way and location for an LNG installation in Gibraltar. In this regard we note that the GSD is sceptical about the use of LNG whilst we are not.'

So even Spark, even the director of Spark who is now allegedly a long-term member of the GSD, who supported the Leader of the Opposition with this report and an alleged £100,000 – he should really look after him, Mr Speaker, because I understand there are not many longstanding members of the GSD left – even he does not appear to agree with the one platform on which the hon. Member has said he will fight the
595 next election, which is 'No to LNG'. You really could not make this stuff up, Mr Speaker.

We, and I include there our experienced technicians, were surprised at some of the elements missing from the report as released by the GSD – open-source comparable final reports by Lloyd's Register under the same team leadership that we now know, when the front sheet was finally disclosed, when the unredacted report was finally published in a further apparently unredacted form... under the same
600 leadership, all of their reports include published detailed worksheets of the meetings that take place: where they take place, who is participating, what their qualifications and expertise is, even down to whether or not they were there for the whole of a meeting or just part of it. All of that information is always published with a Lloyd's Register report. It is not published with this one – even this one, which is prepared by the same team that publishes it in all the other instances.

605 And so this highlights also a fresh question for the Hon. the Leader of the Opposition and for Spark – for him in reply in this debate: who was taken to those meetings? In any normal process the key stakeholders would have been present at those meetings – the GEA, the Port and the Ministry of the Environment: I want to put something to the Government, I have brought an expert from outside, I want to ensure that the information I provide to the experts is the right one to prepare the report – bring in the key
610 stakeholders. Those are the ones that you see reflected, Mr Speaker, in all the other Lloyd's Register reports, and yet here those worksheets do not form part of what is published. What is it that we are not being told? Who were the experts present in the room with the experts from Lloyd's Register? Who sat round the table with the Lloyd's team? Who introduced them to the Lloyd's Register researcher when she was here? More and more questions for Spark and for the Leader of the Opposition to answer. And the
615 issue that they have not yet dealt with: how do the Leader of the Opposition and Mr Hammond deal with

the fact that they said that this report had not been prepared by a commercial interest, and yet we now know it was prepared exactly by a commercial interest with a vested interest in LNG, as Spark have subsequently confirmed and have done so again in their 29th June remarks?

Mr Speaker, when one is faced with such barefaced inconsistencies it is indeed a pity that parliamentary practice does not allow one to say that persons in such situations are no more than barefaced liars, but one must observe such rules and we cannot therefore be so clear and explicit in describing the obvious untruths elicited and identified.

Mr Speaker, as far as how this should have been handled by the Leader of the Opposition if he were genuinely concerned about the safe use of LNG, you do not have to look as far as the UK to see how things should be done. Perhaps hon. Members would care to recall the Giraldi inquiry report. When that report was made public, Members of the Opposition did not need to read it in the press. I believe I acted entirely properly in making a copy available to news editors and to the Leader of the Opposition 48 hours before it was published. I made it available to the press so that they could properly prepare to ask questions at the press conference, and I made it available to the Leader of the Opposition himself.

If there was a real concern about LNG and not just a political game being played, why didn't the Leader of the Opposition call me, like I had him, and say, 'Fabian,' – because I know that calling me Chief Minister sticks in his throat – 'Fabian, I have what I consider to be a worrying report available about LNG. You should read it before I hold a press conference in the next 48 hours.' Or in the next 24 hours, or in the next hour, or in the next half hour, or after the press conference: 'Fabian, I've just published this report to the media. It's not going to be up on our website for another five hours. Here is a copy.'

Did he do that, Mr Speaker? Not a bit of it. He was not prepared to treat me with the courtesy that I had treated him. He denigrated and disparaged himself by not extending to me the courtesy I had extended to him. I offer him advanced sight of a report; he does not actually put his report on the website for hours after his press conference. I offer him an olive branch in December last year and I get vitriolic attacks as from the beginning of the New Year. That is what most denigrates and disparages the hon. Member in the eyes of the public.

Finally, Mr Speaker, reliable information presented to the Government on a number of fronts relating to the Spark Group of Companies, including the Lloyd's report, have prompted investigations and this may require action to be taken in the coming weeks. I do not wish to pre-empt the outcome of these investigations, nor indeed do I think it would be appropriate to do so, save to say that the Government is very confident of the stance it has taken throughout. I do not want to comment on other investigations which are ongoing and which are not being carried out by the Government. We will rely on the experts to advise on and ensure safety and I would invite the Leader of the Opposition, before further relying on the Spark report in his reply, to consider its provenance and the real motives of Spark in providing him with the documentation that they gave to him, especially given that they now appear to be at odds over the future of LNG as a safe fuel for Gibraltar.

The Government and Lloyd's Register, acting independently and doing what they do best, which is safety, will show in the coming months that the Opposition presentation of the Lloyd's Register preliminary report was just, as described by them, a conflation and distortion which our community can safely disregard. But the judgement of the public will be harsh indeed on the Leader of the Opposition. The public will not soon forget that the people he said were the top experts in the world say that he has conflated and distorted their report; for those who support – those who *he* said support – his 'No to LNG' platform are actually now saying vigorously the opposite.

The public will not ignore the circus of a Spark report which Spark does not agree with. The public will not forgive the clown who told an untruth to the face of the Chief Minister and who the Leader of the Opposition chooses to believe. Indeed, the question of who is the greater fool, the fool or the fool who follows him, may soon come into sharper focus in relation to the Leader of the Opposition if he has just been a dupe for interests far beyond our shores.

Mr Speaker, Mr Feetham has called for me to apologise over my statement that the report has been redacted. It has already been proved to have been put in the public domain with key parts missing. Its presentation has been described as worse than redacted but as distorted by those who have prepared it, since at one time it was claimed that the GSD actually commissioned the report with Spark funding. That point could be resolved by him instructing Lloyd's Register or calling upon Spark, if it is the client, to have Lloyd's Register Energy release the full and original unredacted and unexpurgated report directly to Mr Speaker so that all Members may have access to a copy, the provenance of which there can then be no doubt as to and with nothing missing for all our scrutinies. I call on him now to do so.

Mr Speaker, the Government has acted responsibly throughout. We condemn the conflation and distortion which Lloyd's Register has stated that Mr Feetham, Mr Hammond and Spark have engaged in, and in agreeing with the way that Lloyd's Register has characterised the abuse and misuse of its report in this way I commend the amendment of the motion to this House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the amendment to the motion moved by the Chief Minister.

The Hon. the Leader of the Opposition.

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Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister – and it has not stuck in my throat to call him such – has spent 30 to 45 minutes of his speech trying to justify his outrageous allegations during his Budget reply the last time we debated this matter.

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Let's be clear about it, Mr Speaker: he used the Budget reply to turn Parliament into a kangaroo court, making allegations of the worst sort against his principal political opponent without any shred of evidence at all. And let's be clear as well that the reason why he turned Parliament into a kangaroo court during his Budget reply was because he wanted to destroy the reputation of his principal political opponent. He was not concerned about truth. He was not concerned about debating the issues. It was a blatant attempt at character assassination in making vile allegations in this House about corruption and about the Leader of the Opposition being involved in a plot to cut the electricity to families, to babies, to mothers and to businesses in Gibraltar. Unprecedented, Mr Speaker, in this House. It has never been done.

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When he reflects on those words I want him too to reflect on the first speech that the hon. Gentleman gave as Leader of the GSLP in 2011, when he said this:

'The people of Gibraltar are tired of the politics of insults and innuendo. The people of Gibraltar want a contest of ideas, policies and commitments. This is not a time for mud slinging or empty promises. It is not a time for spin and propaganda. It is not a time for character assassinations. That is the politics of the past and it will be rejected by our people.'

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Despite those laudable words in 2011, he proceeded to undertake the biggest character assassination that we have ever witnessed in this House – protected, it has to be said, by parliamentary privilege. Mr Speaker, I too want to take him to some of the words that he used in order to describe me during his Budget reply. In a half frenzy he said this, and I quote:

'He'

– referring to me –

'has been rumbled in having taken cash for questioning the safety of LNG as a fuel for Gibraltar! £100,000, Mr Speaker!... cash for questioning.

Mr Speaker, Mr Speaker, when it comes to accepting cash to question the Government, Members of Parliament in the United Kingdom have resigned for less than what the hon. Gentleman has been found doing...'

He then said:

'Their'

– referring to me and Mr Hammond –

'report'

– the Lloyd's report –

'is one of people who will get an awful lot of money if we are not able to do the right thing for our community; they...'

– referring to me and to Mr Hammond –

'get elected, they cancel the plans and then they give these people'

– Spark –

'either another opportunity to bid or have already done a deal that they are going to give them the power station, or the facility.'

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A vile allegation, Mr Speaker, of corruption – for that is what it amounts to.

I may be many things, and the hon. Gentlemen opposite delight in reminding me of my political past and the fact that I started off my political career in the party that my father founded, ending up as the Leader of the Gibraltar Social Democrats. I take all those criticisms on the chin, despite the fact that there are many Members on the Government benches who have also changed political parties, some more than

twice, but when I retire from politics people will criticise me for that or they will be indifferent to me, or they will think that I am competent or incompetent, but they will never say that Daniel Feetham was corrupt, because that is not an alleyway that I am prepared to walk into.

And then, Mr Speaker, he said:

‘I do not mind telling the public, Mr Speaker, that on the night of the Germany game, whilst the Germany game was still on, because of the power cut I was, with Manolo Alecio and the Minister responsible, actually down at the Spark Plant, down at Gibelec to try to understand what was going wrong. Of course I did not know really what was happening at the time, as we now know – in the light of the new dawn that has shone even on what has been happening and going on between the Leader of the Opposition and Spark...

You see, Mr Speaker, what we have here in this election year... is a disgruntled company conspiring with the Leader of the Opposition to turn an election. There is, Mr Speaker, I can tell the nation today, a potential interference with critical national infrastructure. We are investigating whether the power cuts we have experienced have been brought about in order to destabilise the Government at a time when the Opposition wanted to have a debate about power generation and its future.

I am not a conspiracy theorist... But the coincidences that we have experienced with the failure of the Spark Plant and the timing of it, as well as the timing of the collusion between the Leader of the Opposition and Spark, leads us to investigate these things. Let us be clear, Mr Speaker, our gaming companies, our lawyers, our accountants, our insurance companies, our finance centre, all our business leaders, the elderly, the infirm, those with babies and young children, not least our football fans will never forgive the Hon. the Leader of the Opposition if we have suffered power cuts to push the issue of power generation further up the political agenda.’

Mr Speaker, it is true that when I raised the Point of Order, he then took half a step back and he said, ‘Well, if the Leader of the Opposition says so,’ but it is incredulous that a Chief Minister, that a Leader of the House, knowing the rules of the House, can make an allegation of that nature without having a shred of evidence at his disposal. Because what you do not do – unless of course the objective of the exercise is what I said at the beginning of my speech: the character assassination of your principal political opponent – is bring allegations of that nature into this Parliament knowing that there is nothing that your political opponent can do about it, because he is protected by Parliamentary privilege, without a shred of evidence, Mr Speaker. That has never ever happened in the history of this Parliament, Mr Speaker.

And of course he had no evidence of collusion between me and Spark and the power cuts. What the hon. Gentleman is actually keeping from the nation is that Spark do not even operate the temporary power generators, because the temporary power generators are operated by a renowned international company, Energyst Caterpillar, with their own employees, and Spark are effectively a go-between between the Government and Energyst Caterpillar. And for his theory – without evidence, that he took a half a step backwards, because he knew the mistake that he had made, and he still has not apologised for it – is that for his theory to be correct, there has to be a conspiracy between the Leader of the Opposition, Energyst Caterpillar, a renowned company with interests all over the world, and Spark.

And in those same press releases that the Hon. the Chief Minister has referred to from Spark they also say – I do not know, I am not a party to it – that Energyst Caterpillar have investigated the source of the electricity cuts that he complains about and that they have concluded that it did not terminate within their power plant, and that a third party has also been brought in in order to investigate those very same power cuts and that they too have concluded that it emanated outside the power plant.

Mr Speaker, what he also does not refer to is this: that prior to the Spark power generators being brought to Gibraltar – I think it was in April or May 2014 – the Government had in place temporary power turbines, and we know from answers to questions in this House that out of the 40 or so power cuts that were experienced by Gibraltar during the time that those temporary power turbines were in place, half of those were due to defects within the power turbines. That is the Government’s own answers within this Parliament. Well, is that too as a result of some conspiracy between the Leader of the Opposition and whoever manages those temporary power turbines? Certainly not Spark, Mr Speaker.

He has consistently said that this election is going to be the dirtiest election on record. Well, let me tell the hon. Gentleman it is certainly not going to be dirty because of anything that we are doing or intend to do on this side of the House, and my guiding philosophy in relation to how I conduct the next election campaign will be *his* words in *his* maiden speech as leader of the GSLP, Mr Speaker. Those are going to be my guiding words as to how I conduct the election campaign.

But Mr Speaker, strip away the kangaroo court, strip away the overt purpose of his Budget reply and much of what he has said today, the character assassination of the Leader of the Opposition, and what is this about? What *is* this debate about? Well, it is about safety and it is about location. If something does go wrong at either the LNG power station or the bunkering installation, what is the effect on our schools? What is the effect on our hospital? And what is the effect on people living in the vicinity of those installations? That is the real issue at stake, Mr Speaker. Everything else is absolutely irrelevant, because no matter how much one reduces risk – and we have accepted and indeed the Lloyd’s report itself provides that risk can be substantially reduced – what you cannot reduce is consequence. What you cannot reduce and

mitigate are the consequences of an accident at an LNG bunkering installation or an LNG power station to the people living in those areas.

The hon. Gentleman, not today, but on other occasions... One of his critiques of the Lloyd's report is that the Lloyd's report is based on two tanks of 10,000 cubic meters. What he does not say is, of course, that the Government came out and invited expressions of interest for a tank with a minimum capacity of 12,000 cubic metres, a minimum capacity, and the Spark report is based on two tanks of 10,000 cubic metres each. But what he does not say – or I do not know whether he has not read the report – is that the report assumes that there are safety measures in place to actually reduce any leakage of LNG to between 60 seconds and I think it is five minutes. Between 60 seconds and five minutes it is not possible, Mr Speaker, for 20,000 cubic metres of LNG to be released, so the size of the actual storage facility in many respects is irrelevant if one takes the premise of the report at face value.

Mr Speaker, what he has singularly failed to do is to alleviate the concerns – which is *his* responsibility as Chief Minister of Gibraltar – of the parents of those children who go to those schools, of the patients who use the hospital and of the people who live in the vicinity of the LNG bunkering installation and the LNG power station, because four years down the road – I will come back to the history of this in a moment – four years down the road from when he first took the decision that cancelled the GSD contract to build a diesel power station in Lathbury Barracks, the only report that has been published is the report that the GSD has published. That is the reality and that is the reality that he seeks to wriggle away from, because it was *his* responsibility – not mine, but *his* responsibility as Chief Minister of Gibraltar – to alleviate those reasonable concerns of those people, and he has done everything in his power to attempt to divert attention from that central issue of safety, to attempt to discredit the Lloyd's report with wild allegations, which he has repeated today, that the Lloyd's report had been substantially redacted.

In his interview the day before his Budget reply what he said was that the Lloyd's report had been substantially redacted by some 80 pages, Mr Speaker. That is what he said. So when people listen to his further allegations of further redactions... What happened to his original allegation that the Lloyd's report had been substantially redacted by 80 pages? And he has challenged me to come to this House to say whether the report that has been published by Spark was unredacted or a final version of that report.

I can tell the Hon. the Chief Minister that I have seen e-mails, because I had insisted on disclosure of those e-mails between Lloyd's and Spark, where Lloyd's tell Spark, 'We enclose the final version of our report' and the attachment is exactly the same as the attachment of the report that has now been disclosed by Lloyd's. And so from 80 pages of redactions, which was the allegation that he made the day before his Budget reply, we now find that the only page that was missing was, I think, the second or third page, which identified Spark. That is it, Mr Speaker, nothing else.

If he has evidence that the Lloyd's report has been substantially redacted in other ways, let him bring it to the House. I am telling him that what I have seen in the communication between Lloyd's and Spark is that the final version has been disclosed. And he knows very well, Mr Speaker, that if there had been any smoking guns in the comparative of the final report that has been published by Spark and the one that we published with the second page missing, he would have already brought it to this House – and he has not been able to do so, and all he continues to do is refer to innuendo and further redactions and words missing here and words missing there.

I do not know, Mr Speaker, where he gets it all from, because he gave an interview on GBC – and I will come to that in a moment on another point – and he said, 'Lloyd's, for confidentiality reasons, cannot talk about the Spark report,' but then he says... again he infers that the Lloyd's report had been substantially redacted and that Lloyd's are conducting a comparison between the report that we published and the one that Spark has published.

Well, Mr Speaker, what is it? Is it that Lloyd's, because of confidentiality reasons, cannot talk about the report? Or is it that the version... in the same sentence a contradiction? Or is it that Lloyd's have communicated to the hon. Gentleman that they are conducting a comparative between the two? I can tell him now, Mr Speaker, that based on the e-mail that I have seen containing the attachment of the final report, the one that Spark has published is exactly the same as the one that we have published.

He then said, about the Lloyd's report, that the Lloyd's report was based on a single-skin tank, and we now know that it was not based on a single-skin tank. Again, I do not know where the hon. Gentleman gets his information from.

Mr Speaker, I want to pay tribute I know that he has become almost a bogeyman, a *bête noir* of the hon. Gentleman and some of his colleagues opposite, but I want to pay tribute to the Chairman of the GSD, Trevor Hammond, for his hard work, for his dedication and for the work in particular that he has done in relation to drawing attention to the risks of LNG to the community in Gibraltar. I hope that the Chairman of the GSD, who has been doing all that hard work without being a Member of this House, will soon join me in this House as a Member of Parliament, as part of a GSD slate. Whether it is on this side of the House or on that side of the House only the people of Gibraltar will decide, but I wish to pay tribute to his hard work today.

Mr Speaker, because he has singularly failed to alleviate the concerns of all those people in relation to the safety of LNG and the safety in particular of LNG bunkering at the Detached Mole or the North Mole, or the LNG power station barely 300 metres away from Waterport Terraces, he obviously has to turn this debate into a Punch & Judy show, or turn it, as he did during his Budget reply, into a personalised debate with no other purpose than to character assassinate his main political opponent.

The reality is that the Government has played footloose with the safety of people. The Government has mismanaged the issue of power supply, and to demonstrate that and to make good on that case I want to go back to the beginning, because their manifesto commitment in relation to this is as follows. It is at page 32 of his manifesto, under 'Power generation/Alternative Energy', and they said this – this is what they promised:

'We will ensure that Gibraltar's power needs are provided for and any binding agreements entered into in respect of the new power station will be respected.'

Any binding agreements entered into – in other words by the GSD Government – in respect of the new power station will be respected, and the bottom line that he cannot get away from, either today or indeed prior to the election, is that if he had kept to that manifesto promise our power station at Lathbury Barracks would have been built by now and the power cuts would have been a thing of the past. Hence why he has to displace and dish out blame to everybody else for his own failure, Mr Speaker, for his own failure.

From the very beginning he has tried to justify the breaking of that manifesto promise. He has sought to argue – indeed, he has alluded to it today, but specifically in relation to the Lathbury Barracks power station he has sought to argue that the Lathbury Barracks power station had these huge chimneys spouting smoke, as if this were the industrial revolution in the 19th century.

I ask the people of Gibraltar: would a responsible Opposition, as they then were, or a responsible party or parties would they have agreed to commit themselves to honouring our Lathbury Barracks power station if contracts had been signed, if it was as bad as they say it was? Of course not, Mr Speaker! Of course not, because by then he had already seen the plans. By then he had already seen the environmental impact assessment. It is a contrived attempt, as much that the hon. Gentleman contrives, to basically just simply justify the fact that he broke *his* promise to the people of Gibraltar to honour any binding agreements that the GSD Government had signed in relation to the Lathbury Barracks power station.

Mr Speaker, when during the Budget speech last year, in 2014, he announced to this House that the contract had been awarded to the French company that we ourselves had contracted, that had won the tender for the Lathbury Barracks power station, for £77 million, he gave an interview in the lobby of this Parliament – yes, in the lobby of this Parliament – just after his Budget speech; and pointing to the fact that the GSD Lathbury Barracks power station would cost £120 million and their power station was going to cost £77 million, he said this, and I quote:

'One is tempted to ask who was going to pocket the half the difference it was going to cost'

Another allegation, Mr Speaker, of corruption; this time not against me but against those in the GSD Government that was handling this particular project. And as he well knew when he made that comment, intended as it was to sow the seeds in people's minds that somebody within the GSD had pocketed nearly £70 million, as he *well* knew, the £120 million that we had contracted with a French company for the new power station was not only for the new power station. It included the new power station, storage facilities, an entirely new distribution network throughout the entirety of Gibraltar, and a new building/offices for Gibelec. How on earth he can make that kind of allegation and keep a straight face... Well, Mr Speaker, only he can do it, because I certainly cannot and I hope that I am never ever in a position to, poker faced, make that kind of allegation about a previous Government without a shred of evidence.

But, Mr Speaker, it is on the safety issue that his Government stands politically condemned. When he decided to break that contract – at a cost to the taxpayer of £5 million – that we had signed with the French company, he announced in 2012 that the Government had decided to build an LNG power station at the North Mole. So the Government took a policy decision to build an LNG power station at the North Mole in 2012. At the beginning of 2013 the Government went out to tender for that LNG power station at the North Mole and tenders closed on 30th May 2013. We know, because of statements that have been made in this House and outside it, that the very first time that the hon. Gentleman made contact with their so-called experts, their Health and Safety Executive, was on 7th June, because in their carefully worded press statement at the end of last year they said that the first contact with the Health and Safety Executive was on 7th June. The Health and Safety Executive came to Gibraltar for the first time in January 2014, Mr Speaker. It is not possible for the Government to have had any kind of expert report on the safety of LNG prior to, at the very earliest, January 2014, but it could not have done it before the tenders for the LNG power station closed in May 2013.

865 I ask, Mr Speaker: what kind of a responsible Government makes the policy decision to locate an LNG power station at the North Mole in 2012, goes out to tender and awards the tender without even having expert reports? That is the bottom line here about the way that the Government has handled this particular issue.

870 Mr Speaker, throughout 2013 and 2014 – and he can go back to our press releases and he can refer to them – we had reserved our position in relation to LNG. We had reserved our position in relation to the safety implications of building an LNG power station at the North Mole. But what really brought this debate to a head was the disclosure, during our leaders' debate in December 2014, that the Government was about to enter into contracts, or was exploring entering into contracts, with commercial entities in order to allow them – not the Government, *them* – to build LNG storage facilities that would then supply the power station but in return allow those entities to do LNG bunkering in Gibraltar.

875 That is when we took and started to take a more robust position in relation to this, Mr Speaker, and it is then that we started to ask, 'Well, where are all the safety reports in relation to all of this?' and on 18th February 2014, in press release 95/2015, the Government said this 'all safety reports associated with the proposed power station' had been obtained. So all the safety reports associated with the proposed power station had been obtained.

880 And then he said:

'We are not in a position to publish these reports at this time due to the commercially-sensitive nature of the information they contain,'

– Mr Speaker, the dreaded 'commercially sensitive information', which they constantly deploy in order to refuse answering questions in this House and which they have deployed on a plethora of other occasions, in order to refuse to answer questions about Credit Finance.

885 Fast-forward four months, two weeks ago, and the hon. Gentleman giving an interview with GBC – which *everyone* is talking about, Mr Speaker – everyone is talking about, where he says *that there were no expert reports*, that there were no expert reports, that the proposal was still not mature. How mature do proposals need to be when the Government has already allocated the contract for the power station?

890 The reality is that four years down the line his Government has only just published an environmental impact assessment – only just this week. There has been no consultation about the proposals four years after he made the policy decision to locate an LNG power station at the North Mole, and indeed two years at the very least after he has made the policy decision of allowing LNG bunkering at the Detached or the North Mole. And there are no expert reports, Mr Speaker, so he cannot make good his assertions, or the assertions of a Minister for the Environment, that the proposed LNG bunkering installations in particular are 100% safe. He cannot make out that assertion.

895 Returning to my original question: if something does go wrong, what is the effect on our schools? What is the effect on our hospital? What is the effect on the people living in the vicinity? Because I would have expected any reasonably responsible Government to have made sure that it knows the answer to that before it makes policy decisions about locating LNG power stations at the North Mole and bunkering installations at either the Detached or the North Mole. I would have expected that from a reasonably responsible Government.

900 The reality is that he cannot provide the assurances, Mr Speaker, that people living in the area want from *him*; not from me, but from *him*, Mr Speaker, from him. He may say, that of course, that you cannot eliminate risk altogether. That is precisely what we have been saying from the very beginning. You cannot eliminate risk, but you cannot also mitigate consequence in the context of the locations where they have decided to locate this LNG bunkering installation and this LNG power station, because I have already told him that the assumptions in the Lloyd's report are based on the release between 60 seconds and five minutes. It is not even based on a total release of the contents of those two tanks.

905 Mr Speaker, yes, we are going to fight the next election 'No to LNG in these locations' – of course we are going to do that. We do not believe that playing footloose – because that is what the hon. Gentleman is doing – with the safety of these individuals, of the people living there is the right way to go about power supply in Gibraltar, and I give the people of that area – of Westside One, Westside Two, of Waterport Terraces and all those who will be affected if there is ever, God forbid, an accident at the LNG bunkering installation or indeed the LNG power station – I give them a commitment that if we are elected into Government we will not go ahead with these bunkering installations in these locations, and we will not go ahead with an LNG power station at the North Mole.

915 Mr Speaker, before he says to me, 'Ah, because you see he might consider it in a different location,' no-one has placed before me any kind of plans whatsoever at all about locating an LNG bunkering installation anywhere else in Gibraltar, let alone anywhere else in Gibraltar that is safe. But of course if the Government were to come to us and they were to say to us, 'Well, look, instead of doing it at the Detached Mole or the North Mole we are prepared to look at LNG bunkering somewhere else,' we are prepared to sit

down with the Government and look at those locations. We are prepared to look at any location that the Government has in mind on its merits.

But the Government is not going to be looking at alternatives, Mr Speaker. The Government is hell bent on moving ahead with its plans in this area. It does not take a rocket scientist to tell him that that is a very bad idea indeed, and I hope for his sake that there is never an accident in the future in these locations, because he is going to have to defend himself in the light of all the comments that he has made during the last four years, and in particular the comments that he has made this year.

Mr Speaker, I leave my contribution in this debate with this. The hon. Gentleman keeps on referring to Lloyd's and how Lloyd's are disappointed and how Lloyd's claim that the report was distorted. Well, until I actually see and hear it directly from Lloyd's that they are accusing the GSD of having distorted or conflated their report, there is nothing that I will believe, certainly not the way that the hon. Gentleman seeks to distort quotes from Lloyd's.

He has also, for example, claimed that Lloyd's are very angry about the way that the GSD has made use of the report. I have consistently said from the very beginning that Lloyd's Register are not against the use of LNG either here in Gibraltar or anywhere else in the world. Of course not. Lloyd's are in the business of producing safety reports and they have produced safety reports in relation to LNG in many places across the world. The debate is not about LNG *per se*; it is about LNG in these locations.

And let me tell him this about this allegation that Lloyd's are concerned about the way that the GSD have dealt with this particular issue, or conflated or distorted their report: before the report was published – in other words the Lloyd's report was published – I met the expert who produced the Lloyd's report and I told him very, very clearly and left him in absolutely no doubt at all that if Spark provided me with a copy of that report that the GSD would make the report public. I told the expert, Mr Speaker, so there has been no misleading by the GSD of anyone – not Lloyd's and not the people of Gibraltar. *(Banging on desk)*

Hon. Chief Minister: Mr Speaker –

Mr Speaker: Does any hon. Member wish to –

Hon. Chief Minister: Before we carry on with the debate, given the hour – it may be that there are other Members who want to contribute – I am going to propose that the House do now recess until three o'clock for the debate to continue.

Mr Speaker: The House will now recess to three this afternoon.

The House recessed at 1.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 8.27 p.m.

Gibraltar, Thursday, 30th July 2015

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The Gibraltar Parliament

The Parliament met at 3.30 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

GOVERNMENT MOTIONS

Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report – Debate concluded

Mr Speaker: It is the amendment moved by the Chief Minister which is now before the House.
Sir Peter Caruana.

Hon. Sir P R Caruana: Mr Speaker, I am grateful for you calling me.

5 I want to take part in this debate in a much more focused and to a much more limited degree. There is...
This morning we have had the airing of what one could call the debate around the politics of the issue, and I
think it is important not to lose sight of the fact... Both sides have had their say, and of course I endorse for
my part the version of events that the Hon. the Leader of the Opposition has given. That is what I
understand the position to be and I think he has more than articulately put across in his reply the version of
10 events that the Opposition subscribes to.

I hope the hon. Members on both sides of the House will agree with me at least on this, and that is that
whatever are the merits of LNG as a source of power in Gibraltar, it is, potentially at least, a significant
development. If those who are sceptical about the safety arguments, if they turned out to be right, then the
hon. Members have said that they would not do the plant, and that is the subject that I want to touch on.

15 The Hon. the Chief Minister said this morning that what is said in opposition only carries the weight of
ambition to get into government. Well, I can assure the hon. Member that I no longer harbour any ambition
to get back into government, so whatever I say... I can also assure him that my concern for the electoral
prospects of the GSD is considerably less than my concern for the public safety of Gibraltar and getting a
decision on this right.

20 I hope the hon. Members will accept, even if they disagree with me, that what I am trying to express is a
view, and, with the greatest of respect to the Hon. the Chief Minister, whilst it is entirely legitimate for him
– indeed he is obliged – to defend the Government’s policy, including the Government’s judgement about
the pros and cons of LNG and the process by which they are seeking to potentially deploy it, that defence
cannot include and should not include the parliamentary – to borrow his words – denigration or
25 delegitimation of those who have a contrary view, unless he assumes that everyone who expresses a
contrary view is doing it motivated by the bad motive of simply wanting to do the Government electoral
damage. I am not willing to desist from expressing a personal view on this matter for fear of being accused
of doing that, except that I flag up that I have none of the interests that the hon. Member described earlier.

30 So, Mr Speaker, the question then is really encapsulated... and I should add, just before I go on, that
LNG was presented to me as a possibility. I did not include it as a technology on the short list. It was not on
the basis of any technical advice. I think we politicians are called upon to make political decisions, not just
to do what the technical people say we should do; and necessarily, when you make a political judgement it
may well be Luddite in the sense that it is not a view that technically knowledgeable people would make.
That is the context in which I think this issue is best debated.

35 I was struck by something that the Hon. the Chief Minister said this morning almost as an aside, which
in a sense encapsulates my position on this debate – and I hope the hon. Members will give me credit that I
am not commenting in the context of everything that has since happened, because I have expressed this
view in the House. I have expressed several times in the House the view that I am against LNG before any

of the current fracas started. The hon. Member said, almost as an aside – to illustrate a point that he was then making, and I have to admit I do not recall what the point was that he was illustrating – ‘Only a few weeks ago,’ – or months ago, I do not remember – he said ‘we had an explosion of a diesel tank,’ and I thought to myself, ‘Precisely. Precisely.’ If diesel, which is considerably less explosive than gas and when it does explode... I am talking about gas in its gaseous form, obviously not LNG in its liquid form. In its gaseous form it is considerably more explosive than liquid diesel.

If that can happen in respect of a diesel tank despite the technology, despite the safety precautions, despite the fact that it is thought to be safe, what it demonstrates is that, despite all of those things, events happen. And what might have been the consequences and would they have been greater, in my non-technical way, in my non-technical sense, I assume that it would be much more serious – an explosion around a gas installation – than an explosion around a diesel installation. And there, in a sense, the Hon. the Chief Minister’s aside encapsulated the debate, which is, as the Hon. the Leader of the Opposition said, risk management is always divided into two different questions: the risk of an event happening and the consequences of it happening. The first can be mitigated by technology, and by safety measures, and by quadruple-skinned tanks and by whatever else you want. The consequences of it happening are *much, much* harder to mitigate and really the only mitigation that exists... Actually, the four-skinned tank would not be an example of the first; it would be an example of the mitigation of the consequences, but still it would not be an example. For example, there would be buffer zones and things of that sort.

In other words, I accept that with technology, particularly evolving technology, you can mitigate the chances of something happening, but since we are all agreed that the chances of something happening cannot be reduced to zero and nothing in life is zero risk, then what you need to debate is whether you are willing to accept the risks of the consequences if the event – the possibility of which happening you have not been able to eliminate completely – were to happen. That is the debate and that is the debate about the location, and that is the part of the debate that concerns me.

I will illustrate through an experience that I had when I was sitting in his chair. The hon. Members in the House may recall the proposal many years ago to establish a funicular railway from Casemates up to... I cannot remember where it was going to go – Middle Hill or the north, or wherever it was going. I was assured by the proposed developer that this was safe, and then I called in their technical experts, which is a blue-chip English safety consultancy company – I will not mention them by name, but it is a four-letter name which you will all have heard of, as it has done much work for the Gibraltar Government – and they said, ‘Well, how will you build this?’ I do not know if the hon. Members have noticed – obviously some of them will be aware of it – but there is a spur on the rock immediately behind the Laguna Estate and this funicular had to go through, not round the outside; it had to tunnel its way through the spur and emerge on the gentler rising slope above it and I asked the technical chap, ‘How will this be done? How will this tunnel be done?’ He said, ‘Oh, that’s got to be blasted.’ I immediately remembered the episode of the mole in *Winnie the Pooh* – That’s got to be blasted. Sorry, this is Winnie the Pooh as in the bear, not as in poo-poo, as in the other thing (*Laughter*) – and I said, ‘Well, it’s all very well for you to say that you want to blast a tunnel, but you are blasting a tunnel just behind and just above one of Gibraltar’s biggest housing estates.’ He said, ‘Oh, well, it’s perfectly safe.’ I said, ‘It’s perfectly safe?’ and he said ‘Yes, we’ve got all sorts of experts who place the explosives.’ I said, ‘That’s all very well. I don’t understand any of that. Can you guarantee me that the blasting of this tunnel will not result in a landslip or a rockfall onto the Laguna Estate?’ He said, ‘Chief Minister, neither I nor anybody else can guarantee that.’ So, as far as I was concerned, end of the matter, because – (*Interjection*) Well, fine – you were not there. It was the end of the matter from the point of view of the Government being willing to consider the feasibility of that project. Now, it is the same thing here.

The hon. Members may say, ‘Well, there is risk in having an airfield with housing so nearby.’ Of course there is. Do the hon. Members think for one moment that now, in the 21st century, the necessary civil aviation licences would be obtainable to build a runway where ours is in relation to the housing that we have got? An iceberg would have a greater chance in hell than that being allowed to be built today. So many things that we accept because they were already in place would not be allowed today, and I do not think that that is an argument which coherently gets us over the threshold.

I do not say of the hon. Members opposite – it would be completely and utterly irrational of me to say to the hon. Members opposite – that they are determined to do this because they do not care about whether there is an explosion with all sorts of dire consequences. But I think, without being accused of suggesting that, I am entitled to raise the question whether the consequences of that happening against the benefits of the project have been properly and sufficiently weighed up and whether, given that the consequences of this happening are particularly dire in this location... I mean, look, the first thing that happens when there is an explosion is that there are injured people. If there are injured people and one of the sites that is in jeopardy is the hospital, then it suggests that we are siting on the same site the potential source of risk with the resource that you would need to address it if it were to happen. So that raises, to me, issues of location.

I am not a fan of gas. I think Gibraltar is too small for gas. I think there are always going to be location problems; there are going to be piping problems. I am a completely untechnical person, I am frightened of gas, and therefore, when I get invited to make political decisions about gas, I do not rush to the Lloyds report or to this report or to any report; I am just not willing to politically endorse a decision which goes against what I think is in the interests of this community, and it would not matter to me... and therefore I have categorised myself personally as a Luddite on the matter. I do not care how many experts' reports are piled up here from the bluest-blooded consultants that tell me that modern technology has reduced this... and that cruise companies are putting them on their ships and that God knows who is putting it on their aeroplanes. All that is very well. The question is: can you tell me that there is no risk of this dreadful thing happening? First of all, I might ask them whether it is true that if there was an accident the consequences would be dreadful. I suppose that would be the first question. And if the consequences are dreadful, can you assure me that there is no chance of those consequences coming to pass? And although I understand that the hon. Members are entitled to have a different policy, for me, if the answer to that was, 'Chief Minister, we are discussing between a 95% and a 99%... 5%... how long is a piece of string,' I would say, 'Well, is there another location? And if there is another location that is better and that does not have as many risks?' I think that that would be preferable.

I have risen to my feet today, Mr Speaker, not because... I have said in the past before that I hoped to keep my parliamentary contributions, in what is left of my parliamentary terms, to things which I think are important. My biggest concern is that this subject, which is important for Gibraltar, has become so party-politicised, it has become so much a question of the Opposition having one position and the Government having another, the Government thinking that the Opposition's position is based on simple electoral posturing on its part, that there is a risk that the political stakes are thought to be so high that decisions are made accordingly and not by reference to a sensible considered debate, where, if it turns out that the real... the risks of consequences – not of occurrences, but the consequences of the occurrence coming to be are so great that, however small the risk might be of it happening at all, the consequences of it happening if it does are so great that this project should, on balance, despite whatever may be the virtues of LNG... are going to be lost.

Because I think it is arguable both ways in this sense. Ten or 20 years from now, when the people of Gibraltar look back at this episode of the whole LNG debate they will be as entitled to feel aggrieved that Gibraltar had been deprived of the advantages of LNG, if it is really safe and the consequences... as they will be entitled to feel betrayed if this decision is made for the wrong reason, accepting an unacceptable degree of consequence should, however small the chance of it occurring, the accident occurs – as it did with the explosion of the much less harmful, much less dangerous diesel tanks. Most diesel tank explosions are themselves the result of the accumulation of gases in the diesel tank. (*Interjection*)

Mr Speaker, I do not suppose that my good friend Mr Alecio is going to feel denigrated because I express the views that I am expressing now. I personally am not convinced that Gibraltar needs to take the risks, in a small place as we are, of hosting an LNG installation. If it can be located somewhere else in a way that changes the balance of those risks, that would be another matter.

I personally do not like it, I personally would prefer they would not take place anywhere in Gibraltar, but my mind is open enough that if somebody came up with a site where the worst event was incapable of endangering on a significant scale the public in Gibraltar, then logically I would have to moderate my personal views about it to accommodate that new fact.

But that is *not* what I understand the position to be, and I was just wondering whether it is still not too late, in the context of this debate on an amendment to the motion which the Hon. the Chief Minister must know the Opposition could not support... I understand the politics of it, but is it still not too late to arrive at a formula of words that would allow the Government to continue to explore its options; with the Opposition, if it wants to, continuing to oppose LNG but in a way that gives the public at large the comfort that this is happening in a sensible, mature, considered way with the Government... including doing things in a way which is viable in terms of the public's possible concerns about safety?

I think it would be churlish for the hon. Members to think that there is not public concern out there, and I think it would be equally churlish for the hon. Members to think that such public concern as is out there is all generated by the Opposition's scaremongering. I think if somebody were to say to me, 'Look, they're going to build an LNG plant right next to your living room window,' even as a technical ignoramus I would tend to worry about that.

I acknowledge and I support whatever the hon. Members do to advance the interest of port activities, the bunkering industry, the online gaming industry and all the other elements of our economy, but I think they too have to be put in the balance. I do not think it is an argument we can take to the electorate: 'Look, we're going to put this new danger on your doorstep,' – if it is a danger – 'because, after all, it is no greater risk than if you get into an aeroplane and crash. So now, instead of having one risk you have got two. We are going to do this LNG plant because the port needs it, or because the bunkering industry needs it and because Algeciras is doing it.' Those might be reasons why we *want* to do it, but they cannot be the reasons

why we *decide* to do it. We have got to decide to do it taking other factors into account as well. I do not say that the hon. Members will not take those other factors into account, although I hear what the Hon. the Leader of the Opposition has said so far about whether that assessment of risk by the Government has taken place in a timely fashion or not.

If I had been minded to move an amendment to the Hon. the Chief Minister's motion, which I do not propose to do, it would have included adding a sentence in it that acknowledged some of what he has said this morning in his address, and that is that the Government will not make this decision unless it is supported by independent expert evidence.

There was a report in the *Chronicle*... I am not sure if it was in the *Chronicle* or in some other local in the last day or two. I think it might have been a report of the Hon. the Chief Minister's latest direct democracy thing, where he was quoted – correct me immediately if I have misunderstood the report – as suggesting that the Government may now not be involving Lloyd's and that it was up to the contractors doing the plant to do this. I am delighted to hear, from the shaking of his head, that that is not what he said or even an accurate description of the report of what he said.

I would implore the hon. Member not to allow the safety case to be collated... even if it is going to be assessed later by somebody else, not to allow the evidence for the safety case to be collated only by those who have a commercial interest in building this LNG plant, because then the result would not be an independent... Everybody knows that if a contractor wants to do something, he can find a perfectly reputable consultant who will find a way – (*Interjection*) no, not lawyers; accountants and other consultants, but not us lawyers – to do it.

I do not want to go on and on. I would just like to record two facts. One, that I am and have always been, for reasons that others could, in my case at least, if they wanted to, legitimately write off as being based on layman's ignorance, because I do not profess to have read any reports, I have not read any reports, I do not understand the science behind LNG plants and I am being driven exclusively by my general knowledge, as not the world's least intelligent person, about what gas is capable of and how much more difficult it is to handle than other materials and how much more serious the consequences are of that being handled... So I am against it, even if I am told that the chances are *very, very* small – and to put it into mathematical percentage terms is meaningless to me – if I am also told that the consequences are catastrophic.

I remember when the Bencefield fuel dump in England exploded. (*Interjection*) Sorry? (**A Member:** Buncefield.) Sorry, Buncefield, I beg your pardon. I am grateful for that. This was in an isolated site. There were several... I do not know how many... about half a kilometre or a kilometre of fields between it and the nearest... The consequences were catastrophic.

It may be that technology has moved to the point where a reputable consultant can come and say, 'There is zero chance of an accident happening on this plant.' Well, look if somebody had told me that you could get to the moon before they got to the moon I would have been equally sceptical, but on the basis of my state of knowledge I am not willing politically to endorse the recourse by Gibraltar to LNG – not because the environmental case might not be fantastic or it may be cheap... Mind you, talking about the environmental case and it being fantastic, if the hon. Member thinks that LNG is... what were his words... 'smelly' – that diesel was (*Interjection*) grimy and smelly, which are two adjectives he could not resist placing in front of the noun 'diesel' every time he used it, I would just ask him why he is having a dual-fuel power station at all; he should just have a gas one. Why invest a significant amount of capital in the diesel part of the plant that you think is grimy and smelly and by itself denigrates the Opposition's contrary position on the matter? The logical thing would be, if that is the view that they have of diesel, is not to use it at all, but perhaps there is a technical reason, a technical explanation for that which I do not understand either.

Frankly, I have to say to the hon. Members, and I know that many of them will not believe me, that in the twenty... how long have I been in the House... 1982, 1992, whatever it is, 30-odd years, 20-odd years that I have been in this House, with the exception of the joint sovereignty issue, in my opinion, now the distant voice from the backbench, this is probably the issue of greatest significance... That and the Constitution, I suppose, are the issues of greatest significance that I can recall being debated in this House in terms of its potential future impact, both positive if it is positive and negative if it is negative, for Gibraltar, and I would have thought that, if the situation was not so tense between both sides of the House, this is a subject matter which somehow this Parliament would be capable of organising itself to deal with by setting up some select committee or some standing committee to provide parliamentary oversight. I do not know – some way of the two sides keeping each other comfortable about their motives and about their concerns and about the technologies that they are seeing, and somehow keep the debate contained in a way which, despite disagreements, at least the public will have confidence that its political class is giving the matter proper treatment and not just using it as a political electoral football one way or the other. Both sides have accused the other of doing that – either both of us are doing it or neither of us are doing it, or whatever

220 – but the public perception out there is that this is what is happening to this issue and people do not feel that their concerns are getting the serious treatment that they deserve.

I will not be around in the next Parliament when this project... I do not know when this project is going to come to fruition, but it would have been my wish that the Opposition and the Government could have conducted this issue in a way that inspires more, rather than less, confident.

225 I will continue, in my non-frontline politics, to express the view in this House, whilst I am able to, that on the basis of the evidence that I have been shown, which is nothing and therefore on the basis of my general perceptions of gas, I am not in favour of subjecting this community to – however small it may be of happening – the consequences of it happening, despite the smallness of the chances of it happening.

230 I know that there are counter arguments, and somebody told me during the lunchbreak that this was technology that would now find its way onto cruise ships and things of that sort – well, so be it. We are not talking about the loss of a ship; we are talking about something that could devastate this community on a much greater scale to historic explosions that we have had in the past. I do not say that to scaremonger; I say it only to illustrate my unscientific layman's concerns about and fear for this happening, if it happens.

235 So, in part I have to say, in the context of my overall position to it, to the extent that the hon. Member has said this morning that the Government is not committed to an LNG plant and will not be committed to an LNG plant unless it gets a technical clearance – I think he said from the Health and Safety Authority, or whatever it is now called... But of course, in a sense, Mr Speaker, that is a misfocus of the question, because the Health and Safety Authority will tell you how safe a plant is in the sense of the first of the two ingredients of risk management assessment. In other words, what are the chances... and mathematicians have a way of reducing these things into mathematical prospects, which I have always found frankly a little bit disingenuous, but they convert the chances of an event happening in percentage terms over so many number of years. So a once-in-a-hundred-years event – (*Interjection*) Once in a hundred years, well fine, but however small a chance is, if it happens... if it happens because otherwise, if there was not any risk of technology going wrong and accidents happen, nobody would bother to take any precautions beyond the technology itself – and we know that that is not true.

245 So I apologise to the House if I have extended myself and if I have indeed repeated myself, which I suspect I have, but I think that this debate is not going to go away, and it can either be fought between political parties for electoral purposes or it can be debated in a parliamentary way, not under the heat of a parliamentary debate – in some other mechanism that the Government would have to construct to give the public confidence that its political class, even if half of it in the end disagrees with the decision or perhaps does not... but inspire confidence in the way it has been held.

I am grateful to the House for its indulgence in hearing me out. (*Banging on desks*)

255 **Mr Speaker:** Does any other hon. Member wish to make a contribution to the debate on the adjournment?

A Member: No, on the amendment.

260 **Mr Speaker:** On the amendment, yes. In effect, it will not make any difference, because if the amendment is carried it becomes the motion; and then, although the Rules of the House allow a debate on the motion, in effect it is an odd situation to be in, in that the whole amendment becomes the new motion.

A Member: You said 'adjournment'.

265 **Mr Speaker:** Did I say 'adjournment'? (**Some Members:** Yes.) Oh, the amendment, I meant. I am getting old, obviously! The Hon. Mr Bossano who is slightly older than I am! (*Laughter*)

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Well, as President of the Youth Section of the GSLP, I do not think you can say that to me!

270 Mr Speaker, can I say that I feel as strongly as the hon. Member who has just spoken, about gas – which may surprise him – in a diametrically opposite point of view, which may not surprise him! (*Laughter*)

A Member: Of course. [*Laughter*]

275 **Chief Minister (Hon. F R Picardo):** All is well with the world! (*Laughter*)

Hon. J J Bossano: Therefore I have been the strongest advocate, I think, for using the fuel here when we have been examining the pros and the cons. Yes? More than John.

280 **A Member:** The most sensible.

Hon. J J Bossano: Of course, I did not know the hon. Member was so concerned about being in the proximity of gas, since he has been in the place where most gas has been produced in the last 25 years! (*Laughter*) But I can tell him that it is the fuel that will be used by everybody outside Gibraltar in the next decade, and the only thing that people would see if we did not do it would be that we were governed by Luddites who did not keep in touch with the rest of the planet.

The EU is actually giving people subsidies to move to natural gas, which we hope we can get.

Hon. Sir P R Caruana: There is a place for natural gas in a safe location.

Hon. J J Bossano: Well, the location and the place... All I can tell him is that when somebody first was worried about the location I simply went into the internet and I got the Oval cricket ground, and behind the Oval cricket ground was a gas-holding tanker almost as big as Gibraltar –

Hon. Sir P R Caruana: Yes, but from 1918?

Hon. J J Bossano: – with everybody sitting there in front of it.

Hon. Sir P R Caruana: From 1918.

Hon. J J Bossano: But the answer is they have not dismantled it because it could wipe out London. The reality of it is that natural gas is not the same as coal gas, and that different gases have got different boiling points and that water vapour is a gas but it does not explode. So all the technical indicators are that its safety record is better than the alternatives.

You can say that going on a plane is less risky in terms of how many more people die in plane accidents than going on a train. That does not stop people saying, ‘I will never go on a plane in my life because I am scared of flying.’ (*Interjection*) Okay, so the hon. Member is scared of flying, and I have just flown, in 24 hours, and gone to Zurich.

Hon. Sir P R Caruana: If it crashes, [*inaudible*]. Well that’s the consequence.

Hon. J J Bossano: Of course, (*Interjection*) but we all – (*Interjection*) Yes, but, Mr Speaker, if we do not do anything in case we get killed, we should not cross the road and he should be staying in Irish Town for fear of getting killed by a motorbike as he comes out of his door. That is the reality. So you have to assess risk in terms of what is the possibility of this happening. Is it one in a hundred? One in a thousand? One in a million? One in a hundred million?

It is not the case that anything that we do in life... The guy who came out to advise us on the disaster that was Appledore died because he choked eating a lump of meat. What were the chances? He stood more chances, I would have thought, of being lynched by the dockyard workers than choking on a piece of meat. If the chances of choking on a piece of meat were one in a million, he did not say, ‘Well, look, I will just not eat meat.’

The reality of it is that if the criteria is that somebody has to say it is impossible that anything should happen and that there should be an accident... well, nobody can say that.

Hon. Sir P R Caruana: But on the location, surely.

Hon. J J Bossano: Well, if the location means that if you do it in Gowlands Ramp it does not matter but if you do it in Irish Town it does, then I would put it in Irish Town and he would put it in Gowlands Ramp! (*Interjection and laughter*)

You cannot do bunkering in a cave in the rock, but I can tell him that one of the things that one of the people that Spark brought to us was suggesting was that we should store all the gas inside the rock. I do not know what that would do if there was an accident in there.

So, you see, the issues that he has raised are, I think, separate from the kind of debate that we have been having which has brought this motion to the House, because they are objective concerns based on the fact that something that is new... It is like saying I do not think we should have nuclear submarines because they are propelled by nuclear energy. Well, what are the chances of a nuclear submarine in Gibraltar...? This is not something that we have to put up with, and there are people who argue we should not have nuclear-propelled submarines. Most of us think that the evidence that there is of a nuclear-propelled... as opposed to carrying nuclear weapons, is so small that we think we can live with that level of risk. But if a nuclear submarine in the military base had an accident which made the nuclear fuel produce an atomic bomb, then I suppose it would be even worse than the gas.

So the debate is a debate which is academic and theoretical, and we are dealing with reality. And the reality of it is that the use of diesel has to be phased out by the EU requirements and that we will have to pay fines running into millions of pounds if we do not do it. So we need an alternative fuel. There has to be a move to less contaminating fuels, and the natural gas falls into that category. The natural gas is a cheaper fuel than diesel and the natural gas is in greater supply. That is to say the quantities of reserves of gas are *much, much, much* higher than the quantities of reserves of oil. Therefore, by definition, if the equation of supply and demand changes, gas will continue to be cheaper.

It is the case that, almost on a daily basis, ships are moving from oil to gas, and unless we close the Port of Gibraltar we will have ships fuelled by gas here within the next decade. We will not be able to sell gas to them. They will buy it in Algeciras or (A Member: Or Ceuta.) Ceuta. Spain is making a big bid to be the biggest supplier of gas bunkering. It is a market that we can only choose to be out of on the basis that we give up bunkering in Gibraltar. That is, we cannot do oil bunkering in Gibraltar when there is no longer a demand for oil. So there are a number of reasons for going with gas.

If there was a level of danger that is as high as somebody who does not know anything about it than I think, then I do not think that there would be so many other irresponsible politicians throughout the European Union moving in the direction in which we are moving. This is not something that we have invented, this is not something that we are doing because we have innovated this; it is something that was clear from when he was in Government. He might have dismissed the option without even studying it, simply because the idea of a butane bottle exploding is his concept of what an LNG storage does... I can tell him that one of the proposals that has been put to us is based on something that has got a hundred-year life – the storage has got a hundred-year life.

I can tell him that almost 70% of the storage and the bunkering in areas very close to population is in Scandinavia, which is not an area that is very lax about safety or very unconcerned about it. It is not the case that there is a history of natural gas creating explosions that devastate populations, and therefore, if there was a doubt about this there would be an ongoing debate that would not just be happening in this Parliament, in a place of 30,000 people; it would be happening everywhere else where the thing is happening already and is taking place before us.

Therefore, when we took the decision we took the decision in the knowledge of all this information and in the knowledge of what everybody was telling us. And it so happened that the people who first drew our attention to all of this were the people who are the ones that have paid the £100,000, or whatever, for the report to say that it should not be done. That was in 2012 – not now, not in 2013, not in 2014: in 2012 was the first proposal for LNG.

The very people who claim now to be presumably sufficiently unsure about the safety that they go and do a report – (*Interjection*) No, they know the location. I will tell you where the location was that they wanted it: they wanted it on the Detached Mole. I will send him a copy, if he wants. Yes, I will. I will give him a copy before I leave the House today. On the Detached Mole in 2012, okay? So what is it, other than the fact that they did not get the contract, that has made them do it?

When Mr Carreras came to see me in 2012 he was the one, as a civil servant, who asked to come to my office because he had lived in Russia – because he had a Russian girlfriend and because he had been to University in Russia and he had learned Russian – and he had a friend, Vladimir Kouche, and he wanted to see if I would see Vladimir Kouche, and I did. I did not know Mr Kouche and I did not know Mr Carreras. I saw them because he, a civil servant, brought him to me, as Minister responsible for international investment, as somebody who could promote investment in Gibraltar and I always welcome... I did not ask him if he was a long-term member of the GSD or anything else. If any GSD member comes to me, as the Minister for Economic Development, with an idea that will bring business and create jobs, then I would be very stupid not to listen to him because he does not vote for me. He is doing something that is good for Gibraltar and in the process, if there is economic growth and the jobs are created while I am there, I will also benefit from it, irrespective of how he votes.

So the reality of it is that I welcomed his initiative. I welcomed that he brought Mr Kouche to see me, who claimed to be a senior member of the Federation Council of Russia, and wrote to me on headed paper of the Federation Council of Russia and signed himself as a Senior Councillor of the Federal Council of the Russian Federation, which of course is not too difficult to do nowadays with the internet and Photoshop. Because certainly when I checked all the names of all the people in the Council, his does not appear. But at the end of the day, whether he was a senior member of the Federal Council or the brother-in-law of Putin was neither here nor there. All I was interested in was getting money into the Gibraltar economy, which is what I am paid to do.

The original thing was from a company that was going to place a floating storage in the middle of the Detached Mole, diametrically opposite the hospital – the ideal location for it to explode, and then we will get rid of the hospital in that awful location where he converted the Europort into a hospital. I do not think that was the purpose, but certainly the thing was rejected because it was thought that there would be a level of moving the fuel several times to get it from there into the generating station that was going to be on the

other side, and therefore we decided that they needed to be closer together so that there would be less movement of fuel in and out of barges and different things.

405 But the whole idea initially was in 2012, at the very early stage when no decision had yet been taken, but from the beginning, given that everything that we were aware of showed that there would be a need to get rid of diesel and a need to move to natural gas at some point in time, while we were looking at that it made sense to provide for dual fuel.

410 Why? Well, for two very simple reasons: one is if we have the station ready tomorrow and we do not have the gas storage ready, we have the diesel to start with anyway and we can use the engines with the diesel; secondly, if we have got two fuels and for some reason the interruption of one fuel is stopped, then you can use the other as a temporary measure. But using the other for a week while the LNG tanker arrives is not the same as using the other 52 weeks of the year and then you get the carbon emissions have been so high that you have gone past the threshold and you have to start paying penalties.

415 This is not something that we have decided to do because he does not like gas. That was not one of the criteria in the decision-making process. In fact, I did not know he was so anti-gas. It might have helped to make the decision if I had known, but it did not. (*Laughter and interjections*) So, what the hon. Member is saying is that it is not a decision that we should take without being totally satisfied that, in discharging the responsibility we have as a Government, we have left no stone unturned in ensuring that it is a fuel that is as safe if not safer than diesel, because the other thing would be diesel, and that it is a fuel that is being used
420 by everybody else in Europe and all the measures that are being taken everywhere else are being taken by us and we are meeting all the criteria that have to be met for the safe storage and the safe use of this fuel for the production of electricity and for bunkering. That is going to happen and I think he is right in saying that that is what we should be doing, and I can tell him that is what we are and will be doing and that anything that anybody suggests to us that we may have overlooked... then we will see if it has been overlooked, and
425 if it has then we will make sure it does not get overlooked.

But that is not the issue that we are facing, because the real issue is that the hon. Member may say, 'Well, look, I just instinctively feel that gas is dangerous,' and that is it, but of course if he is talking about a location where there are no humans near, there is not such a thing in Gibraltar. And if you say, 'Well, look, I'm going to put it where somebody else lives because it is dangerous,' well, how do you think the guy who
430 lives there is going to feel if it is okay if he gets blown up but not okay if you get blown up? (*Interjection*) Yes. So the issue of the location is not one that can be solved.

In any event the safety of the gas in terms of bunkering is something that by definition has already been tried and tested, because people are being given financial assistance from public funds to convert to gas engines in the Mediterranean. Malta is moving from oil bunkering to gas bunkering, Algeciras is doing it,
435 Malaga is doing it – and why is that? Because that is what the customers will want to buy when they get there. (*Interjection*)

But if the hon. Member is saying, 'Well, look, I think this is so dangerous that we should stop bunkering in Gibraltar, irrespective...' Yes, because you cannot say it is dangerous to use the gas to produce electricity but it is not dangerous to use the gas to put it in an engine that instead of producing electricity is
440 producing movement. You are using the energetic value of the gas to either propel a ship or to produce electricity. That is what you are using. It is not more or less dangerous. If the danger is supposed to be in the storage, there are people who tell us that, for as long as the gas has been stored in the places which it has been stored longest, the safety record is better than anything else.

445 **A Member:** Correct.

Hon. Sir P R Caruana: Will the hon. Member give way?

450 **Hon. J J Bossano:** Yes.

Hon. Sir P R Caruana: I am grateful to him. Mr Speaker, if you will just let me... It was not what I asked him to give way for, but if I can just comment on the very last thing he said, one of the things that we are glossing over in this debate, which even I, as a non-technical person, think I understand, is that we are glossing over the difference between storage and use. LNG is much safer when it is being stored and
455 transported and supplied to a ship in its liquefied state than it is when it is used and revaporised, which is what will happen in the power station. We have to distinguish between the storage of LNG and plant in Gibraltar that uses the LNG and revaporises it for the purposes of generating the combustion that is required for the generation of electricity.

But just leaving that to one side, Mr Speaker, I hope I have not given the hon. Member the impression that even I, with my lack of technical knowledge and my paranoid fright of gas, (*Laughter*) that even I think
460 that gas is too dangerous to ever be used anywhere and that no, you must never subsidise it and that no Government must ever use it. That is absurd and that is what I mean when I said earlier that we reduce the

discussion to blacks and whites as if greys did not exist in between. The debate is not about whether it is never safe to have an LNG storage or LNG-energised plant, but whether it is appropriate to have it in certain locations, given that there could be an accident and that the consequences may be considerable.

So the hon. Member has asked... It may not be viable for other reasons, it may need to be near the sea or it may need to be near the port, I do not know, I do not know what the project consists of, but it seems to me that, in terms of reducing the consequences of an accident happening, it seems to me that almost anything is preferable to right next door to the area where we are all encouraging developers to build houses for our people. For example, what would be wrong... It may not be viable for other reasons, but would the hon. Member acknowledge that, in terms of the simplistic debate that we are having now, the current site and the site of the ex-refuse plant on the east side of the rock, round the corner from Europa Point, would necessarily be safer? Not because the technology is safer, not because an explosion is less or more likely to happen, but because if it did happen the consequences to the civilian population would necessarily be smaller by virtue of the fact that nobody lives anywhere near there: there are no houses, there are no schools, there are no offices. I am not offering it as a location because I do not know if it is unviable for other reasons, but I cannot accept that there is not a sensible debate to be had about location – not in terms of the technology, but in terms of simply mitigating the consequences of the technology failing in the context of the 2% or whatever percent it is that is offered of the risk of something happening.

I am obliged to him for giving way.

Hon J J Bossano: Well, Mr Speaker, I think the answer to that question is the answer he gave himself, which is that the storage is not the problem. The problem is when it is in gas and not in liquid. So if we had it stored in Europa Point we would not have it stored in gas; we would have it stored in liquid.

Hon. Sir P R Caruana: No, the plant, not the storage.

Hon. J J Bossano: Oh, you mean the generating station in Europa Point? I see, and what do we do with the ships? *(Laughter)*

Hon. Sir P R Caruana: *[Inaudible]* ...the bunkering is different, Mr Speaker...*[Inaudible]* the bunkering is LNG, you see. *[Inaudible]*

Hon. Chief Minister: LNG? The policy is ‘No to LNG’, not ‘No to G’. *(Interjection by Hon. D A Feetham)* It’s not ‘No to G’, it’s ‘No to LNG’.

Hon. J J Bossano: Look, the location is the location that makes the most sense for a variety of reasons, but if there was an element of risk that could lead to the kind of threat to decimating the population of Gibraltar, then the answer is we would not even look at it. It is as simple as that. Who wants to be in Government and kill half of the Gibraltarian population because the gas-generating station blows up?

Nobody has suggested that there is a... If the answer is... ‘Can you tell me then that it is impossible to do that?’ no more than I can tell him... I will tell him what I will tell him: I think it is more possible that there will be a third world war than that that will happen, but it is not impossible that there will be this. But the possibility of a third world war in what we have got today happening in the world is greater than of this catastrophe that wipes out all the people in all those estates. And I think it is just convenient for the Leader of the Opposition that there are all these estates, because he knows that he is going to lose the election and all he is trying to do is to lose it less badly by getting people to say, ‘Well, look, there is only one issue: I am not going to put the gas outside your door, so although you would not vote for me for any other reason, vote for me on the basis that hopefully I get in and I will not put the gas outside your door.’

Because, you see, the ace that the hon. Member opposite brought out of his sleeve was that he gave indicators of what was going to be revealed. He announced this revelation of this devastating report on a number of dates before it actually happened as the thing that would clinch the argument and make us go into retreat and give up LNG. And of course that depended on the credibility and the examination of the motives of why the most committed people to LNG from 2012 on suddenly go and get a report saying that it should not be done in that area. In fact, it does not say that. It says that if you do it there without taking the necessary safety precautions... well, of course, if you do it anywhere without taking the necessary safety precautions – if you do anything anywhere without the necessary safety... If you put petrol in a petrol station underneath so that you can pump it up and put it in a car, and on top of that you start producing a fire, well then you know you are running a risk which you would not do, because normally you know that you should not have a fire near a petrol station.

So logically, if you can then go to somebody to say, ‘Well, look, suppose somebody did this with things that are known would not be done by any real professional and you leave them out of the equation...’ Or is

it that they actually sent to the people in London what they gave us? Because if that is what they did, then what they should have done was send it to them before they gave it to us.

If they come with a proposal in 2012, they come with a proposal in 2013, they come with a proposal in 2014 and there are only two things that we know about them – apart from the fact that one of them may or not be in the Council of the Russian Federation – and that is that they are both long-term members of the GSD, which is one reason for wanting to attack the Government, and the other is that they did not get the contract they were hoping to get, which, if they had got it, notwithstanding being GSD members, they clearly would not have been campaigning ‘No LNG’ because it would have been *their* LNG that they would be saying no to.

The reality of it is that I think that these two persons, one of whom gave up his job against my advice... I told him I did not think it was a good idea to give up a secure job in the Civil Service to join his friend and set up a company, but if that is what he wanted.... He decided to take that risk and he brought me potential investors, and of course they engaged the people who brought the engines that we have hired.

Well, I can say to you, Mr Speaker, that I have to say that I think it is absolutely disgraceful that somebody who has come to me with proposals should then spend the money that he is earning on the Government contract on something that the Government is doing, which they were committed to and proposing before anybody else, and they do it so as to give it to the Opposition so that the Opposition would use it as a weapon in an election campaign, instead of going to the Government and coming to me and saying, ‘Look, although we proposed the gas, we have now actually done a report and, because you have been so good with us and you have tried to help us with all the problems we have had, we think you should see this report.’ That would be what honest people could be expected to do, and I must say I am astonished with the behaviour of these two individuals because the reality is I was grateful to them for all the efforts that they made.

In the last letter that I got from Mr Kouche he says:

‘I am very excited to let you know that I am returning to my beloved Gibraltar.’

Well, if that is what he does with his beloved Gibraltar, no wonder they do not want him in Russia and they want him here! (*Laughter*)

You have got a situation where the only use that that report is is to enable the hon. Members opposite to put a campaign on one issue based on the strength of a report that has been financed by people who were the people that were the first advocates of gas in the area that it is going to go, except that it has gone from where they wanted it to a place that is better because there is less distance and there is less movement of the fuel, and the regasification plant regasifies and puts it straight into the generating station, or it regasifies it and puts it straight into the vessel that is going to use it. If a ship comes in while the gas is liquid it cannot be burned, so therefore for the ship to leave the North Mole it has to have a regasification plant on the ship to be able to put the gas into the engine to burn it and move. If the danger is at the point that it is regasified, then... Nobody would go on a cruise liner with an engine that was regasifying gas if there was that level of risk. (*Interjection*) No sensible cruise-line company would invest millions of pounds in doing this. (*Interjection*) There is a whole massive shift from oil to gas taking place. It is not as if we were doing here something that is strange and outlandish that nobody else has thought of doing anywhere. It is simply misrepresenting the reality.

Of course there is a level of risk, because it is impossible for anything to exist that is risk free, but it may be one in a million. What would happen if it happened to one in a million? Well, look, all the constraints that are being put – not just by us, but by the people themselves who are going to be involved in the enterprise... The people involved in the enterprise, the last thing they want is to finish up with an accident. We have seen what has happened with BP and with Shell when they have had oil spills: there have been massive billion-pound companies almost wiped out because of the fines and the compensations. No company. Does the hon. Member think that anybody – forget the risk to human life – any international company would be willing, for what is going to be peanuts in terms of the business they can have here, to take that kind of risk? It is simply not credible.

I have to tell the hon. Members that I might be more willing to believe that they were honestly as concerned about this as I think it is clear the hon. Member the former Chief Minister is, by the way he has expressed himself, than if they had suddenly not made this move of producing this report from these guys, who have, in my view, no credibility. Nobody who will listen to what I have just had to say to them can possibly believe that these guys can be considered to be acting in any way which is responsible and because they care about Gibraltar or they care about anything other than providing the party to which they belong with ammunition and, at the same time, sour grapes for having been unsuccessful in their attempts to be the ones who provided it. At one stage, Mr Speaker, they brought a proposal from a Russian company which was willing to invest £150 million and meet all the costs of the storage and put it all there in the North Mole, and one of the key elements that made us say no was that the condition was that they would have a

monopoly for 25 years so that nobody else would be able to provide gas other than them. Well, look, you cannot put the lifeline of Gibraltar in terms of fuel or our ability to oil bunkering in a company... Look at the situation that there is today with Russia, which is not the one that there was three or four years ago in terms of the relationship.

585 So all their proposals were looked at from the point of view of the reliability and the safety, as had been done with everybody else. They were not discriminated against, they were not given favoured treatment, and they have got absolutely no grounds for having done what they have done, because if it was real concern then they had an obligation to put it to the people for whom they were working – the Government of Gibraltar and the taxpayer of Gibraltar. I think it is an absolute disgrace the way they have behaved. (A
590 **Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: Does any other Member wish to speak?

Hon. J J Bossano: I just want to add, [**Mr Speaker:** Oh, sorry.] on something which is only
595 tangentially concerned with this, Mr Speaker. My friend the Chief Minister mentioned *en passant* how he had been treated in 2011. In the course of the Budget certain language was used and I think it is worth reminding the House of the language because I think it is relevant to what happened in our last meeting.

At the end of the speech that he was making, the then Chief Minister said... Mr Speaker, therefore, having had a situation where my friend Mr Picardo had gone and put something on Facebook – not said it
600 here in the House for 15 years, put it on Facebook, the former Chief Minister got very upset and he said, Mr Speaker:

‘Mr Speaker, I therefore give notice that I intend to move a motion in this House which reads as follows: “This House notes the video podcast posted on his Facebook profile by the Leader of the Opposition in relation to the Budget debate in general and public debt in particular and condemns him for lying in it, and thereby’ –

Hon. Sir P R Caruana: It was ruled out of order.

605 **Hon. J J Bossano:** It was not ruled out of order.

Hon. Sir P R Caruana: Yes, it was.

Hon. J J Bossano: No, it wasn’t.
610

Hon. Sir P R Caruana: Yes, it was.

Hon. J J Bossano: No, it was not ruled out of order. What my colleague asked... The Point of Order –

615 **Mr Speaker:** It should have been! (*Interjection and laughter*)

Hon. J J Bossano: It would have been a Point of Order if you had been here, but it wasn’t! (*Laughter and interjections*)

‘and thereby premeditatedly seeking to deceive and mislead all the people of Gibraltar who view it or otherwise learn of its contents’ and I give written notice of that right now.’

620 And in these circumstances he has the audacity to say that I have lost my democratic cult. It is precisely these characteristics and his economic ignorance and his could-not-care-less attitude which leads him not to know the difference between right and wrong.

He then went on to say all the lies that he had been saying all the time in the House. The House survived the episode and is still here four years later. But this did not happen last century. This was four years ago and in the last debate of 2011 before the General Election.

625 What my colleague raised an objection to, as a Point of Order, was that in the process he also said ‘all the court cases he was fighting’, which had nothing to do with anything we were debating. The Point of Order was raised about that, not about being told that he was lying on Facebook. I do not watch Facebook myself, but I have the same attitude to Facebook that he has to natural gas (*Laughter*) and I suspect that 99% of what there is on Facebook is lies anyway, so I think it would be peculiar if things that were on
630 Facebook were true instead of being lies.

I believe that it is important to treat some things as if we did not have strongly held political views which run contrary to each other, but the reality of it is that we do and I think that it is perhaps easier to do it as the hon. Member is able to do now when he does not expect to be here after the next General Election than to do it if you expect to be here after the next General Election. And anyway, I think it also depends on

one's genes, and my genetic code is more old testament than new testament, (**A Member:** Yes!) but I understand that maybe that is a failing that I have and it is the way and function.

It was, in fact, on 16th August – for the benefit of the Member opposite – and the company that was going to propose to bring the gas was Optima. We rejected the Optima proposal. In fact, it was for a dual-fuel generator because in fact it was based on a 26-megawatt engine and that was primarily the thing that was against it, because of course if you have got a 26-megawatt engine... We have always had smaller engines, for obvious reasons: if the engine conks out, you carry on with all the others. If you have one single engine and you are not connected to a national grid, then you go from full supply to no supply and you do not know how long it will be before it comes back.

In any event, I think, Mr Speaker, that what has been said from the other side has certainly not convinced me and I doubt it has convinced anybody on this side that the best thing for Gibraltar is to switch from the road we are embarked upon, and the only thing that I think is reasonable for us to do is to make sure that, if there are the concerns that the backbencher tells us that there are, that we make sure that we have not overlooked anything that is legitimate and we can sift what is legitimate and what is politically self-serving, and much of what I have heard from the Leader of the Opposition, and particularly from these two characters, is in my view self-serving.

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: Any other contributors to the debate? The Hon. the Chief Minister.

Hon. Chief Minister: Just to clarify procedure, I will now reply on the amendment and the speeches that have been on the amendment, and then we are back to the motion on the –

Mr Speaker: If no other Member wishes to speak on the amendment you can now exercise your right to the amendment. If the amendment is carried, that becomes the substantive motion and then any Member who has not spoken can speak. In fact, those who have spoken on the amendment – the Leader of the Opposition and the Hon. Sir Peter – are able to speak again. That is what the rules allow.

Hon. Chief Minister: Yes, and I am able to reply at the end of that.

Mr Speaker: Very much so.

Hon. Chief Minister: So then, I think I will now reply on the amendment and then others can continue.

Mr Speaker, in replying to the amendment, what I am going to do is I am going to limit what I am going to say to the contribution of the hon. the backbencher, because I will reply to the contribution by the Leader of the Opposition once we have got through all the speeches.

Mr Speaker, I note that the hon. Gentleman described himself as 'not the world's least intelligent person'. Well, that is probably an unobjectionable description of him, much less objectionable than 'the greatest Gibraltarian of our time' or of any time indeed, (*Interjection by Sir Peter Caruana and laughter*) and I take it that that is not a description that he seeks for himself, as we have clarified. But I must tell him that, even as not the world's least intelligent person, Mr Bossano was keen to point out that he is obviously getting on. But what a completely different and much more rational approach to the debate he brings to it than we saw this morning by the current Leader of the Opposition.

He started by saying that LNG is a significant development one way or the other, and it is, Mr Speaker. Of course it is a significant development. It is a wholesale change to the fuel that we would be employing and it would be a wholesale change to the fuel that the merchant fleet will be employing around the world. In what percentage it depends, as I said this morning, who it is that is making the estimate.

On this side of the House, Mr Speaker, for the reasons that we have already disclosed and for some which I will deal with in answering the points that the hon. Gentleman made, we think it is a wholly positive development, not a negative development, although I do nonetheless recognise that perhaps in Gibraltar more than in other places, because gas is something that we left behind some years ago because of Frontier and other issues, there might be, in layperson's terms, a greater fear of gas than there might be in London, where just about every home has gas piped into it, for example, and it is used for cooking as much as it is for heating the boiler and producing hot water.

So I do recognise that there is, absent this debate, any Opposition manifestation, any Government view in Gibraltar, a different view to gas. We perhaps are concentrating on the few instances we may hear of on television news of a house exploding because they forgot to turn off the gas and the cooker went off. You get one of those every four or five years and it makes the news. The same is true in Spain, where many cities have gas piped through them and in every home there may be gas to cook with or to heat boilers etc, and that is also true probably of most of Europe and much of the United States.

So gas in the urban conurbation in gaseous form, although it may cause an element of fear here because it is not present and has not been for many decades, is not something that causes the same sort of fear in most cities in the world, where people will cook with it, will wash with it – not wash with the gas, but wash with water that has been heated by the gas in the boiler in their homes, which they will either light with a match or they will light with a small firelighter. Gas in barbeques is something that is now much more common, and really the debate is not is it more dangerous or less dangerous; the debate is do I enjoy my *pinchitos* over the coals – like I do my politicians, in his case – or do I enjoy my *pinchitos* over the gas barbeque. There is a lot of argument as to how they taste the same, but gas is present. I can tell him I have had gas present on my patio for the past four years and it is actually very easy to work with.

Therefore, Mr Speaker, gas itself – *los pinchitos salen fantastic. No te preocupes que un día de estos* – gas itself is not actually something to be afraid of, and what came across from the hon. Gentleman was... and I think he said, if not in his speech, certainly from a sedentary position, that his concern was the gaseous form of this fuel, not the liquid form, and of course he is absolutely right to be more afraid, if there is to be a degree of fear, of the gas than of the liquid because the liquid is chilled, I think, to -63°C and it is very difficult to do anything explosive with it. It is only when it becomes gaseous that there is a problem, either when it is regasified or if it becomes regasified by being exposed to temperatures in the atmosphere.

So, Mr Speaker, he was saying what would happen if there were an explosion of a gas-fired engine – he said that the diesel tank at Waterport... of course, it was not a tank that exploded and I have got to make sure that he is talking about the right example. We had the explosion of the Nature sullage tank – that is the one that had diesel in it as sullage and other fuels; and then the one I had described, which I think is the one he is talking about, which was the explosion of the generating engine which was fuelled by diesel. I took it from him that what he was saying was: what would happen if a similar engine, fuelled by gas in gaseous form, as it would be, were to explode? Would it be a greater explosion or a lesser explosion? The answer, Mr Speaker, as I understand it, is that it would be the same explosion. There would not be a greater explosion, because what is exploding there is not the fuel; it is the engine. The tanks of storage would not be tanks of stored gaseous gas. What would be off site would be stored *liquid* gas, which would not explode.

Mr Speaker, what the argument has been from the Opposition until now has not been the argument that the hon. Gentleman has put about gas in its gaseous form; it has been about liquid natural gas and the storage of it. In fact, I think in the many things we have heard said by hon. Members – and I would have to look back to find it; I have got a whole file of everything they have said, so they cannot pretend they have not – they have more or less indicated that if there was a pipeline coming from a gas source, feeding a gas-fuelled station, that would not be a problem. They have actually taken the opposite position: they have said no to LNG because it is the LNG storage facility that they consider to be a problem which is exactly what the hon. Gentleman tells us he does not think is a problem for the reasons that, as a layman, he and I understand, and experts can confirm.

Mr Speaker, he talked about consequences. He is right, of course, that you make a risk assessment of what chances there are that an event can happen, and then on the other side of the event there are the consequences, and of course you have to make a dual analysis, but when you make the dual analysis, which you do, as you say, what are the chances of the consequence happening.

We can mitigate consequence as well as risk by ensuring that we take no action which might incur the consequence, but that is not a way that we can live. It is true that we probably would not be able to get Civil Aviation Authority consent to build an airport and we have inherited, thank goodness, a military facility which we have grandfathered, but every day we understand the consequences of driving, and unfortunately, even in our reduced geography, we might lose I think it is an average of one or two persons a year to a traffic accident. In other words one or two people a year die in a traffic accident in the geography of Gibraltar when you work out the average over 10 years, it does not mean that we do not get into a car and not drive.

When you add gas to the equation, to give him this example, in cities around the world people are now not just cooking with gas, they are not just heating water with gas, governments and municipalities are not just producing electricity with gas, companies like Carnival are not just putting gas into cruise ships – all of which could be explained historically or exotically because the cruise ship is going to be cleaner and environmentally safer for the environment and therefore people may be more attracted to the ship; Governments are fuelling buses with gas, with LNG that is regasified on board. The regasification facility is now small enough that it can be on a bus. What are the risks of the explosion of that small storage of gas, and what are the consequences of it exploding? Well, Mr Speaker, clearly within the advisable risk parameters.

We can, of course, have no consequences, but even forgetting gas and forgetting propulsion and forgetting generation of electricity or power, would we even build, Mr Speaker? Thirty years ago we had a building go wrong and somebody died whilst it was going up because a wall fell. Whilst he was in power, and I think whilst my predecessor as leader of the GSLP was in power, there were accidents on sites both in

Government developments and not Government developments. We would not build – (*Interjection by Hon. Sir Peter Caruana*) Yes, of course. I am lucky that that has not yet happened on my watch, and we do everything possible to ensure that there is health and safety at work. The consequence of there not being health and safety at work can be as dramatic or as non-dramatic as could be proposed.

It is only if one falls for the idea, which is not what the hon. Gentleman is talking about... The hon. Gentleman has talked about the consequence of the gaseous form of gas going wrong. It is only if one falls for the trap of believing that the LNG storage facility, because it is large, could explode and go wrong that you start talking about ‘explosions and waves of gas’ – taking out, to quote a Member of the Opposition; I forget whether it is the air traffic controller or the Hon. the Leader of the Opposition – ‘taking out the north west face of Gibraltar’. If that were the potential consequence I might not be persuaded that this is a risk worth taking, but it is the consequence that we do not agree on. Nobody, no expert, is saying to us at all that the potential consequence of a failure or of an explosion goes anywhere near the north-west face of Gibraltar. Indeed, it appears that it does not go anywhere near any residential area.

Location, location, location. This is what they said was so important. When we start this exercise – and I have explained this in answers to questions in this House – we say, ‘Look, we think Detached Mole’ for the reasons the hon. Gentleman has now explained. We are nowhere near Detached Mole now. We are talking about... and this is how we have followed what would have been, the hon. Gentleman has told us, his own view of how to do this. The advice has taken us as it has changed – and this is why the whole thing is organic – towards the safest possible location, and the safest possible location, where the hospital is not at risk, where residential areas are not at risk unless you do it as stupidly as was proposed to Lloyd’s Register, where the circles do not reach anywhere near the residential areas, let alone the school, let alone the hospital, is the north-west corner of the North Mole, where the new reclamation is happening. So that is not where the power station goes now; that is where it is likely, given everything we are planning, that the LNG storage and the regasification facility goes. And then the concentric circles that are drawn, which is what the risk analysis shows you, do not reach the Waterport Terraces area, let alone the hospital, but they would have if we had gone for the Detached Mole.

So, if all the risk assessments are wrong – the example the hon. Gentleman gave about the explosions to create the funicular passage... Right? If all of the risk assessments are not wrong... The risk assessments are right, but if that one day in a hundred million years is tomorrow and the thing goes – that which could only happen once in a hundred million years happens tomorrow, on Friday, 31st July 2015, and not a hundred million years from now – what are the consequences? It does not reach a residence. A report that suggests that it reaches a residence is not a report that the Government has had any cognisance of. (*Interjection*) All of the advice that the Government is getting (*Interjection*) is that... The hon. Gentleman will know this is almost like a traffic-light system. The red line, the amber line and the green line do not touch the residential areas, let alone the schools so much further away or the hospital so much further away. So the consequence argument, which is the one the hon. Gentleman rightly is focusing on from his point of view, which is the natural layman’s fear, is not such that if the risk analysis, right or wrong, were to give way to the accident which is supposed to happen only once in a hundred million years, it does not have the consequence that we must never fear.

That does not mean that nobody would die – there may be people in the area etc – but the risk analysis tells you that that is likely to happen only when you are actively operating the filling or emptying of the facility, not when the facility is simply operating at regasification mode. That is very simple. You only do that between midnight and seven in the morning, when there is nobody working in the area and there are no cruise ships or other ships in the area, and you only do that either once every three weeks or once every two weeks, depending on the size of the tank. In that way, Mr Speaker, which is the intelligent way of doing it – not that I have thought of it, I am not an expert in LNG either; what the experts are telling us – the consequences never reach a residence or a cruise ship or a person working in the area. Of course, unfortunately there would be three or four people working in the facility who might be at risk... And this is probably a convenient moment for me to give way.

Hon. Sir P R Caruana: Yes, Mr Speaker, I am grateful to him.

At least now he is addressing my concern, which I think the examples that he was giving five minutes ago were not. Because of course there is no point answering my concerns or addressing my concerns – he is not committed to answering them – by pointing to the bus example, or to whether I am willing to drive even though I could get killed, or even the Hon. the Father of the House’s example of do not leave your house in case a window shutter falls on your head in Irish Town, because of course that is, *par excellence* in life day-to-day motion, an example of both elements of risk.

In other words, I get in a car knowing that I can crash because the balance... the combination of the risk of an accident happening and the consequences of an accident happening are risks that I personally decide that I take. I may not get killed, I may just suffer a bump on the head, I may just... *se queda en el susto*... (*Interjection by Hon. Chief Minister*) And the bus example is fine. The balance that I think needs to be

struck does not involve, as he has rightly now just said, no-one getting killed. It is a question of the scale of the catastrophe. It is not catastrophic for one, two, three or four... It is catastrophic, obviously, for them as individuals, but in terms of societal risk assessment it is understood and accepted by most citizens living in western societies that events could happen which could result in the death of one, two, three, five or even 30 people in a coach or 200 people in an aeroplane. But society, making the same calculation, does not accept the consequences of a catastrophic event decimating the population at large, if it were to happen, in a whole area of an urban environment. So we are back to that issue.

If what the hon. Member was just explaining when he did go on to address the issues that I had in mind, the *real* consequence issues... then of course, Mr Speaker, it is all very well, but just as I acknowledge that my concerns are political layman's, unanchored in science, when I say I am frightened of gas and therefore I shun the consequences, if what the hon. Member is saying is scientifically and technically correct then presumably it will be possible for the hon. Members to obtain an independent assessment, an independent expert's report that it would be willing to categorise the consequences in the way the hon. Member has just purported to categorise. (*Interjection*) But he surely would acknowledge that, just as I do not expect him to accept my Luddite politician's assessment of the risk, that it is not an end to the debate and it is not an end to the concern for him as a politician to stand up in the House and say what he has just said. But if what he has just said can be sustained by an expert's report, then that is something that people will want to take into consideration. And there will be people who will continue to oppose it because the risk that it identifies may still be unacceptable to them, but at least we are in the realms of independent expert assessment, not just of the risk of the event happening but of the scale of the consequences if it did happen, and that is the dual assessment that I would want to see before the Government commits itself to doing this project, and therefore, and ergo, before it signs the contract committing itself to do it on the basis that the contractor is, as part of its contractual documents, going to produce this thing to the Government. It is a question of... I would like the Government to do that which he has just described chronologically before the Government commits in a policy sense to the dual plant.

That is my position and I am grateful to him for giving way. I am sorry to have extended...

Hon Chief Minister: Well, Mr Speaker, what is it that makes him think that that has not happened or is happening?

The issue has always been this: as we have finessed where the best place is to put it, to ensure that that occurs, we have been receiving the commercial side of that two-handed process as well. Is it, if you do it that way in that location, still commercially viable? There has to be a balance, even if it is not the commercial guys who are going to persuade you, because I agree with him that the best covenants – and we are talking to the best covenants – are nonetheless commercial covenants, whilst we are looking for an independent assessment. And what he may have missed in the debate is that we have been saying we have not gone just to or have not just heard the commercial operators; we have gone to the people who set the rules.

He may understand this better than most. The people who set the rules are the Health and Safety Executive of the United Kingdom. They have a subsidiary which also makes assessments – in other words, applies the rules – which is called the Health and Safety Laboratory. They are the ones instructed by the Government, through the Environmental Agency, to produce a wholly independent assessment, which is again... it is organic, and that is what is coming and will be final when we have a final proposal to put to them, which includes the recommendation to do or not to do, but in reaching that recommendation does all of this exercise and produces all of those maps and plans. So you can rest assured that that is coming.

But I want to take him – I was going to go through in detail what he says, and I may do this at the end of my answer to him – I want to take him to something, Mr Speaker: another thing he used to be a Luddite about used to be technology, I think he is now embracing it in business and I think that is a very good thing.

Hon. Sir Peter Caruana: Such as e-mails and stuff.

Hon. Chief Minister: Yes, not just carrots! An actual one! (*Laughter*)

Mr Speaker, I want to take him to a reference of what happened at Buncefield, because he came up with that example. I want to do this not in a combative way. I want him to understand.

Buncefield and the fire there and the explosion there had nothing to do with gas. It was a *huge* explosion involving petrol and diesel, and the explosion was so horrific – I wanted to just read him this bit:

'that the British Geological Survey monitored the event, which measured 2.4 on the Richter Scale. People were woken in South London and as far west as Wokingham, 28 miles away.'

That was a liquid fuel, Mr Speaker – diesel and unleaded and all the others, and there were kerosene tanks there as well.

875 **A Member:** Petrol and kerosene.

Hon. Chief Minister: Petrol and kerosene, right. Kerosene is what goes in aeroplanes: much more volatile. (*Interjection*) Jet A1, right.

880 Mr Speaker, that sort of explosion, which he prayed in aid of his example as to consequences, cannot happen in an LNG storage facility. It cannot happen. There have been no instances of an LNG storage facility ever exploding in that way, because the science does not let it happen. This is not risk assessment; this is the science, Mr Speaker. It is maintained at such a low temperature that explosion is not the issue. The question is escape in gaseous form.

885 Now, if you enclose the facility and there is an escape and then there is a spark – to use a word overused in this debate – then that can ignite, and if it is in a confined area then you explode. If it is not in a confined area, if it is an escape of gas into an open-air area, even our basic science tells us, as all the experts do, that it dissipates. If it ignites, you have something called ‘flaring’ and it just burns. Now, from that to an explosion that grabs the whole of the north-western face of Gibraltar – those circumstances are circumstances that the experts tell us are just not realistic.

890 **Hon. Sir P R Caruana:** It becomes a giant flame-thrower.

Hon. Chief Minister: Well, it becomes a giant flame for a moment because then it is gone. (*Interjection by Hon. Sir P R Caruana*) To be a flame-thrower it has to be continued and in a direction and with pressure. 895 It depends whether you are using a pressurised tank or not, and if you are not using a pressurised tank it just goes up into the atmosphere and dissipates.

900 So what I am saying to him is he was absolutely right, the risk occurs, such as it may be – and this is a risk that is a normal life risk – when you have got a gas form going into an engine to burn it, because then you are igniting the gas in order to create the movement of the blades inside the engine to create the electricity. He said, ‘Look, that’s what worries me, not the LNG.’ He was right. But the arguments put to us consistently by the Opposition have not been those. They have been about the LNG and the size of the tank etc, and that is what the hon. Gentleman has to understand we find so frustrating, because all of the experts are saying, ‘Look, this is complete nonsense.’ The arguments that you are facing are impossible to confront with science because they are nonsensical, and if you look at the Lloyd’s Register report it is a report that 905 more or less reflects that, because it is an analysis of something that nobody would have put to Lloyd’s Register if they had been doing the work with *our* experts.

910 Mr Speaker, I think that that is to reply to him in substance and I think it would be unfair for me to now go through *Tireless* and issues like that which happened on his watch. It was a difficult exercise, a balancing exercise for a Chief Minister to do. It involved the national public interest of the UK, the public interest of Gibraltar, but *Tireless* was here and was repaired here of a nuclear fault, and I did not envy him, whilst in Opposition the fact that – and I was not actually on the benches of the Opposition; I was in the Opposition party, but not here – the difficult balancing act that he had to do.

915 **Hon. J J Bossano:** We supported the Government.

Hon. Chief Minister: It was difficult, Mr Speaker, and involved risk and potentially very difficult consequences, and we are all here without a problem.

920 I want to reassure him of something, though. I think anybody who has been in this chair for more than a week... and once you get over the euphoria of election and really get your feet under the desk you understand just how difficult this job is and how fiduciary the obligations upon one are in respect of the whole of our community, not just those who might support us or not support us. Once you take this chair you have to make decisions for all of our benefits, least of all our own families and children. Who would want to put their own family at risk?

925 He needs to have the comfort that nobody on this side, let alone me, but not more me than any of the others, all of us... none of us would put any life knowingly at risk, even the lives of those who might work on the plant, where, if there were a risk go wrong and the consequence occurring, might be the only ones who suffer the consequences of that problem. None of us would create that risk knowingly. There is no economic value worth that risk. There is no question of us making a decision simply because of fuel costs etc. If it were not possible for us to be in the business of bunkering in the future, we would not be and we 930 would not make a decision other than one which we are sure will be 100% safe within the parameters that are acceptable in this business and all the businesses that we do, looking not just at the side of the balance sheet which assesses risk but at the side of the balance sheet that assesses consequence.

935 And so when he talks to us about being fixed on location he needs to understand we have *not* been transfixed on location. We have moved, in terms of location, from Detached Mole to different parts of North Mole, with this organic process now pointing firmly to the north-west corner of the North Mole, for

the reasons that I have indicated and which deal with the risk and the consequence in a way that I think all of us would say is acceptable.

Municipal governments in Denmark, for example, Mr Speaker, I can tell him are making decisions about storage and about regasification in the very, very centre of Copenhagen. That demonstrates where the science is going.

The upshot of what he has put to us I think is to have presented in this House, as eloquently as ever, the fears that individuals in our community might have. In other words, I think he has genuinely, Mr Peter... not Mr Peter – I cannot call him that anymore; he is Sir Peter. Mr Speaker, I think he has genuinely put the case for the common man in terms of the word ‘gas’ and the fear it creates. And that has been, I think, demonstrated in what I have said to be so different to the position being put by the Opposition. And this is not something that they can now change – they have put it in writing in their statements and on videos etc about the *LNG* storage facility.

And when you look at it from the layman’s point of view – in other words, the *other* layman’s point of view, because I am also no expert and pretend not to be but you read the material that will be published when it is finalised and is going to, I think, really assuage the fears of most – I think even he will want to accept, if he makes an honest assessment of what is put in the public domain, that the Government’s decision is the right one, having properly measured risk and balanced it against consequence in light of the experts’ reports that we will receive.

I entreat him to continue in the vein that he has demonstrated in the time since he left the leadership of a political party and told us that he was going to, in the time that was left here, simply speak his mind for the benefit of our community. And when he goes here and continues to be asked – as he no doubt will, as an elder statesman of our community – what his views are, if he is persuaded by the case, then to speak for the common man, as he has today, and say, ‘You know what? Even as a man afraid of gas and as a Luddite, having seen what I have seen I am satisfied that the Government has made the right decision to place this facility of this type and that amount of storage capacity in this place.’

I know that he has wanted to discharge his obligations to this House as a Member of the Parliament now more than just as a member of a political party. When he goes from this place and is a member of the public with the distinguished record of service to his community that he will have, and he looks at this documentation, if he is honest with himself and with the rest of the community – I have no doubt that he will be – he will make a statement to that effect.

I therefore commend the amendment.

Mr Speaker: I now put the question in the terms of the amendment of the motion moved by the Chief Minister. Those in favour? (**Some Members:** Aye.) Those against? (**Some Members:** Aye.) Those against? (*Interjection*) Those against should have said no. The motion is carried by Government majority. (*Interjection*) The amendment is carried by Government.

So we now have, essentially, a substantive motion, which is the amendment that has been incorporated into it. Other than the Chief Minister, who can only speak at the end of the debate, all other Members may contribute to the debate, but those who have already spoken – that is the Leader of the Opposition, the Hon. Sir Peter Caruana and the Hon. Mr Bossano – what they cannot do is to repeat points made in the previous contributions.

So the debate is now open to hon. Members. The Hon. Dr John Cortes.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, before I contribute – much more briefly than others have contributed because a lot of the points have been well covered, particularly by the Hon. Joe Bossano and the Hon. the Chief Minister, who are certainly no Luddites, even though they claim not to be experts of *LNG* – I must try and either put the record straight or gain further information on one aspect that the Hon. Sir Peter Caruana raised with relation to another project, the funicular, which I was very closely involved in, in that he is now almost claiming credit for something that I claimed at the time, in that he stopped the project. As I recall, the Government was supporting it wholeheartedly. It took a very lengthy campaign and it took a petition organised by NGOs, business interests and even the Taxi Association to oppose it, and it took a one and three-quarter hour submission by me at the then secret meeting of the DPC in order to convince the Members, including the then Minister for the Environment, to vote against it, despite the fact that the Chairman, who was then the Deputy Chief Minister, was supporting it. (*Banging on desks*)

Mr Speaker, if the Chief Minister at the time had already decided that it was not going to happen, then I wish he had told me (*Laughter*) because we would have saved a lot of time and I would not have subjected the Members of the Commission to one and three-quarter hours of my contribution – but I will leave that to one side.

Mr Speaker, in supporting the substantive motion as amended, I am not going to repeat a lot of the things that have already been said, and there is great science on this side of the House, I am very glad to report.

I think that the Leader of the Opposition, in his own contribution earlier, has circumvented the main issues raised by the Chief Minister. A lot of the points raised in his initial submission have not been touched by the Leader of the Opposition, or indeed by anyone opposite at all, and have concentrated on those areas in which the Leader of the Opposition feels comfortable, except that he has just repeated old arguments that have, since then, been more than answered – but either he does not understand or he chooses to ignore them; to paraphrase the Chief Minister earlier, both as damning.

First of all, Mr Speaker, I think I have got to condemn his insistence, which he has done again today, on what I consider totally irresponsible scaremongering. People are scared, of course, of the unknown, and, as the Chief Minister said, gas in Gibraltar is now unknown, but in order to encourage and build on that, that is scaremongering and that, I believe, has to be condemned, and trying to create fear without one jot of evidence, he was hiding behind a report, the value of which has now vanished into thin air almost like gas does, and so he has nothing to hide behind.

Mr Speaker, as has been said already on this side of the House, LNG, liquid natural gas, does not explode. Even regasified gas does not explode other than in a confined space, a possibility which would be nullified by the type of containment that is being considered. It burns. It burns safely and only when in a particular concentration of 5% in air: less than 5% it will not ignite; more than 5% there is too much gas and too little oxygen and it will not ignite either. The specific designs of these plans will be such to make this well-nigh impossible, and that is what we are working on with the potential providers.

Mr Speaker, liquid natural gas is not stored under pressure but cooled to a liquid at -162°C , so an escape would be a *spill*, which would be contained by bunds. There has been some reference to some explosions that you can google and see on YouTube, and there is one particular one that really is quite frightening, but we have researched that and that was not liquid natural gas; that was compressed natural gas in a long pipe with a large amount under pressure, which escaped. That is the flame-thrower scenario, which would be impossible in the scenario in Gibraltar because we do not have kilometres of gas, we have got small tanks, and it is not under pressure at all. So that is a totally different situation to the one that we are going to be seeing in Gibraltar. (*Interjection*) It just cannot happen.

Mr Speaker, the Hon. the Leader of the Opposition referred to what I term the GSD power station and its EIA. Well, its EIA, which I studied well and took great pleasure in tearing to shreds at the time, did mention negative impacts on the shape of Gibraltar, on views, on the loss of open space, on the effect of nitrogen-oxide in the surrounding area. It would be next to a new residential area and, most significant now, Mr Speaker, a whole new health campus at the old RNH site, just a couple of hundred metres from the site that they wanted it, where our mentally ill, elderly residents and 90-day elderly visitors would have been within a couple of hundred metres of the power station.

The Leader of the Opposition also referred to costs. Mr Speaker, there were lots of hidden costs of Lathbury that have not emerged yet. Storage and delivery –

Hon. D A Feetham: A Point of Order, Mr Speaker. My Point of Order is this – and I do not want to, in any way, shape or form, stifle debate, but the reality is that if we are going to properly follow procedure here, what is he responding to? (*Interjection*) No, hang on a minute. (*Interjection*) May I please – (*Interjection*) He is responding (*Interjection*) to my submissions effectively on the amendments, where he has had the opportunity to do so, has not done so, and now appears to be making submissions on what? He is responding to me on a debate that we have already had. Because I can tell Mr Speaker that I intend to say absolutely nothing more in relation to this. (*Interjections*) No. I have already... Everything that I intended to say I have already said it and it is a matter of record, so I do not understand what it is that he is responding to, to the extent that he is responding to my speech that I made, that was on the amended motion. He had an opportunity. We are past that stage – that must surely be correct. (*Interjection*)

Mr Speaker: I am not sure whether, when a motion is totally amended by a new motion, substituted by a new motion, and that has not then become the substantive motion... I am not certain that there is anything in the Rules which prevents a Member who has not contributed to the debate, in answering or referring to points that another Member has made only during the course of the amendment, because the amendment is identical to the motion now before the House...

As I say, unless the hon. Member can point me to the Rules, I am coming to the conclusion that more and more of these Rules are totally inadequate. There is very little here by which one can guide oneself. As I say, from previous practice I cannot recall when any Speaker has ruled that that cannot be done.

Hon. D A Feetham: Mr Speaker, I agree.

Hon. Chief Minister: May I reply to the Point of Order?

Hon. D A Feetham: Well, Mr Speaker, may I –

1060 **Mr Speaker:** I will allow the Chief Minister in a moment. Yes.

1065 **Hon. D A Feetham:** Mr Speaker, I have long since held the view that the Rules are inadequate, and Mr Speaker knows what my views are in relation to notice and the possibility, for example, of motions that have been on the Order Paper for a month and a half to be amended on the day that the motion is going to be taken, changing completely the sense of the motion without notice. I believe that that is unfair, because the notice procedures are there in order to give advance notice to the House, and in particular those who have to answer the motion. And there is nothing in the Rules that talks about it, although *Erskine May* certainly has passages in it that state quite clearly that notice needs to be provided.

1070 This particular point struck me because the Hon. the Chief Minister, he said, ‘Well, I am not going to respond on the amendment, I am not going to respond to the Hon. the Leader of the Opposition; I am going to respond to the hon. the backbencher, but then at the very end I will respond to the Hon. the Leader of the Opposition.’ But of course we have already had the debate in relation to the amendment, because that is what we were debating. There is a submission, there is a reply, and then there is a response from the Chief Minister. He has had his response. Now, if I decide, ‘Well, actually, I think this is completely futile; I do not want to say anything else,’ then who is he responding to? That is the point I am making, but of course I am totally in Mr Speaker’s hands at the end of the day.

1080 **Mr Speaker:** I sympathise with the point that the Hon. the Leader of the Opposition is making. The only problem is that the points made are equally relevant, in my view, in the case of the amendment and in the case of the motion, because they are identical. (**A Member:** Exactly.)

1085 As regards the Rules, (*Interjection*) I am sure the Hon. the Leader of the Opposition does not want to hear from me what I think about the fact that hon. Members of this Parliament have not done enough to amend the Rules – and they should have done. There has been a Select Committee of this Parliament which has hardly met. There has been a Select Committee of this Parliament which is considering proposals made by a Commission which I chaired, and we did our job – we provided a report *very, very* quickly. But because hon. Members, and in particular the Chief Minister and the Leader of the Opposition, have a very considerable workloads, they are *very, very* busy, I can understand that there are other priorities that have happened.

1090 I think they should put their thinking caps on and, having regard to those who wish to be back here after the next General Election, instead of a very high-powered Select Committee with the Chief Minister and the Leader of the Opposition in it, we should have other Members, who may have more time available to look at the Rules and other matters and to bring proposals to this House which the rest of the Members could go along with.

1095 **Hon. Sir P R Caruana:** I wonder, Mr Speaker, whether I –

Hon. Chief Minister: Mr Speaker, if I might. You said you would give me an opportunity to reply to the Point of Order. (*Interjections*) Mr Speaker, look...

1100 **Mr Speaker:** No, no. We may wish to hear...

Hon. Sir P R Caruana: I just want to make one point, and then he can answer these two as well before he moves on.

1105 Mr Speaker, I just, obviously we are in a debate, and nobody wants to stifle anybody from saying anything, but to the extent that... I think the point that the Hon. the Leader of the Opposition is making is this: he has spoken only on the debate on the amendment (*Interjection*) to the original motion, the debate on the amendment. The Hon. the Speaker called for other speakers to speak on the amendment. That logically would have been the opportunity for the Hon. Dr Cortes to rise to do what he has begun to do now, which is to answer what the Hon. the Leader of the Opposition said on the debate on the amendment to the motion.

1110 Once the amendment has been debated and passed, we are no longer debating the amendment. We are debating the original motion, on which the Hon. the Leader of the Opposition has not yet spoken, and in those circumstances – (*Interjection*) No, no, no, no on the original motion. (*Interjection*) I accept that. I accept the... I am just using shorthand. I am not trying to be slippery. (*Laughter*) I am not trying to be dialectically slippery. Therefore –

1115 **A Member:** Makes a change!

Hon. Sir P R Caruana: The hon. Member cannot seesaw about what he thinks of me every 15 minutes. *(Laughter)* Therefore, to the extent that what he is doing is answering what he has said on the amendment, I think that I personally cannot fault the logic of the Leader of the Opposition, because what the Hon. Dr Cortes is doing is not expressing his view on the original motion, which is the opportunity that he now has, but rather he is answering what the Leader of the Opposition said on a motion that is finished, and therefore the rule of relevance, which I was glad to hear is engaged. But I do not think anybody is going to challenge or –

Mr Speaker: I do not know if the Hon. Mr Bossano, who has a pretty good memory – *(Laughter)*

Hon. Sir P R Caruana: His memory is very self-serving.

Mr Speaker: – will recall that I think the line that the Hon. Sir Alfred Vasquez used to take was that it was okay, provided the Member did not expect to speak twice.

Hon. J J Bossano: I think, Mr Speaker, people were given the choice sometimes of saying, ‘Well, look, either you can cover the ground of the original and the amendment and speak once, or you can speak twice and then break up your contribution – one on the original and one on the amendment.’

But as the amended motion is now the one that he has not spoken to, the text is identical in the amendment and when it was when I was speaking, which was... It is the same text, so he is referring to the same piece of paper with the same words on it. I do not see what the issue is.

Mr Speaker: Now, the Hon. the Chief Minister.

Hon. Chief Minister: Yes, and Mr Speaker, what is happening in this House repeatedly is that the Hon. the Leader of the Opposition finds that he cannot get his way and therefore the Rules that have applied for 50 years in this place and everybody has had to work within are not rules that the Hon. the Leader of the Opposition wants to have applied to him.

He wants to have a Feetham Rule, Mr Speaker, which is to say ‘I am now not going to have to hear John Cortes telling me what he thinks about the things I have said in this debate,’ or indeed – because the Hon. Mr Cortes is making points that the hon. Gentleman has made not just in this debate but he has made them outside of this place when talking about this subject – deal with the issues that he repeatedly raises about the Lathbury power station.

Mr Speaker, we are all here to debate and we are here to debate within the Rules, and the Rules allow Mr Cortes to make these points because they are relevant to the subject matter of the motion as amended. And therefore, Mr Speaker, it would be an absolute travesty to say to him that he cannot make those points. It would, in effect, be the Hon. the Leader of the Opposition praying in aid a rule that is not in the books to stop somebody making points that go against him. That is what we are facing when he makes points of this sort.

Mr Speaker: The other thing that I think it is relevant to point out, given my experience from 1972 to 1992, was that in debates many more Members used to take part in the debate, and therefore if someone like the Leader of the Opposition had lost an opportunity to reply, some other Member would stand up and deal with those points. This was something that regularly happened, but a much higher proportion... in the three years that I have been here I have found that it is usually a handful of Members who are taking part in debate and the other 10 or so, including myself... Well, maybe I even take more part in the debate than some of the other 10, *(Laughter)* who are virtually spectators, and I have deplored that. I have deplored that more than once.

Hon. Sir P R Caruana: Yes, Mr Speaker, I think if I could just add that I think what the Hon. the Chief Minister has just said is absolutely right *(Interjection)* in reference to what Dr Cortes was saying about where we wanted to use the power station. My understanding is that that is not what the Hon. the Leader of the Opposition was speaking to and it is certainly not what I was speaking to. I accept that to point out what this side of the House was planning to do and where we were going to put our power station is perfect – subject to the Speaker’s ruling on relevance – is relevant, is permissible on a debate on the amended motion, **(A Member:** Exactly.) on the motion as amended. But that is not what I was speaking to. That is very different to a line-by-line commentary on what the Leader of the Opposition said in the other debate about the amendment. **(A Member:** Exactly.) So I think what he has said is true and right, insofar as it goes, related to the subject matter of what he can speak to. As far as I am concerned, he can speak to whatever he likes, *(Laughter)* but if we are being finicky about the Rules, that is where I would draw the

distinction. I would not have made the points I have made in relation to your reference to the power stations, Lathbury Barracks and the proximity to the old Naval Hospital. (*Interjection*) I have.

1180 **Mr Speaker:** Perhaps I could ask the Hon. Mr Cortes to try to be circumspect, bearing in mind that the Chief Minister has a right to reply.

1185 **Hon. Dr J E Cortes:** Mr Speaker, perhaps it might be relevant to ask the Leader of the Opposition whether, in view of the fact that the Parliament has now passed the amendment as a motion, he has in fact changed his mind and would make any of the points in a different way. Because if he would hold the points he has made to the substantive motion in the same way that he held on to the amendment... therefore my replying in the way I am replying is replying to the points that he would have made anyway, and I think they are legitimately made. (**Two Members:** Hear, hear.) (*Banging on desks*)

1190 In any case, Mr Speaker, apart from the fact that this reminds me of when a basketball team is really going hard and the manager of the opposite side asks for time out to try and stop the flow, (**Several Members:** Hear, hear.) (*Banging on desks and interjections*) I must say that I am flattered by the fact that the Leader of the Opposition is clearly so troubled by what I am saying – me, in my infancy in politics.

A Member: And no one can stop you.

1195 **Hon. Dr J E Cortes:** Mr Speaker, I understand the points that have been made, but I still think that I have to make mine and I will do it in such a way that I think will not touch the sensitivities of the Leader of the Opposition.

1200 I think I was saying that there were hidden costs, and I think it is valid that I should because we are talking about the motion as it now stands, about a reliable, clean, modern, safe power station. So, comparing it to something that the Leader of the Opposition has advocated, not just here but also outside this House, I think is... I can compare them too.

1205 There were hidden costs at Lathbury, storage of the diesel and delivery, where a problem related to old MOD tanks that had to be renewed and so on and so forth. There were hidden infrastructure costs, some of them hidden in other projects, and certainly other infrastructure costs like the relocation of the parking of MOD, which I think was estimated at about £¼ million. Also, the old power station and any diesel-powered power station would attract fines, not just the emission trading scheme but also fines for exceeding nitrous-oxide emissions.

1210 Mr Speaker, even factoring all those things in, the new power station will still be much cheaper to construct, and for an 84-megawatt power station as opposed to a 64-megawatt power station, which would not have any heat recovery, which is also very environmentally... So approximately £¾ million cheaper per megawatt is my estimation and £6.4 million a year cheaper to run. But there we are, Mr Speaker. (*Banging on desks*)

1215 The new power station has very recently had the EIA published. That is the process one has to follow. It has involved discussions with stakeholders, Bouygues has met with stakeholders, including the ESG, and I have met with stakeholders and it will be discussed at the Development and Planning Commission in August publicly, absolutely publicly, and that is transparency and open government.

1220 Mr Speaker, many meetings have been held at many stages, right up to last week, where the overriding importance of safety has been stressed to and by all the many experts engaged by us and by the potential providers, and the GEA was consulting experts well before 8th June and Government's own scientists and technical officers were advising on the qualities and the safety of LNG internally.

1225 Mr Speaker, we have been clearly told by HSL that the technology can be applied in Gibraltar subject to the specific details, and these are the ones that are being worked on in an iterative process, and the final reports *will* be proof of that. In any case, Mr Speaker, we will have the double lock now of the HSL and Lloyd's determining the safety of the proposals.

1230 Mr Speaker, I honestly and sincerely am convinced that LNG is the safest and cleanest fuel to meet Gibraltar's power needs until renewables catch up, and they too are a part of our energy transition strategy. (**A Member:** Hear, hear.) The decision will be made for the right reasons because we are serious about safety. I would never put my name to anything that would endanger the environment nor the health and wellbeing of our community.

1235 Mr Speaker, there was a comment made in part of the debate regarding the origin of the power cuts and there has been some allegation that they had not originated in Spark; however, the GEA's technical reports clearly claim that they did. Spark may have denied it, as you would expect, but has produced no evidence to that effect.

Mr Speaker, it is clear – not just here in the part of the debate that I may not be able to refer to, (*Laughter*) but also in the public domain – that the Leader of the Opposition has stated an absolute rejection

of LNG and the implication is that ‘even if it is found to be completely safe’. I think that is something to be ashamed of and reeks to me as something of somebody who is pretty desperate, trying to find something –

Hon. D A Feetham: Will the hon. Member give way?

Hon. Dr J E Cortes: Yes, I will, Mr Speaker.

Hon. D A Feetham: Mr Speaker, it is not the case that anybody on this side of the House has had an absolute rejection of LNG, and I would invite him to in fact listen to the interview that I gave with GBC, where I said no to LNG ‘in these locations’. I am sceptical about the use of LNG in other locations because I cannot see how, given the geography of Gibraltar, it can be located somewhere without the kind of consequences that we have been concerned about.

But actually the debate is not about LNG yes/LNG no. The debate is about LNG in these locations. I hope this helps the hon. Gentleman.

Hon. Dr J E Cortes: Mr Speaker, the Leader of the Opposition is clearly referring to the part of the earlier debate that I cannot refer to, because he did say very clearly that it was part of their election strategy, if not the sole electoral strategy, their opposition to LNG. But there we are – maybe the story changes as we go along.

Mr Speaker, I would like to say – and I am going to finish now – that internationally I have spoken to many people in and outside the industry, in and outside major environmental circles, who all agree that LNG is the way forward. Mr Feetham is out of date and out of touch. In fact, anybody who is completely opposed to this way forward I would call a polluter, somebody lacking vision, a threat to the health of the community, those very people who are threatened with this idea of a possible explosion that will never happen. But what will happen is that they will be subjected to more emissions of sulphur, nitrous oxide and particles. We will be the shame of the global community when we are now admired for our vision and we are about to become world leaders in energy strategy, and with costs and fines and the threats to the economic wellbeing of Gibraltar.

Mr Speaker, I am afraid that the Leader of the Opposition seems to have failed to grasp the concept of clean power. Perhaps we could use a new definition of an ‘energy dinosaur’ – certainly out of date, if not yet extinct. (*Banging on desks*)

Mr Speaker: Any other contributor to the debate?

Then I call upon the Chief Minister to exercise his right to reply.

Hon. Chief Minister: Mr Speaker, this has been an important debate, a debate on an issue relating to the fuel for the next two or three generations of Gibraltarians and the energy that we are going to produce for our community. A particularly enlightening debate – I am going back on the seesaw (*Laughter*) – in the hour or so that the former two Chief Ministers engaged, without locking horns on this occasion but literally engaged with a different point of view passionately and eloquently defended by both of them. I hope I contributed something to that. I think I detected from the hon. Gentleman that he thought I did in my answers to the issues that he had raised.

There was a fantastic exposition by the Minister for the Environment of some of the problems with Lathbury, or some of the issues he has had to deal with. But there was an hour or so, forty minutes or so, of this debate when all we heard was insults. Again, all we heard was not the rational issue as to consequence and risk. All we heard was that this was a kangaroo court, that no evidence had been brought for the destruction of his reputation, said the Leader of the Opposition.

Mr Speaker, nobody was trying to destroy anybody’s reputation. I asked the Leader of the Opposition a number of questions when I moved the amendment. I do not need to refer the House to them again – they are in the *Hansard* and in my written speech, which has now been circulated. A number of questions: will the Leader of the Opposition agree to this; will he agree to that; did he know this; did he know that? If asking a question is to attempt to bring somebody into a kangaroo court, and with no evidence assassinate their character... well look Mr Speaker, does that mean that the hon. Gentleman has no answer to the questions? Because in all the time that he was on his feet he did not answer one of the questions I posed, not one.

I did not need to try and destroy his reputation, because he has done that himself, Mr Speaker, in all of his political trajectories, parts of which he referred to today. So I did not set out to come here to destroy anybody’s reputation. I set out to tell people what had happened in a chronology that was extensive and I took time to do it. I referred to Spark’s reputation and I asked him questions about what he knew, and I asked him whether he knew things and was doing them consciously or whether he was a dupe and had been fooled into doing them. He did not tell me which it was.

Mr Speaker, having not told me it was either or another, the general public are now entitled to go away thinking it was one of the two because he did not proffer any answer. He said that I had come to do a character assassination, contrary to what I had said in my first speech as Leader of the Opposition, but didn't he hear the speech I gave this morning where I specifically said that it was *their* style to do character assassinations and that I was not going to do one? All I did, and I think this is why he has avoided, in that whole 40 minutes, dealing with any of the issues... All I did – and I did it specifically, and it is perhaps more boring than doing it in a colourful way – was to say, 'These are the facts, these are the *bare* facts, these are the *facts*, the *facts*, the *facts*.' And he did not answer any of the questions that the facts gave rise to.

Mr Speaker, the fact is – again, dealing with facts – that the hon. Member, through his Chairman, told Gibraltar that they had been the beneficiaries of a supporter commissioning for them something – a report, let's just call it that for now – which cost £100,000, and that based on that report they were questioning the Government's decision to proceed with plans to create an LNG storage facility in the place that we are proposing to do it. So how can he say that he has not in some way had the benefit of £100,000 from a third party with a commercial interest – the commercial interest is now becoming more and more evident – based upon which he is questioning the Government's behaviour? Of course he is, and he has not advanced one argument to the contrary.

He said that the reasons I was putting those questions – I think, Mr Speaker, to be favourable to him, if I could characterise it in that way – was that I was trying to do away with my principal political opponent. Well, Mr Speaker, I will tell him very honestly I think my first principal political opponent has now told us that he is not going to seek re-election, *his* principal political opponent being Mr Bossano and still remaining active in politics. I do not think that my next principal political opponent has yet shown his face, because I certainly do not regard him as it.

He said that I presented absolutely no evidence in the context of the arguments I was making, and yet I spent an hour and a half on my feet going through detail and evidence.

And he is completely wrong in what he thought was the structure of operations between Spark the Government, and Energyst and Caterpillar, Mr Speaker, completely wrong, but I think John Cortes has dealt with that and I do not intend to repeat that, because the GEA has made the arguments that Mr Cortes has indicated they have made about the power cuts.

And then he said that there were power cuts during the turbines and those were operated by the Government. Well, Mr Speaker, they were not operated by the Government. They were also operated by a third party called SoEnergy. But the thing is this, Mr Speaker: we were all – I trust *all* in this Parliament, as everybody else outside it – very happy, when the new generators arrived, that we were not having power cuts, and we did not have power cuts. And what I had referred to in my speech in the reply in the Second Reading was the fact that the power cuts started at a time which coincidentally happened to be the same time as Spark first got the Lloyds report, the circumstantial evidence which I was referring to. All he did, Mr Speaker, was deviate and distort, for the time that he was on his feet, to try and avoid the questions that we were asking.

He said that he would not believe anything that I said that Lloyd's had said about the debate and the way the GSD was presenting arguments, unless he heard it himself. Well, Mr Speaker, I want to deal with that in a minute. Before that, I want to deal with the issue that has become apparent in the last few minutes, which is that he is saying, 'Actually, Mr Speaker, our argument is with the location, not with the fuel source itself,' and he said that he might be prepared to consider an LNG storage facility in another location.

Well, Mr Speaker, he really is starting to move the goalposts, because I have just seen a transcript of the interview he did with Steven Neish and he was very clear there in his platform of no to LNG, no to the Detached Mole, going back to our plans at Lathbury and going back to the drawing board. Well, Mr Speaker, as I have demonstrated to him, we were not the ones wedded to a location. What he could point to, to criticise me – of course, he cannot, because this is where he wanted to take me and I have demonstrated that that is where we were – is that we started saying in our PIN, our public information notice, Detached Mole, and we have moved many hundreds of metres to the north. So what he cannot do, which is what he tried to set out to do, was to say that we were so wedded to a location that we had made a decision that we would not be shifted from, because actually safety and security have shifted us and that demonstrates that we were taking advice.

He talked a little bit about consequence but I do not think that I need to go there, given that I have already dealt with that issue more fully in response to the hon. Gentleman.

And then he said that I have attempted to discredit the Lloyd's report. Well, nothing could be further from the truth, Mr Speaker. I have attempted to show that the information given to Lloyd's for Lloyd's to prepare a report was not full information. *That* is exactly the point that I was making. And despite telling us that he is very sure that the report that is now in the public domain is the full report, he has voted against a motion calling for it to be sent to you so that we can all be sure of that. Well, I wonder how sure he is of his position, Mr Speaker, because he has not invited me to amend the motion. He has not said, 'Look, Fabian,

will you agree to change the motion so that it is just an independent call for the full report to be sent to you?' I had ensured I did not condemn *him* in the motion, Mr Speaker; I only condemned somebody doing something with a report that all of us should agree nobody should do with a report. But I wonder how sure he really is about his position in this respect. I will tell him something for nothing, Mr Speaker: he said, 'If you had a smoking gun you would have brought it in'; well, Mr Speaker, if you have a smoking gun on an issue like this you do not use it on 30th July when most people are at the beach. That is all I would say to him.

Mr Speaker, then he went on to make a tribute to Mr Hammond about the way that he had acted in the presentation of this report. Well he needs to think very carefully about that because actually what he should be doing perhaps is saying, 'Well, Mr Hammond and I may have overstepped the mark, and I welcome the work Mr Hammond has done but he and I are going to look again at the presentation of the report and how we did it,' because the transcript of the video which they put on YouTube of their press conference actually is the sort of thing that has led Lloyd's to say that they are concerned about conflation and distortion.

He said that we had failed in our manifesto commitment to keep to the power station agreement. Well, Mr Speaker, I must tell him when we were elected there was not an agreement to build a power station that was binding and required us to build it. The financing agreement was not signed and it was put to us by the legal advisers and by the contractor, I think in February, that we had reached the point then –

Hon. J J Bossano: Where a decision had to be made.

Hon. Chief Minister: – where we had to make a decision to either pay for the work that had been done and extricate ourselves from the contract, or continue with it. The contract provided for a fork in the road and it perhaps is normal for that to be the case. That fork in the road was not brought to our attention by any desire of us instructing solicitors to find us a way out of the agreement; it was brought to our attention by solicitors saying, 'We now have to sign up for the full contract and you will have to do the financing and it is then that this becomes irreversible.'

So I am sorry to have to say to him that we entirely complied with our manifesto commitment to take the power station contract as we found it and be able to progress as we were able to determine either one way or the other. And when we found that we had that choice we made the choice that we were then in an elected position to make a policy decision on.

Mr Speaker, that power station... anybody involved in it – Mr Cortes from a planning position or Sir Peter from a decision-maker's or policymaker's position – will know it involved huge logistical issues. You had to pump diesel up to Lathbury, you had to reinforce roads –

Hon. J J Bossano: Or take it with bowsers.

Hon. Chief Minister: Or take it with bowsers. Any project in Gibraltar anywhere may involve huge logistical issues. This one involved huge logistical issues and cost, Mr Speaker.

And he said, 'Well, you said nothing about huge chimneys.' Well, doesn't he remember, Mr Speaker, that at the time that they were in Government the Development and Planning Commission did not meet in public and we would not have seen the pictures of the stacks, and the pictures that were made public of the stacks were from an angle where you would not see quite the height of the stacks? So there is no question of us having failed in any duty, but in any event John Cortes was there, and the DPC, making the representations that all of us would have made when we were concerned.

Mr Speaker, then he said that we had done nothing before tenders closed in respect of health and safety and safety reports, because we have said that the Health and Safety Laboratory was not involved until 7th June, which is seven days after the tenders had closed, which I think is helpful because it demonstrates that he thinks that there is no-one in Government who has the capability of advising the Government on how to structure a tender and what to ask for when it comes to safety and when it comes to the health issues that then are relevant where we would in any event afterwards also go to an independent third party, or now to two independent third parties, as the case may be.

He said he had an open mind though until December last year, when in what he called a 'leader's debate' – it was not; the leaders' debate is the night before the election, but what he called the leaders' debate – in December on 'Viewpoint', I had told him we were negotiating now in detail with a number of bidders. Of course, interestingly, Mr Speaker, the minute I said that, Spark would know they were not one of the people being talked to, because it was in January that they say they first went to Lloyd's Register to obtain a report. So again we have today obtained an even clearer view of what was happening with Spark and Members opposite.

Well, Mr Speaker, I am actually going to tell the hon. Gentleman and Members of this House – the hon. Lady is not here... I am going to tell hon. Members that the companies we are negotiating with are top blue-chip companies and I am going to now feel able to say that they include Royal Dutch Shell and they

include World Fuel Services, two of the biggest, most reputable companies in the world when it comes to LNG supply. Two of the biggest and most reputable companies in the world. And I think people will take great comfort from that, Mr Speaker.

No doubt the Opposition and its supporters will now google every incident involving one of them and twitter away if somebody fell and hurt their knee on a Shell facility somewhere in Alaska, slipping on the ice, but I think to right-thinking people the fact that that is the sort of covenant that we are talking to, Mr Speaker, demonstrates that Spark was never the sort of company that was going to be able to provide the comfort and the service required. It is quite different to be talking to a company with two £1 shares issued and be talking to Royal Dutch Shell or World Fuel Services.

And then he said that the power station's safety reports we said had already been obtained, but subsequently I had said that there was as yet no expert safety report... Well, Mr Speaker, the problem is that he is, to use a Lloyd's term, 'conflating' the two. The power station is one thing and the LNG storage facility is another, and the EIA of one is now fully published and he can see that there are safety reports etc, and the other is not a contract yet fully determined. We have not yet chosen one, but there is not yet a final design. He needs to understand that he is mixing the power station and the LNG facility.

I do not think he wants to hear me, Mr Speaker; he seems to be doing something on either Twitter or Facebook, or something like that. But fair enough, if that helps him not to feel the pain of the argument, that is alright.

Mr Speaker, all the arguments he put as to risk and consequence were better put by Sir Peter, and I have dealt with them there.

He said, 'If there is ever an accident at an LNG bunkering or storage facility, what will he do then? I give a commitment we will not go ahead with an LNG power station.' Mr Speaker, clearly this is shaping up to be the campaign issue: 'Government is hell bent on moving ahead with its plans in this area.' Well, this area is not where we were hell bent on doing it. This area is almost half a kilometre away from where we started and this demonstrates that that argument is as much a nonsense as the argument I had to put up with last week where, because a letter of his had fallen into the hands of the media and he had sent it to you and he had sent it to me, he said I had leaked it. In that instance the media have said it neither came from Mr Picardo or any other Member of his Government or anybody in his Office. But of course he is not going to, for one moment, pause to apologise for having made a wild accusation of that sort, but I just implore him to realise that that is a demonstration in relation to something irrelevant, like a letter, of how he sometimes engages tongue before brain and he should be as careful not to do that in relation to something as serious as gas and a new power station as he should have been in relation to something as simple and innocuous as the 'leaking' – to use a term which I do not necessarily share – of a letter. Anyway, Mr Speaker... In fact, we are being treated by the Hon. the Leader of the Opposition, in his press releases and his statements and in relation to the letter, and now in relation to being hell bent on something which we can demonstrate is actually not what we started with and therefore we cannot be described as being hell bent on... this is such a comedy of errors that one might think that, because it is the middle of the summer, we are watching *A Midsummer Night's Dream* going on on the other side.

Mr Speaker, he is not an economist and neither am I, but he gets his economic arguments wrong in the Budget debate and in his public statements. And he is not a safety expert, and he is getting his safety arguments wrong in the course of this debate and in the course of everything that he is saying publicly. And he is not an LNG expert, and he is getting his arguments wrong on LNG as well. Perhaps, Mr Speaker, that might be the underlying reason why his brother last week abandoned him and left the executive of the committee of the GSD, only to apparently quickly come back.

Mr Speaker: That is irrelevant.

Hon. Chief Minister: Well, Mr Speaker –

Mr Speaker: It is new material.

Hon. Chief Minister: Fair enough, that and much other new material, I understand, is coming in respect of the executive of the GSD, but never mind.

Mr Speaker, let us look at their record. Let us look at their record on issues like the one that we are dealing with now – serious issues.

The leaked letter: an allegation which then turns out to be untrue, and not a peep of an apology.

In 2011, the debate that said I was unfit to govern for having suggested we were reaching the ceiling of debt, and yet by December 2011 an acceptance that we were reaching the ceiling of debt and an invitation to bring a resolution to deal with it.

Mr Speaker, when you look at what the hon. Members use to make their arguments and you analyse them carefully, you realise that, actually, on all the big issues they have got it wrong.

1480 I want to take Sir Peter's opportunity to make this example. He said this is as important as joint sovereignty or the Constitution. Well, if things are as important as that, then they are as important as the Brussels process and whether we should attend the bilateral process or not. He got that wrong. The GSD got that wrong until 1996, when they changed their position.

1485 We got it right on the Brussels process. We got it right on joint sovereignty. We got it right on all the big issues that matter, including whether or not to send our Gibraltarian students away to study when others said that we would bankrupt Gibraltar. On all the big issues we can demonstrate that we have been right, and if this is such a big issue then our track record on the big issues is a good reason to listen to what we are saying.

1490 Mr Speaker, we are not the only ones who have criticised Members opposite for their record in respect of the power station when they were in office and the failure to renew it. One criticism reads as follows:

'One important... essential project is the electricity generating station. All economies rely on the ability of each to provide energy to its businesses and people and Gibraltar is no exception. Gibraltar's longterm energy needs have not been catered for at all by Peter Caruana's GSD Government. Gibraltar is reliant on what, in a home or business, would be classified as "emergency" generators, for spin purposes called "skid" generators. Without power Gibraltar has no economy...

The GSD (and so Peter Caruana)'

– I am quoting –

'has the prime responsibility to explain itself on this core policy failure during its 16 years in government. This omission could have disastrous consequences on Gibraltar and its economy. We may even be forced to connect to the European Electrical Grid, via Spain.'

– the quote –

'(not that I personally object to that but most do)'

These are not my words. These are the words of the person writing:

'as a result of this act of negligence by the GSD Government. The environmental excuse used by it is no excuse at all. The "skid" generators are far more environmentally unfriendly than any power station that might have been built, whilst money was available to do so.

The sewage treatment plant, which is an EU requirement, is a further failure. I would like to know from all parties, how each intend to fund the construction of such a plant. I specifically want to know this from the GSD. It is Peter Caruana's GSD Government that has failed, over many years, to provide such a plant despite it being required by law and for environmental and health reasons.

It is all very well for the GSD to boast in glossy brochures about everything that it has spent our tax money on. However, what is important is not what it has spent it all on but rather what it should have spent our money on and has not. So Paco,'

– here referring to Paco Oliva, who had written a very nice article about the GSD in the *Chronicle* –

'what "lights" has Peter Caruana's GSD Government switched on in regard to electricity production and the treatment of sewerage?'

– which I think was meant to be 'sewage' –

'I fear none but he has left a massive legacy problem for Gibraltar. I sincerely hope it can be resolved in the best interests of Gibraltar. Government is about issues like energy and environmental policy not simply about projects that are considered, subjectively, to be electorally opportunistic.'

1495 That is an excellent description of the failure of the previous administration in relation to the building of a new power station – excellent, Mr Speaker. It was written by cousin Robert (*Laughter and banging on desks*) – Robert Vasquez, Mr Speaker, QC – in his blog, 'Llanito...' whatever it was, (*Interjection*) and I think it speaks more to the sort of criticism that we make on this side of the House of what they did, although I do hope that at least at a family level they have become reconciled, if not at a political level, but certainly something that it is interesting to see is now part of what the make-up of the new GSD executive is. (*Laughter*)

1500 Anyway, Mr Speaker, he started talking about character assassinations and he said he adopted my views on it when I spoke as Leader of the GSLP for the first time. But then, Mr Speaker, he went for the jugular immediately. He said, 'I'm not about character assassinations, I'm going to stick with the view you had; but hang on a minute, here's my dagger – where is your throat?' It is ever thus, Mr Speaker. He got up in the

Second Reading of the Appropriation Bill and talked about trust, and here he got up to talk about character assassinations and nothing else was going to be shifted from his lips.

1505 But I do remember, Mr Speaker, just how much he grinned like a Cheshire cat during the debate in 2011 when I was being put on the political rack by Sir Peter and wringing his hands. I suppose that what he means, Mr Speaker, is that although he does not want to be involved in character assassinations he will enjoy a good one whilst it is going on. I suppose those of us who are in this room probably all enjoy gladiatorial politics somewhere deep in our soul, but he needs to remember what it is that he was a part of
1510 before suggesting that he is never going to be involved in that sort of activity.

I am surprised, Mr Speaker, that a quote in the *Gibraltar Chronicle* is not authoritative enough for him as to the truth of a statement uttered by a person. In other words, when Nick Brown talked about conflation and distortion – something which I ensured was the mantra of my speech so that I did not stray into my own characterisation of the way that they presented the Lloyd’s report; I used his – the quote in the *Chronicle*
1515 was not enough for him. Some people say ‘don’t believe everything you read in the newspapers’, but there are some responsible journalists in the world, and some of them – we are very lucky – are in Gibraltar.

But given the things that I see he is retweeting these days, I am not, I suppose, surprised. Only yesterday he shared with the whole world, and somebody brought it to my attention, on his Twitter account – or on his Facebook, one of the two – an article by a fairly cowardly anonymous person who goes by the name of
1520 ‘The Man with the Cathode Ray Eyes’, and this is what Mr Feetham said that we should read –

Mr Speaker: I think I must tell the Chief Minister that he really is going beyond the Rules. This is all new material.

1525 **Hon. Chief Minister:** Mr Speaker, you do not know what I am going to say. It may be directly relevant.

Mr Speaker: But in your right to reply you cannot introduce new material.

1530 **Hon. Chief Minister:** Mr Speaker, I am sorry, but with respect –

Mr Speaker: You are introducing material that you could have very well dealt with in your first speech.

Hon. Chief Minister: No, Mr Speaker, no. Let me tell you why, Mr Speaker. For a very simple reason. I could not have said any of this in my original speech, because it was he, in his reply to me, who said that
1535 he did not believe what he had read in the *Chronicle*, and so I am now going to deal with why he might have said that. So I am replying specifically to a point raised by him, and the point is this. He has retweeted to the world and has asked the world to read this – something that this person has written, which says as follows:

‘It should be up to an independent press to be probing in search of the truth, however uncomfortable this may turn out to be. Unfortunately, save rare exceptions, GBC, the publicly funded broadcasting corporation that owes itself to the taxpayer, still has to prove it can hold the politicians to account. At least there are glimmers of hope for them. With the rest,’

– and this is the nub of it –

‘the *Gibraltar Chronicle* leads the procession of all pallbearers at the funeral for the freedom of the press in Gibraltar.’

That is what the Leader of the Opposition asked us to read when he retweeted that article.

1540 I suppose, Mr Speaker, I now understand what he meant when he said in his speech that he did not believe what Nick Brown was quoted as saying in the *Chronicle*, which goes to the central issue.

Mr Speaker, I think it reflects on him quite badly that he should push out such an appalling allegation. He is really challenging not just the electrical infrastructure of Gibraltar and the future of it; he is even challenging the journalistic infrastructure of freedom of expression, and it is, in my view, a disgrace that he
1545 should be seen to be supportive of such statements.

Mr Speaker, rounding up, in the response from the Leader of the Opposition all we have been left with is unanswered questions – a raft of questions that I asked him to deal with, none of which he addressed. They all remain outstanding. His performance in this important debate is as poor as it was in the Budget debate. He did not answer my address then – he gave us a prepared text – and he has not answered the
1550 questions I put to him in my opening speech today and in the speech moving the amendment. And people will see through that: they will see through just pure, constant bluff and bluster.

Therefore, Mr Speaker, in conclusion, there is no need for a character assassination. He will be downed by his own political bullets by the hooks that he makes for himself, by his own confections and distortions.

Mr Feetham's problem is not assassins; his problem is that the facts damn him. It is not me, really, that he wants to sue; he wants to sue the facts, because he wants them to change now that they have become inconvenient. He wants the *facts* silenced so that the public will not see or hear the truth. He wants the facts to change so that people will change their minds. But it will not happen, Mr Speaker, because the die is cast, the sparks have flown, he has burnt his fingers, and worse consequences – to use his words – are to follow.

I therefore commend the motion as amended now to the House. (*Banging on desks*)

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Some Members:** Aye.) Those against? (**Some Members:** No.) Carried.

Mr Speaker: Can I ask the Hon. Chief Minister what are his intentions regarding the rest of this sitting?

Hon. Chief Minister: Mr Speaker, after that motion there are still, I think, four Government motions to deal with and some legislation. Given the time, I would propose that the House recess for 15 minutes for a comfort break and coffee and we come back and round up the rest of the business.

Mr Speaker: The House will now recess.

The House recessed at 5.55pm and resumed its sitting at 6.15pm.

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended by operation of Standing Order 59 to proceed with Government motions

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'That this House approve pursuant to Order 59 to proceed with the suspension of Order 19 in order to proceed with Government motions.'

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Hon. D A Feetham: Mr Speaker, may I have a moment?

Mr Speaker: Please do.

Hon. D A Feetham: Mr Speaker, it is this that is troubling me. If Mr Speaker can go to Standing Order 19, Standing Order 19 provides that:

'Subject to any other express provisions in these Standing Orders, every Member wishing to make a motion shall give notice thereof, by delivering a copy of it in writing to the Clerk, at least five days, exclusive of Saturdays, Sundays...'

So any motion has to have five days' notice.

Yesterday we received notice of motions in relation to the awarding of the Medallion of Honour and the Medallion of Distinction and also the granting of the Freedom of the City. Of course, Mr Speaker, it has not been possible in the notice of effectively less than a day for the Opposition to be able to meet in order to consider what our approach to these motions is going to be, and we would wish, as a sensible Opposition, to make a sensible contribution to the debate. There are, for example, some individuals who are mentioned in the list of individuals who are proposed for these awards that some of us do not know very much about, so in order to sensibly contribute we would wish to do our research, we would wish to discuss it and we would wish to take a position.

As I understand it, the Hon. the Chief Minister is now relying on 59, which is the one in the time I have had available, but from recollection, is the one that refers to matters of urgency:

‘Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given.’

I do not see, and I would ask the Hon. the Chief Minister, what is the urgency in us having to debate these particular motions at this juncture rather than in September, unless of course the Hon. the Chief Minister says to me, ‘Well, I am intending to hold a General Election and calling and dissolving the House in September,’ in which case I will say, ‘Well, actually, yes, there is some urgency – we can do it now and not in September.’ But otherwise... and in the light of the fact, Mr Speaker, that... I am not criticising him for it, but if he had, for example, picked up the telephone and phoned me and said, ‘I intend to propose these individuals for these awards: what do you think, Daniel?’ and I would have had a day to consider it, talk to my Deputy Leader and talk to the rest of my colleagues, then it might have been different. But the Hon. the Chief Minister has not even done that, so we received these motions yesterday.

I should also add that, of course, Mr Bossino’s father is being proposed in one of these motions and I have to say that he would very much like to have been present in order to say a few words on the making of an award by this Parliament, of which he is a Member and Deputy Leader of the Opposition, but it has not been possible because he is away on annual leave at the present moment.

So, for all those reasons, Mr Speaker, I, at the moment, am not persuaded that we should waive the five days’ notice. I simply cannot see why this is a matter of urgent necessity – *urgent* necessity: that is the test – so that the Speaker may dispense with the requirement of the notice.

Hon. Chief Minister: Mr Speaker, the question is not whether the hon. Gentleman agrees to waive the notice; it is whether the Speaker agrees to.

Mr Speaker, the position of the Government is that these things are always done in the July session, and July is a month when there is Parliament. Last year there was no Parliament because there was an issue with refurbishment, but if people are not here and they are away it is a matter entirely for them. I make no criticism of that. In fact, I have spoken to the Hon. the Deputy Leader of the Opposition yesterday about this issue, because I was conscious that his father was on the list and I wanted him to know it.

Mr Speaker, the necessity for the Government is that this must be done, in our view, before the summer recess – which is going to happen, hopefully, in an hour or so – and arrangements are already being made, by some of those who are aware that they are going to receive the Freedom, for functions to be held. Therefore, Mr Speaker, the Government believes that this is something that, as it has been done every year, should be done now. Because of pressure of work it has not been possible to give notice earlier and the Government therefore has an urgent necessity to proceed with these motions now.

Mr Speaker: Given the other hat that I wear as Mayor, I am conscious of a certain degree of urgency, particularly in respect of the motions conferring the Freedom of the City upon the Police and now upon the Special Olympics, because a great deal of preliminary work has to be done in anticipation of the actual conferment of the Freedom of the City on the bodies in question. There is a task that someone has to be given the commission of preparing. It takes time. There is a scroll that is provided and there are actual arrangements that need to be made.

I know that the Gibraltar Police have been pressing and asking about this question because they are also desirous of having a plaque downstairs in the lobby of Parliament for that purpose, and the Commissioner has been here, has come to Parliament.

People need the green light. They need to know that these matters are in hand, that they are going to be given effect to definitely and that they have been approved in order for these meetings to be held and for these arrangements to be made. As I say, my secretary is constantly being badgered on this issue, so it is not that it has to be today and not next week; it is a case of knowing that these motions have been approved so that they can get on with the arrangements.

Hon. D A Feetham: Mr Speaker, if that is indeed the case, and I am not privy to arrangements but if it so urgent as to make it necessary, it therefore begs the question why we had not received notice on Monday or on Friday of last week if it is so urgent that it makes it necessary and all the things that Mr Speaker...

But look, let me propose at least, so that we have the opportunity to look at the question of the Medallion of Honour and the Medallion of Distinction... at least discuss it sensibly between us and discuss who the individuals are for the motion in relation to the Police to go ahead, but that the House adjourn, or give us notice, a little bit more notice, in relation to the one about the Medallion of Distinction and the Medallion of Honour. Otherwise, we are left in a situation where, quite frankly... We have not been able, from yesterday afternoon – I think it was six, nearly seven, that we received notice of this motion. And in relation to that, I do not understand why there has to be urgent necessity for us to receive a day’s notice, Mr Speaker – not a clear day, but a day of notice.

But of course I am totally in Mr Speaker's hands, and if the Hon. the Chief Minister wants to proceed and you think that it is of urgent necessity that we do not receive the five days' notice, well I will deal with it on the hoof. But of course it is fair to say that the Opposition, as a cadre of Members in this House, have not been able to sit down together and to discuss the merits or otherwise. I am certain there are a lot of merits in the people that he has proposed, but we certainly have not been able to discuss it amongst ourselves.

Mr Speaker: Well, the position in that respect is – and I know because I have taken advantage of the invitation which the Government makes, particularly to hon. Members of Parliament – that they should propose persons, apply to Government proposing persons whom they think are worthy of such recognition. They are at liberty to do that.

Hon. D A Feetham: Yes, Mr Speaker, we are at liberty to do that, but I think that this is one of the areas where a Government and the Opposition ought to be capable of sitting down... and if he had done so, if he had phoned me and said, 'Look, this is what we are proposing to do,' then I am almost 100% certain that in those circumstances, if we had discussed it, we would have been able to come to this House having already made a decision and supporting it unanimously.

But of course what is happening is that the Rules that provide five days and it is only for us from yesterday, but of course, as I say, Mr Speaker, I have always been concerned about the question of notice. You know that I have made my points on notice before, but it is just so blatant in this particular case.

I will have to listen to what the hon. Gentleman has to say about every individual; and, in relation to any that I do not know or I have not been able to do any research on in the short time that has been available, I will have to take the hon. Gentleman's word for it.

Hon. Chief Minister: Mr Speaker, in relation to those motions which relate to the Medallion of Honour and Distinction, there are also events planned in September, which is when this type of event and ceremony has occurred, and also therefore we need to proceed now if we are going to be able to have those ceremonies on foot, so there is also an urgent necessity there.

Usually we would have given five days' notice of these issues. It has been a very busy period for my Office and therefore we have not been able to do so, but we have trailed the fact that the motion on the Royal Gibraltar Police was coming for some time. We made a public statement in that respect. Nothing is lost on this, Mr Speaker. In the time that I have been here, it is only since the hon. Member has taken over the Opposition that we have started to hear complaints about periods of notice to amend motions, despite the Rules being very clear. And even now, in the time that we were in Opposition and I was in this House, nobody ever interfered with the Chief Minister asking for suspension of Standing Order 19 by the operation of Standing Order 59. Those things have always been a subject where the Opposition have co-operated with the Government needing to operate its timetable.

Mr Speaker, I suggest you put this to the vote and we can then proceed.

Mr Speaker: Does the Opposition want a vote?

Hon. D A Feetham: I am totally in Mr Speaker's hands.

Mr Speaker: Okay. I think for the reasons that have been given – and, as I say, I have a fair amount of background knowledge – if arrangements are to be made in September... I know that already the Freedom of the City for the Police is earmarked for 26th September. If arrangements have to be made for the ceremonies to be held in respect of this large number of people, the Gibraltar Medallion of Honour and... I think there may have been an oversight at No. 6. It would have been desirable, I think... and in future perhaps a real effort should be made to give Members at least five days' notice, so that enquiries can be made. But I notice that the motion is fairly detailed and I am sure the Chief Minister will be able to provide any further information that may be required.

Therefore, on that basis, I think that on balance I should allow it to go through.

Hon. Chief Minister: I am grateful, Mr Speaker. If it is helpful, I am prepared to guarantee that I will give the five days' notice next year.

**Royal Gibraltar Police –
Conferring of Freedom of the City of Gibraltar –
Motion carried unanimously**

1710 **Mr Speaker:** On that basis, I call upon the Chief Minister to move the motion in respect of the Freedom of the City for the Royal Gibraltar Police.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House:

NOTES that this year marks the 185th anniversary of the creation of the Royal Gibraltar Police;

FURTHER NOTES that in a Proclamation dated 21st June 1830 the responsibility for policing the Town was removed from the military authorities and made a civilian responsibility;

RECALLS that on 25th June 1830 the Gibraltar Police became operational;

FURTHER RECALLS that the Royal Gibraltar Police is now the oldest Police force in the Commonwealth and the second oldest British Police force in the World;

WELCOMES the decision of Her Majesty the Queen to graciously confer the prefix 'Royal' to the Gibraltar Police on 12th June 1992;

HEREBY RESOLVES to bestow the Freedom of the City of Gibraltar upon the Royal Gibraltar Police in recognition of their history of hard work and excellent service to Gibraltar.'

1715 Mr Speaker, I think this motion needs very little by way of speech in order for it to be, I hope, enjoying of the unanimous support of the House and indeed, I trust, the very wide if not also unanimous support of the community.

1720 Royal Gibraltar Police officers are responsible for our safety and our security, and they do an excellent job in that respect. Very often it is only the inopportune and infrequent failure that makes headlines, and on some recent occasions we may even have seen police officers who have been the subject of prosecution themselves.

Mr Speaker, I think that just actually goes to demonstrate what a modern and successful Police Force we have, how much reliance we can place on their integrity, that even if it is one of their own who might be the subject of criminal proceedings, prosecutions are brought, nothing is swept under the carpet and the absolute right attitude prevails.

1725 This is a modern Police Force doing an excellent job for its community. On the side of the New York Police Department vehicles there is a reference to New York's police officers being 'New York's finest'. Well, Mr Speaker, I have absolutely no doubt that the same could be said of the Royal Gibraltar Police officers that we enjoy the professionalism of in Gibraltar. They certainly are alongside many others who provide an excellent service to our community: Gibraltar's finest.

1730 I am sure, Mr Speaker, that this is not something that is going to require any partisan debate between us. So often the debates in June and July are so acrimonious until we reach the stage where we are debating these motions, and I am sure that this will be a motion that passes with unanimity.

1735 Mr Speaker, now for some time the Royal Gibraltar Police has also had the benefit of having a commissioner who is a Gibraltarian. That has also been part of the demonstration of the coming of age of the Royal Gibraltar Police, not just the prenominal 'Royal' for the name of the Force, but also the fact that there is the calibre of police officers in Gibraltar that come up through the ranks who are able to become the leaders of this organisation. As we have seen in the motion, we might often forget it is now the second oldest Police Force in the Commonwealth, second only to the Police Force in the United Kingdom, and I think that is of great pride for the people of Gibraltar, a great source of pride certainly for its Government and, I am sure, also for its people, and the calibre of officer that we have today, not just in his or her ability to become a leader should they decide to take that career path, but in the work that they do on our streets and in the specialisations that they are taking, and in therefore the new areas of work that they are able to undertake, is such that I think the whole of the community has very good reason indeed to see that force, formed 185 years ago, as a success story which is worthy of recognition.

1745 In awarding the Freedom of the City, something that we have so often done for people from outside Gibraltar who have supported us and who have helped us in our struggle as a people – and it is absolutely

right that we should have done that and continue to do that, but we must not neglect those who do so much work for the continued successful operation of this community at a socio-economic and human level, and the Royal Gibraltar Police must therefore be the first of the motions which the Government has said it will be bringing of all of our emergency services that is recognised in this way.

Mr Speaker, they deserve it and I think it will be a very proud day indeed for all existing and former members of the Force and all of their family members when they see the current cadre of police officers – there may be some, hopefully, of those retired – marching up Main Street in exercise of the Freedom of the City of Gibraltar that I trust we will bestow unanimously.

I will say one more thing, Mr Speaker. This award is not just to the police officers who have served and who are serving and who do the excellent job I have referred to; it is also, of course, a recognition of the sacrifice of their families, because when somebody is on shift work and doing the sort of work that a police officer is exposed to, like in politics and so many other professions, those who stay at home suffer the worry of not knowing how things are going for those at work, especially in as frontline a job as policing in Gibraltar.

I therefore, Mr Speaker, commend the motion to the House and ask that the House unanimously support the bestowing of the Freedom of the City of Gibraltar on the Royal Gibraltar Police. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, this will be a motion where more than one person on the Opposition side will be talking on the motion.

My intervention will be very brief, simply to associate myself entirely with the words of the Chief Minister and to say this: that the Police is one of those professions that, when things go right – and indeed that is in the vast majority of cases; it is not the exception, it is the rule – they receive very little praise. But when things go wrong – and that really is the exception rather than the rule – the criticism very often gets blown out of all proportion, or there is a focus on that criticism which really belies the rest of the good work that the Police do for the rest of the year and the rest of the time.

The Hon. the Chief Minister mentioned the fact that we now have a Gibraltarian Commissioner of Police. I feel particularly proud, I have to say, that the first Gibraltarian following Commissioner Castree was my uncle, Joe Ullger, and I feel equally proud that his son Richard is following in the footsteps of his father and is now a superintendent in the Royal Gibraltar Police.

So, as a matter of principle, obviously for all the reasons that the hon. Gentleman has outlined during the course of his intervention, but also for personal reasons too because I have family members who are and have been members of the Royal Gibraltar Police, I am absolutely delighted to be able to support this motion on the granting of the Freedom of the City to the Royal Gibraltar Police.

Mr Speaker: Does any other hon. Member wish to speak on the motion?

The Hon. Gilbert Licudi.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I rise as Minister with responsibility for the Police in my capacity as Minister for Justice.

We are, in fact, *very, very* lucky in Gibraltar to have the Police Force that we have. There are areas of policing which are often neglected or not sufficiently recognised, because policing is not just about running after an individual, arresting, apprehending and taking them to court. Our police officers move in circles and they do *much, much* more than that, whether it is attending accidents and attending and assisting victims of accidents, or providing advice to people around housing estates through the neighbourhood policing that they constantly do, or anywhere else mediating in issues before they actually escalate, and then obviously investigating and providing the tools and the material for crimes to be properly prosecuted.

But the Police is like every other field, whether in Government or outside Government: it is a moving and evolving entity. There are constant evolutions in technology, for example, and therefore our Police Force has to keep up with what happens through constant training and through the adequacy of the technology that we provide to the Police.

We have said, and I think both sides of the House have already said, that we are proud to have a Gibraltarian Commissioner of Police. We have, in fact, a Gibraltarian Commissioner of Police who is leading international organisations, (*Banging on desks*) and that is a significant achievement because we are not just recognised, as some may say, just at home but we are recognised internationally as having the expertise and the leadership to lead a collective of police forces and chief officers of police in an international organisation. Such is the recognition of the work that our Police are doing.

As I said, we are *very, very* lucky to have the Police Force that we have. Gibraltar is generally considered, in general terms, a safe place, but the Police, where they need to act they act consistently and they act professionally in keeping us the way that we all want to be kept – in a safe environment. Therefore our thanks have to go to each and every member of the Royal Gibraltar Police, not forgetting of course that there are some other people in the background. There are civilians working within the Police Force, whether it is in scenes of crime, or in the office, or in support staff. All of those contribute to the work that the Royal Gibraltar Police do and all of those contribute to the kind of community that we have – a community that certainly all of us are very proud of.

So thanks again to the Royal Gibraltar Police for all the work that they do. (*Banging on desks*).

Mr Speaker: The Hon. Selwyn Figueras.

Hon. S M Figueras: Mr Speaker, I am grateful.

I rise as Shadow Minister for Justice and as a Member of the police family, really, through my own family.

Mr Speaker, it is true to say that we have the luxury of living in one of the safest places in the world, and that is, I am sure, in no small measure down to the sterling work of the Royal Gibraltar Police, not only now but during the entirety of its existence.

My father was a police officer for 31 years and left the Force in 1985 after a 31-year service. My brother has been there since the same year – the Force was not big enough for two Figuerases at the same time, so my father stepped down! (*Laughter*) I too toyed with the idea of joining the Force, but very quickly realised that I do not have the stomach for that, though for many other things I certainly do. You are either made to be in the Force or you are not. It is often difficult enough for family hearing the ambulances at night, wondering whether one's brother, sister, father or mother are involved, and then breathing a sigh of relief when they walk through the door at the end of their shift. They run into a fight when others are running out, thankful for their arrival. And yes, they face challenges on a daily basis, and yet they do their work not dissuaded by matters of politics, although they might get caught up in political storms, even if they are in heavy seas.

They enjoy our confidence, they enjoy our support, and it is a matter of pride, I think, for Members of this House and this whole community that this motion comes before the House, a motion that we all support unanimously, and I too wish to extend my thanks to the Royal Gibraltar Police for all that they do, and may they continue to do so for many years to come. (*Banging on desks*)

Mr Speaker: Any other contributor? Yes, Mr Edwin Reyes.

Hon. E J Reyes: Mr Speaker, if I may. The other Members of this House have introduced themselves as Minister or Shadow Minister. I declare a vested personal interest. I rise not only as a Member of this House but also as the stepfather of a current serving police sergeant, so it is with great pride that I note the introductory words given by the Chief Minister whereby we are allowed to put into effect what we all know and what we all feel privately about the Royal Gibraltar Police.

Mr Speaker, I wish to reinforce that the Royal Gibraltar Police serve Gibraltar as a big extended family. They do certainly help us all to feel much safer, unlike perhaps experiences we may have had or at least observed in police forces in other parts of the world. Our Police Force can honestly be classified as those gentlemen and ladies who carry out their duties in a firm but fair manner. They certainly help us all to have the feeling that you are innocent until proven guilty. I wanted to note that because I note in the second paragraph the Chief Minister raised in his motion that policing the town was removed from the military authorities – and if you have ever had any military experience, there is where you certainly feel that you are guilty until you are able to prove yourself innocent, until you explain to your commanding officer that you really are not the guilty party. v

Mr Speaker, there are many tasks that the Royal Gibraltar Police carry out in an everyday manner, and perhaps we have got a little bit too accustomed to them without having given them due credit. I think most families that are involved in simply doing the school run first thing in the morning, before we get on with our daily work by delivering our children safely into school, we are all grateful to the Royal Gibraltar Police for the manner in which so early in the morning they smile at our children, the manner in which they help our children alight from vehicles, cross the roads safely. The concerns that they carry out their duties with makes the policemen... at least in the eyes of young children, it makes them feel as though they were an extra uncle and so on in the family. So for that I wish to record my personal gratitude to all those who carry out those tasks that are not necessarily in the limelight.

Of course, as time and society progresses and so on, I think the range of duties for which the Police Force locally is called upon keeps on increasing, and in several functions one ends up meeting the present or even past Commissioner of Police and sometimes they tell you how they have to stretch their resources –

there are sporting events and inevitably the Police are there. It certainly makes me feel a lot safer when you sit amongst a few thousand spectators in a sporting event and you know the behaviour is generally good but the RGP is there and you can see them, not enjoying perhaps a football match in the manner that we spectators are but rather enjoying good behaviour from the spectators, which happens thanks to their duties.

Mr Speaker, I will also mention that the Royal Gibraltar Police is constantly striving to improve its standards and so on, and one personal experience I had with them was in my days as a member of staff of the Department of Education is when the then Commissioner decided to launch and take the RGP to get the accreditation of Investors in People. I think that was a very wise move: it allows further accountability, it allows the community to call them to task, to ensure that the standards are achieved and by all means maintained.

I simply wish to end up by saying I echo the words of everyone's gratitude towards all the past and present serving policemen. We have mentioned Commissioners and so on.

Mr Speaker, on a lighter note, there is even a great future ahead for the GSD, because a former Commissioner actually is now a member of our executive, (**Hon. D A Feetham:** Hear, hear.) so I hope he does as good a job as he did as Commissioner of Police. (*Banging on desks*)(*Interjection and laughter*)

Mr Speaker: I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am grateful for the indications of support from all hon. Members. I would simply make, in response, a few short points.

Even before Alan Castree there were a number of local Gibraltarian Commissioners of Police, of course, and it is important that we remember them also.

Many of us in this House are lawyers and we will have had experience of dealing with police officers whilst we have been representing the defence of clients and they have been representing prosecutions for the Crown, and I think very often we have been able to find that that relationship is not necessarily an acrimonious one or a difficult one – it can be a very professional, very positive and very enriching and fulfilling one.

The hon. Gentleman referred to Richard Ullger, whom I had the opportunity of seeing at Quantico in the United States and who was doing an excellent job there, not just taking the benefit of the training that he was doing at Quantico with the FBI but actually excelling in it and flying the Gibraltar flag in a fantastic way in the physical work he was doing and in the intellectual work that he was doing – as ever, a Gibraltarian outside of Gibraltar making Gibraltar very proud indeed. We do not realise the huge pool of talent that we have in this place until we measure it against those from outside. I know that Cathal Yeats, a school contemporary of mine, is there now and no doubt also excelling in that way.

I knew Mr Figueras's father well and he was a great police officer. I knew him as 'Selwyn's dad' and also from the courts, and always with a smile. He certainly had a stomach too, if I may say so in the fondest possible way!

Mr Speaker, sometimes when we go outside of Gibraltar we see other police forces, and you sometimes might ask yourself would you put yourself in their hands. When we are back in Gibraltar and we see our police officers here, they have that combination of being able to be the kindly hand that someone might need if they are in distress, or, if it is a child, that smile that the hon. Member has referred to which is welcoming, whilst at the same time being able to be the firm hand that we need in order to deal with hardnosed issues, like terrorism etc, which we have to face in the modern world.

Of course, any Commissioner that you might speak to would always tell you he wanted more resources. I think the present one is lucky to have more resources at his disposal than any Commissioner has ever had before, and they may just be an incremental thing and they may always be building but we have certainly made sure that they have the resources that they have told us that they need.

Mr Speaker, Mr Figueras is right: police officers are people who run towards things that normal people run away from. I want to end my contribution today, given that everybody who has spoken has referred to a relative who has been in the Police, by saying I had a brother-in-law too who was a senior police officer.

But by reflecting not just on all the police officers I have dealt with in the time that I have been a lawyer and the time that I have been in Government, in particular senior members, I also just want to end my last contribution here by thanking the members of Special Branch who look after my family.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Special Olympics Gibraltar –
Conferring of Freedom of the City of Gibraltar –
Motion carried unanimously**

1925 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘This House:

NOTES that the Special Olympics is a global organisation which was established in 1968 serving more than 4 million athletes with intellectual disabilities;

CONGRATULATES Special Olympics Gibraltar on this their 30th anniversary year;

WELCOMES the role that Special Olympics Gibraltar plays in the international organisation, representing Gibraltar in its own right;

CONSIDERS that Gibraltar should be rightly proud of the efforts of our special athletes over the years including at the World Games and Winter Games;

COMMENDS the contribution made by the committee members, coaches and volunteers who have worked with the organisation in the past and who continue to work with it in the present;

HEREBY DETERMINES that the Freedom of the City of Gibraltar be bestowed on Special Olympics Gibraltar.’

1930 Mr Speaker, I think it will be not necessary for me to even begin to have to persuade anyone of how worthy a recognition of the work of the Special Olympics organisation the bestowing of the Gibraltar Freedom of the City on them would be.

1935 A name that springs out of that organisation is of course the name of Annie Risso, and this House honoured Miss Risso last year with the award of one of the medallions in recognition of the work that she had specifically done. But, of course, no organisation is one person, and I think she in particular would say that the success of Special Olympics in Gibraltar for now three decades is not just down to her but all of those who rallied with her to make this a possibility.

1940 Everything needs a leader and she has led so ably, but this organisation is now big and it requires a lot of support. I know from our own ministerial officers that there are people in Government who give up a lot of their personal free time, as so many others who are in the private sector also do, to support the Special Olympics. And that does not just mean turning up and watching events; it means giving of their time every month of the year – in the wet months, in the cold months, as much as in the very hot months – to be there with the athletes, to train with them to get the best out of them, and people who have families at home who have perhaps no other connection with disabled people and who are just moved by their own conscience to act in a way which contributes to the success of this organisation.

1945 Mr Speaker, the Special Olympians from Gibraltar carry the torch of Gibraltar’s representation in special Olympic competitions, something that we have not yet been able to achieve for sports generally in Gibraltar, and they do us so proud.

1950 I was very happy that we were able to make arrangements and therefore meet another week in July so that the Minister for Social Services and Equality was able to attend Los Angeles last week, where the Special Olympics are being carried out in the Olympic Stadium there, and where the First Lady of the United States presided over the events.

1955 There is another connection between Gibraltar and the Special Olympics, Mr Speaker, that some people sometimes forget. The theme tune of the Special Olympics was written by a Gibraltarian, Albert Hammond, and it is one that you often hear. I think it is called ‘One Moment in Time’ and it is a theme that you often hear in all the Special Olympic events.

The Special Olympics, of course, is not just a Gibraltar thing; it is something created in the United States by the Kennedy family. And Gibraltar, recognising not just the efforts of individuals within this organisation, not just the athletes who we have such a high regard for and we recognise the efforts of, but to recognise the collective is something, Mr Speaker, that this House will want to do with gusto.

1960 Thank you. (*Banging on desks.*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. Jaime Netto.

Hon. J J Netto: Yes, Mr Speaker, certainly I do associate myself entirely with all the words that the Hon. the Chief Minister has just said, but also would like to make my own contribution to this very worthy motion itself.

In doing so, I would like to pay tribute to everyone. I think that the Chief Minister rightly said no one person is an organisation, which is quite right, despite the enormous amount of work that Annie Risso has done.

I would like to pay my contributions to everyone who has contributed toward the development of the Special Olympics. First of all, to highlight how proud the whole of Gibraltar is with regard to the achievements of the special athletes who have accomplished both personal and collective progress and served Gibraltar well whenever they have gone to represent us. Worthy of recognition too are all those committee members, coaches and volunteers who have, over the last 30 years, made these endeavours possible and whose work has been for the enjoyment of the sport without ever asking for anything in return.

One visible positive element in this work has been – and I have seen this personally from the contribution that my own three children have done over the years in voluntary work – is how the young people of Gibraltar put their names down year after year in volunteering to do a whole series of tasks which are behind the scenes, whether they are preparing breakfasts, lunches or a vast array of essential tasks that ensure that there is the smooth running of events and maintaining the high standards of service to visiting teams to Gibraltar. It also shows how over the generations there have been and continue to be young people involved in these noble causes.

Finally, Mr Speaker, in all of these endeavours we should not forget the important role of parents, and the Hon. the Chief Minister has made mention of that that they have played in the care and love they have displayed towards the children. Their tireless work day after day should also be mentioned for their humane and big-hearted contribution towards their children.

Thank you. *(Banging on desks)*

Mr Speaker: Any other hon. Member? The Hon. Samantha Sacramento.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I would be delighted to speak on this motion.

For the last three and a half years, in my capacity as Minister for Equality, I have been involved in the Special Olympics movement as much as possible and I have attended all of the ceremonies and other functions to which I have been invited.

I have developed a close relationship with those involved and consider many good friends. Mr Speaker, the Special Olympics is just that: it is truly special. It is a movement that was started in the States in the 1960s and within 10 years became a global success, and is now offering opportunities to over four million athletes from 177 countries. It started in Gibraltar in 1985, and this year has marked the 30th anniversary.

The aim of the Special Olympics is to improve and enhance the lives of individuals with intellectual disabilities through sports. It is about inclusion, it is about acceptance and it is about setting goals, and overall it is about celebrating the abilities and the talents of people with learning disabilities. It is a movement that believes that, by providing people with opportunities and possibilities, the athletes can achieve more than people thought possible. People with learning disabilities can be outstanding athletes and through sports they can realise their potential to grow, and not least in their confidence.

Last year, I was invited to the opening ceremony of the European Summer Games in Brussels. There, I had the opportunity to spend time with the athletes at their camp prior to the games; and this year, I joined them last week at the World Summer Games in Los Angeles and have spent as much time with as many of the athletes as possible through their various events. They represent Gibraltar well and they make us proud.

To have walked into the Coliseum in Los Angeles with Team Gibraltar at the opening ceremony on Saturday and sharing that positive feeling and that energy with them was a truly proud and wonderful experience for me, Mr Speaker. And since my return yesterday I have continued to be updated on their achievements at the Games by the committee and I am happy to report that they continue to do well, *(Banging on desks)* not only in receiving medals but – for many, more importantly – in achieving new personal best times.

Having spent time with the athletes over the years I have seen first-hand how they demonstrate that their discipline and hard work yields success, and above all the fun that they have through the enjoyment of the Games, and that is the greatest benefit. Many athletes have participated in the Special Olympics over the years and we should remember also the individuals no longer with us, as well as the athletes who have now retired.

Mr Speaker, as the Chief Minister rightly said, Special Olympics is not just about the athletes; it is also about the committee and the volunteers who make it possible. There is a tremendous amount of hard work that goes on behind the scenes, both at committee level and by the coaches and volunteers, to make sure that this is a success. I have had the benefit and opportunity to witness this first hand to see the commitment and the professionalism of the coaches and the unified athletes who volunteer their time to train and motivate the athletes to ensure the competition is a success and is also an enjoyable experience, above all.

At this juncture, Mr Speaker, the Chief Minister has mentioned it is important to give specific credit to Annie Risso, the Chair, because she deserves special recognition. She was instrumental in establishing the organisation and has dedicated the last 30 years to this and making it a success. Annie ensures that the Gibraltar movement ascribes to the principles of inclusion, acceptance and raising the awareness of the abilities of those with learning disabilities. Her passion for the Special Olympics has undoubtedly made a great deal of difference to the lives of many athletes and their families in Gibraltar. Speaking to her earlier on in the week, Mr Speaker, she described to me how the founder of the Special Olympics movement, Eunice Kennedy Shriver, was her mentor – and no doubt Annie herself is a great mentor to many others, as she has inspired so many people to join the movement and to help and to volunteer alongside her. I can say, having spent time with her at various functions during the course of this week, that she is very highly regarded and well respected in the higher echelons of the Special Olympics movement. Her dedication, her commitment and her achievements in the Special Olympics are not just recognised by us in Gibraltar, Mr Speaker; they were clearly recognised by the committee and internationally, and I have witnessed that this week.

Finally, Mr Speaker, as I proudly wear my Special Olympics pin, which was given to me by an athlete at the opening ceremony the other day, Special Olympics is important because it celebrates the abilities of people with learning disabilities and it is high time that this movement and everyone involved in it be given the recognition, and I support the Chief Minister's motion. *(Banging on desks)*

Mr Speaker: Is there any other contributor to the debate?

Hon. Chief Minister: I have nothing to add to that excellent contribution from the Minister for Social Services.

Mr Speaker: I now put the question in terms of the motion moved by the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? Carried.

**Gibraltar Medallion of Honour –
Bestowed upon Mr James Levy CBE QC; Mr George Bassadone OBE;
Mr John Bassadone OBE; Judge Felix Pizzarello CBE; Chief Justice, Anthony Dudley;
Mr Joe Garcia MBE; and the Hon. Juan Carlos Perez –
Motion carried unanimously**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House confers the Gibraltar Medallion of Honour on:

Mr James Levy CBE QC who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Mr George Bassadone OBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Mr John Bassadone OBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people

of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Judge Felix Pizzarello CBE (retired) who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the public service in various ranks of the judiciary;

Chief Justice, Anthony Dudley who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in various ranks of the judiciary and in marking his appointment as the first Gibraltarian Chief Justice;

Mr Joe Garcia MBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the fields of journalism and publishing; and to

The Hon Juan Carlos Perez who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Trade Union movement, politics, Her Majesty's Government of Gibraltar and the development of telecommunications.'

2060 Mr Speaker, each of those references sets out a little bit of what the reasoning behind the award of the Gibraltar Medallion of Honour on each of them is.

George Bassadone and John Bassadone, together with James Levy, need no introduction to any Member of this House, or indeed to any member of the community, and their economic contribution to the development of Gibraltar is well known and understood.

2065 The first, Mr Speaker, is the senior partner of Hassans, the law firm of which I was a partner until I became a serving Minister of the Crown, and I remain a partner on sabbatical; and other Members of this House will know him through their relationships either with Hassans or with the law. They will know that, even for other law firms, James Levy is often regarded as the best client they can have, because of the business he drums up for Gibraltar, which eventually trickles through not just to Hassans but to other law firms.

2070 George Bassadone has demonstrated that Gibraltar can be the base from which to do business with the rest of the world and is not simply a place where businesses do business with Gibraltar, but they can use this as a base for the rest of the world and that can create huge economic opportunities for Gibraltar's own population – and a company that might have employed a few individuals many years ago now is one of Gibraltar's largest employers. If you look at the organisations that James Levy and George Bassadone lead, 2075 Mr Speaker, both of them are now probably larger than Barclays used to be, back in the day when Barclays was the biggest employer in the private sector. Of course, there are others now in the online gaming industry that might be bigger still, but these are two Gibraltarian enterprises that have grown hugely under their stewardship.

2080 John Bassadone's business now spans the globe, Mr Speaker, and is a business that patented a particular method of doing work to the hull of ships that was born in Gibraltar and that he spent time selling around the world and establishing around the world. Another success story that we should be proud of.

2085 Judge Felix Pizzarello is an unassuming man that all of us know well and who I think is well loved in this community. He came into the international spotlight at the time of the IRA inquest and, as he had been doing quietly in Gibraltar, he demonstrated to the world that the calibre of our judiciary is right up there with all of the rest in the Commonwealth.

2090 If we needed a demonstration of that any further, in the same way that we have talked proudly of Gibraltarian Commissioners now leading the Police Force we can talk proudly of a Gibraltarian lawyer turned judge now leading the judiciary in Gibraltar; namely Anthony Dudley, who became the first Gibraltarian Chief Justice and is worthy of recognition by this House in that way. He takes our oaths, Mr Speaker, and it is justly right that we should recognise the role that he is taking.

2095 Mr Speaker, Joe Garcia MBE is well known, probably now the doyen of journalists in Gibraltar. He has been involved in newspapers in Gibraltar all of his life. He has written books and he has published books of others, and, he is, of course – before he needs to get up and declare the interest – he is also, incidentally, the father of the Deputy Chief Minister. But I should declare an interest too, because together with the Deputy Leader of the Opposition and the Deputy Chief Minister, he was my first party leader in the Gibraltar National Party. He is a man who has always been well known for his commitment to Gibraltar and his clear

thinking. Whether you like it or not, Joe Garcia will dish it out every morning for anybody who is willing to read his opinion. And his opinion has not been just one published in Gibraltar, but for many years he has been the correspondent of some of the biggest newspapers in the world that carried his byline from Gibraltar around the world, including newspapers like the *Observer*, and even Spanish newspapers like *El País*.

Finally, Mr Speaker, the Hon. Juan Carlos Perez is, or was until recently, the Chairman of the GSLP and I must declare that, but he has also been a distinguished Minister, he has been a distinguished trade unionist and he was one of the people most instrumental in the development of telecommunications in Gibraltar, as he was the Minister in charge of bringing a partnership between Nynex and the Government of Gibraltar to fruition in Gibraltar Nynex Communications, one of the most important developments of the GSLP Government between 1988 and 1996. Mr Perez may be somebody who has been partisan in his approach to politics, as he should have been, but even the hon. the backbencher used to refer to him in my first years here, when Mr Perez was no longer here – I never had the pleasure of serving with him; I relayed with him on these benches... But he used to say that Juan Carlos Perez was, although not in his party, in parliamentary terms much missed as he was very much a true parliamentarian. Mr Speaker, the work that Juan Carlos has done for trade unionism... and there are many who have worked for trade unionism, but Juan Carlos in particular, who joined the trade union movement at 15 and became a stalwart member of it for the years that he was politically active, and the work that he did as a Minister in eight years and in the 20-plus years that he was a Member of this House, I think is on that nobody will say is not worthy of recognition by the award of this Medallion of Honour. He is not the only one who is worthy of that recognition, but he certainly is one who is worthy of such recognition.

Mr Speaker, these are all distinguished Gibraltarians who deserve recognition by this House. Some of them have already been honoured by Her Majesty in state honours, but I know that for them the recognition by this Parliament will be as important as the recognition by Her Majesty; and for those who have not so been recognised, this honour will be even more important perhaps.

I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

Does any hon. Member wish to contribute? The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, I cannot usefully add to what the Hon. the Chief Minister has said in relation to each one of these individuals; indeed, cannot usefully add to the description in the narrative in relation to each one.

Joe Garcia MBE is somebody who – despite the fact that I do not think he has ever had a good word to say about me, and perhaps about many of the people on this side of the House – because of his service to journalism, I suggested that the Hon. the Chief Minister should have included last year, and therefore I am glad that he has included him this year.

Juan Carlos Perez... well, if there is somebody who perhaps there is an element of political partisanship in relation to, it might be him, but again the Opposition is not going to be voting against somebody who is being proposed by the Government. And yes, Juan Carlos Perez has been somebody who has contributed – along with many others, but certainly he is one of them – in relation to the trade union movement here in Gibraltar, and indeed he has also had a distinguished parliamentary career over the 20 years that he was a Member of Parliament. Despite the fact that he has much castigated Members of this House – in particular, the current Leader of the Opposition – as the editor of *The New People*, we are also going to be supporting his award along with all the others.

I really cannot, Mr Speaker, usefully add anything to what the Chief Minister has said, other than to indicate that we are going to be supporting this motion.

Mr Speaker: Does any other hon. Member wish to contribute?

I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Member for that indication of support and I would thank him for his final words in relation to Juan Carlos Perez and the castigation he has brought upon them, because that is just another reason for us wanting to support the granting of this honour. (*Interjections*)

Mr Speaker: I now put the question in the terms of the motion moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Gibraltar Medallion of Distinction –

**Bestowed upon Mr Joe Schembri; Lt Col (Retd) Mark Randall; Monsignor Mark Miles;
Mr James Felices; Mr Humbert Hernandez; Mr Alfred Cortes; Mr Henry Pinna;
Mr Tommy Finlayson; Mr Joe Gingell; Mr Joaquim Bensusan MBE; Mr George Palao BEM;
Mr William Serfaty; Mr Joey Gabay (deceased); Mr Joseph ‘Pepe’ Romero; Mr Mario Arroyo;
Mr Robert Balban BEM; Mr Leslie Zammit MBE (deceased); Mrs Jenny Montegriffo;
Mr Henry Sacramento GA; Mrs Mariola Summerfield MBE; Miss Carmen Gomez;
Mr Brian Callaghan OBE; Mr Ernest Francis (Sr); Mr James Bossino; Miss Georgina Cassar;
Mr Chris Walker; Mr Arturo Taylor; Mr Joe Santos GA; Mr Anthony Avellano;
Mr John Shepherd Snr; Mr A B Massias; Mr Louis Peralta; Mr Lucio Randall;
Mr Charlie Fortunato; Mr James Ferro MBE; Mr Robert Goldwin MBE;
Mr Douglas Harrison GA; Mr Salvador Perez; Dr Rene Beguelin; Mr Olivier Wasnaire;
and Mr Solomon Levy MBE ED JP FRICS –
Motion carried unanimously**

Clerk: The Hon. the Chief Minister.

2160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘This House resolves to bestow the Gibraltar Medallion of Distinction upon the various individuals named hereunder for the respective following achievements, namely:

Mr Joe Schembri, for service to the sporting community in particular the Commonwealth Games Association in Gibraltar;

Lt Col (Retd) Mark Randall, for his service to the Royal Gibraltar Regiment and in particular his contribution to the Royal Gibraltar Regiment Benevolent Fund and other charities;

Monsignor Mark Miles for the international promotion of Gibraltar through outstanding professional achievement in his service to His Holiness the Pope, Pope Francis;

Mr James Felices for services to the youth and in particular the Cheshire Homes in Morocco;

Mr Humbert Hernandez for the successful abolition of conscription and the establishment of the Action Group for the Abolition of Conscription as well as the recording of that period in the history of Gibraltar in his book on the subject, Conscript or Convict;

Mr Alfred Cortes for the successful abolition of conscription and the establishment of the Action Group for the Abolition of Conscription;

Mr Henry Pinna for the promotion of the rights of those seeking housing through Action for Housing;

Mr Tommy Finlayson MBE for services in the recording of the history of Gibraltar;

Mr Joe Gingell for the recording of the history of the evacuation of Gibraltar and to local charities;

Mr Joaquim Bensusan MBE, for services to the Gibraltar Museum;

Mr George Palao BEM (deceased) for services to the recording of the history of Gibraltar;

Mr William Serfaty for the promotion of the right to self-determination of the People of Gibraltar;

Mr Joey Gabay (deceased) sadly at a very young age, for services in activism in defence of the rights of the political rights of the People of Gibraltar;

Mr Joseph ‘Pepe’ Romero, as he is known, for services to education as the first Gibraltarian headmaster of Bayside School;

Mr Mario Arroyo for services to education and the arts;

Mr Robert Balban BEM for services to the youth of Gibraltar and to local charities;

Mr Leslie Zammit MBE (deceased) for services to education and the performing arts;

Mrs Jenny Montegriffo for services to education, latterly as Headmistress (now retired) of St Paul's School;

Mr Henry Sacramento GA for services to the community, in particular community policing, and the arts;

Mrs Mariola Summerfield MBE for creating awareness of women's issues;

Miss Carmen Gomez for outstanding achievements in the performing arts;

Mr Brian Callaghan OBE for services to tourism in the hotel industry;

Mr Ernest Francis (Sr) for services to tourism in the hotel industry;

Mr James Bossino for services to tourism in the hotel industry;

Miss Georgina Cassar for outstanding representation of Gibraltar in sport, namely in Rhythmic Gymnastics, as part of the United Kingdom Olympic Team in 2012;

Mr Chris Walker for services to Sport, in particular the Triathlon, and the outstanding representation of Gibraltar in international competitions including becoming World Champion in this sport;

Mr Arturo Taylor for services to sport, in particular shooting;

Mr Joe Santos GA for services to sport, in particular swimming and the coaching thereof;

Mr Anthony Avellano for services to sports journalism;

Mr John Shephard Snr for services to sports journalism;

Mr A B Massias for his contribution to the economy of Gibraltar through property development;

Mr Louis Peralta for his contribution to the economy of Gibraltar through property development;

Mr Lucio Randall for his contribution to the development of telecommunications as managing director of Gibtel;

Mr Charlie Fortunato for his contribution to the development of telecommunications as managing director of Gibraltar Nynex Communications;

Mr James Ferro MBE for his services to the development of the Port in Gibraltar and the welfare of seamen;

Mr Robert Goldwin MBE for services to the Community in his role in the Public Services Commission;

Mr Douglas Harrison GA for his services to patients with kidney problems;

Mr Salvador Perez for services to the Royal Gibraltar Regiment Association as its Chairman;

Dr Rene Beguelin for services to medicine and charities;

Mr Olivier Wasnaire for services to Gibraltar in the establishment and maintenance of a presence in Brussels; and finally, Mr Speaker to

Mr Solomon or Momy Levy MBE ED JP FRICS for services to Gibraltar in the promotion of intercommunity understanding amongst different religions and cultures.'

Mr Speaker, each of these carries a few words about why it is that the Government believes that these individuals should be set out for distinction. I do not intend to go through any of these; I think most of them are well known to everybody in this community. They are names that we have grown up with, they are names that have graced our newspapers, that we are aware of the work of, they are people who are always there.

There is one I should highlight, Mr Speaker, and that is Mr Olivier Wasnaire, the penultimate recipient. Mr Olivier Wasnaire has been manning the Gibraltar office in Brussels in its many different incarnations for now almost 20 years. For many of those 20 years, that has been a very lonely experience – it has sometimes been a one-man office – but the work he has done, even when alone and just supporting Michael Llamas, has been of great importance to Gibraltar. It was often Olivier who would be spotting things and sending them to Michael for his analysis. He actually is the person who found the property that we finally bought in Brussels and which has now become our home in the European capital. Just for that find, Mr Speaker, it is right that he should be recognised, because that was an excellent buy – as excellent as the previous administration's purchase of property in London. I believe we have done as good a deal in Brussels in respect of the acquisition of property and Olivier was responsible for that and continues now to be the manager of the office there. Mr Speaker, there are many great public servants who serve Gibraltar in Gibraltar and abroad, and that is not a good reason for them to receive a medallion because there are so many of them, but Olivier has distinguished himself in keeping the flame flying and being available day or night to this Government, and I am sure to the previous and to Michael Llamas constantly in that time. He is not a person we would otherwise know of, and that is why I am saying something about him.

But the others, Mr Speaker, I think they are well known for their service to the community and for what they have done.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

Does any hon. Member wish to speak on the motion? The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, the Opposition will also be supporting this motion.

I am glad that the Hon. the Chief Minister at least listens to me on some occasions. He would like to think that he does not, but he listens to me on some occasions because last year I said that he ought to consider giving the Medallion of Distinction to Robert Balban, to Rene Beguelin, Willie Serfaty and Leslie Zammit, and I am absolutely delighted that the Hon. the Chief Minister has included all four individuals in the motion this year.

Mr Speaker, I do not want to say very much over and above what the Hon. the Chief Minister has said, and indeed the citation in relation to each of these individuals, but there is somebody I do want to refer to in particular, and that is my dear and much missed friend, Joey Gabay, who was in school with me, in my class throughout middle school, and also throughout comprehensive school was a *very, very* close friend of mine. He was one of these exceptional individuals who, even faced with enormous adversity when he was diagnosed with a sarcoma, with cancer, which he knew there were very little prospects of surviving that cancer, remained absolutely optimistic to the very end and always thinking, Mr Speaker, that he was going to beat the disease.

Mr Speaker, when I had a personal incident in 2010 where I nearly lost my life, he was somebody that gave me particular encouragement, and it was his example, in the way that he dealt with his own adversity in relation to his own disease and the three operations that he had, which were operations similar to mine, indeed identical to mine, from here to here, where they took out his cancer... It was his optimism, his enthusiasm for life, his perspective on life that contributed to my making a decision of continuing in politics after 2010, because I believed that if he could have that enthusiasm, if he could think that he could overcome that adversity that he was facing in his own personal life, I could easily face my own lesser adversity. I am absolutely delighted, Mr Speaker, and I am sure that his family is also delighted, particularly his mother, his wife and his children, that he has been recognised in the manner that he has been recognised.

Mr Speaker: I received a note this morning from the Hon. Damon Bossino. I ask the Leader of the Opposition... I think it is proper for him to read it out.

Hon. D A Feetham: Mr Speaker, I apologise, it is just that speaking about Joey Gabay is not easy, and I forgot to mention Mr Bossino.

As I mentioned during the course of my earlier interventions, Mr Bossino is away on holiday during these few days. He has asked that a few words be said on his behalf in relation to, in particular, his father and a couple of other individuals, because his father is also being honoured in this particular award.

He says this, which I am going to just read out to the House:

‘Those who were of the generation such as yours, who were at the pinnacle of their professions during the 1970s, are rightfully recognised and acknowledged by this award.’

– and by ‘yours’, Mr Speaker, he is referring, obviously, to your generation –

‘Those years, as you well know, were extremely difficult. Gibraltar was a subject of a physical Berlin Wall style blockade, which had its effects not only on human relations with Spain, but in a significant way on our economy. Businesses went under and others barely survived.

Tourism was one of those sectors of the economy which, despite the odds, survived to live to see another day. The hotel industry in particular is an aspect of the tourist offering which made it through the long siege as a result in large measure of the untiring hard work and imagination of my father and those like him, as in the case of my good friend Mr Ernest Francis, and Mr Brian Callaghan. I understand that both these individuals are also being honoured. My father, as with the other two gentlemen, should also be recognised for their longevity in what is a very difficult profession. You are expected to work very long hours and unsociable hours on many occasions for little remuneration and even less gratitude. It is ultimately a labour of love and a vocation, very similar to politics, I suppose.

I would be grateful if this short note could be read on my behalf in gratitude from an MP and the son of Mr James Bossino for all his hard work, which is at long last being duly acknowledged.’

Mr Speaker, I want to associate myself entirely with the words of my Deputy Leader.

2225 **Mr Speaker:** Any other hon. Member? Yes, the Hon. Mr Edwin Reyes.

Hon. E J Reyes: Without wishing to determine... I think we can go through the motion in a unanimous manner, but perhaps the Chief Minister would like to instruct someone to check up a particular detail.

2230 The citation provided in the note in reference to Miss Georgina Cassar: my understanding is that she formed part of Team GB. That is, I believe it is Great Britain who are a member of the International Olympic Organisation rather than the United Kingdom as such.

I am sure Dr Garcia, who shares my interest in history, would like to ensure that we get this right before we complete the final roll that is held for the records and so on, before it gets to that stage. There is no need to delay the motion at all, but let’s just check the accuracy of the information that Georgina Cassar formed part of Team GB and not part of Team UK.

2235

Mr Speaker: Any other contributor? The Hon. Jaime Netto.

Hon. J J Netto: Yes, thank you, Mr Speaker.

2240 I rise not to really detract or add anything to what the Hon. the Chief Minister has said, because I wholeheartedly agree with what he has stated in his motion.

The one thing that I would ask the Chief Minister to consider, and indeed the Government to consider perhaps for next year, is a particular person whose work has been going on probably since he was 10 or 11, and he is now 56 years of age.

2245

Hon. Chief Minister: Would the hon. Member give way? I am grateful to the hon. Member.

Mr Speaker, can I ask the hon. Member to tell me that outside? Definitely anybody hon. Members put to us as worthy we will absolutely consider for inclusion next year, but this motion is about these people. Can I just ask him to have the conversation but not across the floor of the House and not in respect of the motion.

2250

That is up to him. He has given way, so I will sit down.

Hon. J J Netto: Yes, Mr Speaker, I am quite glad to do that.

2255 **Mr Speaker:** Mr Selwyn Figueras.

Hon. S M Figueras: Yes, Mr Speaker, just very briefly to associate myself with the motion put before us by the Hon. the Chief Minister and merely to just record a couple of comments and a couple of observations, in particular in relation to Monsignor Mark Miles, who has made us all very proud with the pictures he has had taken with Barack Obama over the last year, I believe it is.

2260

Also, for the sake of accuracy, ‘Mr’ Leslie Zammit should, if I recall correctly, be ‘Dr’ Leslie Zammit.

And finally, in relation to my friend, Mr Chris Walker – the phenomenally successful triathlete, who never gives up and it seems as if time is standing still – I just wish the Chief Minister the best of luck catching him to pin the medallion on him!

2265

Mr Speaker: Any contributor from the Government benches? The Hon. Mr Albert Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, very briefly, I think it is a sad reflection of one's age when you get a list of people receiving Medals of Distinction and you happen to know so many of them, as I currently know at this time and I am sure many of my colleagues also do.

I would just like to briefly mention a very dear friend, Mr Callaghan, who... I have lived through his sweat and toil in trying to make ends meet during the tough years in the hotel industry and continues to do so, perhaps nowadays with very much more success.

Also, Monsignor Mark Miles, who I have visited on a number of occasions in Rome and been delighted at the wonderful representation of Gibraltar through him in all of the different times that he has appeared, and continues to appear on a very regular basis, with international statesmen throughout the world. And when he is always asked 'Where are you from?' because of his bilingualism, he is always very proud to say Gibraltar.

I would like to particularly mention those two, as well as congratulate each of the others, many of whom are very well known to me, Mr Speaker, and very deserving of this award.

Mr Speaker: In that case, I will call upon the mover to reply.

Hon. Chief Minister: Mr Speaker, thank you very much.

If I can just start at the end, Mr Isola was talking about being there with Mr Callaghan in the tough times when he was sweating blood and tears, as Mr Bossino put it, in respect of the hotel industry. He should have sent him less bills and then he might have sweated less! *(Laughter)* All of these people are being rightly recognised, Mr Speaker, each of them in their different ways.

I am at least happy that Mr Figueras is proud of *someone* having their picture taken with Obama, *(Laughter)* and see that they apply different standards. Well, look Mr Speaker, Monsignor Miles, as a member of the clergy deserves all of our respect and none of our partisan interventions.

Mr Speaker, I was moved by the Hon. the Leader of the Opposition's words about Joey Gabay. I knew Joey Gabay; not as well as he – I was in the self-determination group with him. He was always a determined individual. Whenever there were any ideas in that group he was one of those who would always grab them and want to run with them. We lost him at a young age and it is a pity that we did.

Mr Speaker, can I invite the House to adopt the two amendments proposed, not as amendments but references made – in respect of 'United Kingdom' for 'GB' in relation to Georgina Cassar and the replacement of 'Mr' with 'Dr' in relation to Leslie Zammit – as being changes that we apply under a slip rule, rather than formal amendments having to be moved.

And can I just remind Mr Figueras that triathletes – like him, me and Mr Walker – need to stick together, and no doubt we will be together for the awarding of the medal.

Mr Speaker: Before I put the question, may I be allowed, in associating myself with hon. Members, to say that here we have an example of how hon. Members can rise above petty party politics. Really, some of the contributions that have come from the... have been *very, very* moving indeed. I think it speaks highly of what we can achieve, when of course the opportunity does arise.

I am very pleased to put the question to the House in the terms of the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? Carried.

BILLS

FIRST AND SECOND READING

Proceeds of Crime Bill 2015 – First Reading approved

Clerk: Bills for First and Second Reading.

A Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes.

The Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to provide for money laundering and other

offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime Act 2015.

Proceeds of Crime Bill 2015 – Second Reading approved

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Proceeds of Crime Bill 2015 be read a second time.

This arises from a commitment I made to this House to consider the introduction of legislation to enable the seizure and confiscation of assets arising from criminal conduct even where no criminal proceedings are brought against anyone, similar to the regime that already exists in the United Kingdom. As I will explain during the course of the speech, this Bill provides precisely for such a regime and indeed for much more.

The Bill, Mr Speaker, in fact does three things: firstly, it consolidates the existing legislation on the recovery of assets by means of a confiscation order following conviction; secondly, it removes the discrepancy that currently exists with different regimes applicable, depending on whether the offence is a drug-trafficking offence or any other type of offence; and thirdly, it introduces a new regime for the civil recovery of criminally obtained assets, even in the absence of a criminal conviction.

Mr Speaker, part I of the Bill incorporates the substance of parts I to III of the Crime (Money Laundering and Proceeds) Act 2007, but – and this is crucial – it redefines criminal conduct such that the money laundering regime found in sections 2 to 5A of that Act would now apply to all indictable offences, including drug-trafficking offences. This means that there will now be one money laundering offence and a series of indictable proceeds generating predicate offences. This in turn will obviate the need for prosecutors to prove the predicate offence between a criminal offence and a drug-trafficking offence.

Like the criminal prohibition on money laundering, our domestic confiscation regime is split between drugs-related and non-drugs-related schemes. The provisions for drug-related confiscations are very broad and include reversals of the burden of proof, the ability to enforce external confiscation orders and the ability to seize cash suspected of being the proceeds of drug trafficking. In contrast, in cases involving other criminal proceeds the legislation provides for more limited powers.

This split causes practical difficulties. For example, after a conviction on a non-drug-related proceeds-generating crime the prosecution, not the defendant, bears the burden of proving that the defendant's property is derived of illicit proceeds. An additional difference between the two confiscation regimes is that under the Drug Trafficking Offences Act provision is made for a court to make a confiscation order in relation to an offence under it without the need for a prosecutor to apply for one and without a maximum sum of £10,000, below which a confiscation order cannot be made; while, in contrast, the Crime (Money Laundering and Proceeds) Act has no equivalent provisions. Yet another difference is the existence of extensive housekeeping and safeguard provisions in part II of the Drug Trafficking Offences Act, dealing with, for example, interest on unpaid sums under confiscation and reassessment of whether a defendant has benefitted from criminal conduct. Mr Speaker, part IV of this Bill removes this split regime and these inconsistencies by adopting a single consolidated regime, and it is in fact the one currently found in the Drug Trafficking Offences Act *mutatis mutandis* for all offences.

Part V introduces precisely the regime for the confiscation of assets arising from criminal conduct, even where no criminal proceedings are brought against anyone. This is a completely novel regime in Gibraltar. This part provides for a broad recovery order based on the civil balance of probability standard of the burden of proof to enable the recovery of property which is or represents property obtained through unlawful conduct, regardless of whether it is proved that an individual has committed a crime. If the

existence of recoverable property is proven, the court must make an order vesting the property in a trustee for civil recovery.

I should emphasise, Mr Speaker, that ‘unlawful conduct’ in the Bill means crime wherever it is committed; that is, if it is unlawful under Gibraltar criminal law or if it occurs in another country, it is contrary to the criminal law of that country and would be contrary to the criminal law here. In effect, the civil recovery proceedings introduced by this part are *in rem* proceedings directed at the property itself in question and not the criminality of any particular individual.

Part VI, Mr Speaker, deals with investigations and is a necessary complement to part V as well as being more useful, or useful more broadly, in that it provides a specific regime for the application of orders and warrants for civil recovery investigations and also for detained cash investigations, confiscation investigations and money-laundering investigations. These complement existing powers in other enactments such as the Criminal Procedure and Evidence Act 2011.

Moreover, this part also provides for a revamped and comprehensive system of customer information orders and account monitoring orders, the latter of which will now have a maximum 90-day period, before the expiry of which a new order must be sought if a longer period of monitoring is considered necessary. This regime will provide more certainty to both the Police and to financial institutions as to the responsibilities for each.

Finally in this part, cash above a minimum specified amount – which is not actually specified but the amount can be specified by order; it is £1,000 in the UK – will now be able to be seized by police or customs officers where there are reasonable grounds for suspecting that it is recoverable property, or it is intended by any person for use in unlawful conduct.

Parts VII and VIII deal with miscellaneous matters, such as the power to make subordinate legislation; repeals, such as the repeal of the Crime (Money Laundering and Proceeds) Act 2007; transitional provisions and similar miscellaneous provisions.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Selwyn Figueras.

Hon. S M Figueras: Mr Speaker, yes, I am grateful for the opportunity to speak briefly on the principles of the Bill.

I have had the opportunity of speaking about this and a few details in relation to the Bill that have resulted in some amendments being proposed by the Hon. Minister, and in relation to the points that I had raised that have not been taken on board by way of amendment I am satisfied that the issues have been dealt with in any event and therefore do not represent any difficulty for this side of the House, which will be supporting the Bill. It is a Bill that I think has been on the agenda on both sides of the House for a long time and it is a positive step that it is now before us and that it will soon, momentarily even, become law.

I am grateful to the Hon. Minister for having brought the Bill. It is something that I alluded to in my 2013 Budget address and it is gratifying to see that it is here. I am not pretending, by saying that, that it is down to that that we are where we are today, but I would like to think that certainly, by raising the issue, minds were focused and it has been concluded during the course of this parliamentary term.

To go through the principles would be to regurgitate most if not all of what the Hon. Minister has said, and I do not propose to waste this Parliament’s time with that, so without more... I look forward to the vote and to supporting the Bill.

Mr Speaker: Does any other hon. Member wish to speak on the Bill?

Does the hon. mover wish to reply?

Hon. G H Licudi: Mr Speaker, I am grateful for the contribution of the hon. officer (*Laughter*) – sorry, the hon. Member opposite; I was just thinking of the Police here – and recognition that this is a positive step. It is, in fact, just one more tool in the armoury of our law enforcement officers in the relentless fight against crime, and not just the fight against crime but in all efforts which are made to recover the proceeds of criminal conduct, whether or not there has been a criminal conviction.

I say that this is a tool which is necessary and which they ought to have, but I should also say that this is not something that is likely to be used on a very regular basis – but it is important that the law enforcement officers have this particular tool. Simply going on the information available as to the way these regimes work in the UK, if I can just give the hon. Members just some figures to look at the sort of scale that we are looking at in terms of the use of the tool, in the whole of the UK, under the National Crime Agency Report and Accounts for 2014 and 2015, there were 147 confiscation orders made where there was a criminal conviction and only 13 civil recovery orders. In Gibraltar in the last two years, as the hon. Member knows

and as I have stated for a number of years, we have had a regime for the confiscation of the criminal proceeds of crime where there has been a conviction. We have had a regime under the Drug Trafficking Offences Act and under the separate Act. Over the last two years, there have been two cases in which there has been a conviction and recovery of proceeds of crime. The experience in the UK is that civil recovery orders are few and far between and happened, in fact, in that last year in less than one-tenth of the proportion in which confiscation orders were made following a criminal conviction. So we do not expect that there are going to be many of these investigations, orders made, but it is important, as I have said, because it is something that I know the hon. Members had worked on before the last election and it is a commitment that we made. It is important that they have this in their armoury.

Mr Speaker, just to end, I did write to you on 24th July. This followed an initial letter with several amendments; the amendments relate essentially to typographical or very minor drafting errors. And then, following a conversation with the hon. Member opposite, he sent me a list of some further amendments. Curiously, the amendments... apart from some difference in wording, the typographical errors and amendments that the hon. Member sent to me had not been picked up because they were contained in the original Acts, the ones that we are simply consolidating into this, so they were transposed into this consolidated Act and those typographical errors were not picked up. But such was the meticulous analysis of the 200 pages of the Bill that the hon. Member was able to pick up those errors when we were not able to do so. So I have sent a consolidated list and there is, in fact, one more addition that we have picked up after that correspondence, and I will be moving these amendments at Committee.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime Act 2015.

Proceeds of Crime Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Supreme Court (Transitional Provision) Bill 2015 – First Reading approved

Mr Speaker: The next Bill on the Agenda is the Supreme Court (Transitional Provision) Act 2015, and in respect of this Bill I have received today a letter from the Chief Minister:

‘Pursuant to section 35(3) of the Constitution of Gibraltar, I hereby certify that consideration of the Supreme Court (Transitional Provision) Act 2015 is too urgent to permit the expiry of six weeks after the date on which the Bill was published before proceeding with the same.’

I call upon the Hon. the Chief Minister to read the Bill for the first time.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is a Bill being taken by the Minister for Justice. I did the certification, which is my contribution to the Bill. On the certification, I understand that that has been a matter agreed, as is the practice upon such certifications.

Mr Speaker: The Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act be read a first time.

Mr Speaker: I now propose the question, which is that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supreme Court (Transitional Provision) Act 2015.

**Supreme Court (Transitional Provision) Bill 2015 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, this is a very short Bill simply to correct. [*Interjection by Mr Speaker: No. I have the honour to move that the Bill be now read a second time.*]

Sorry, I have the honour to move that the Bill be now read a second time.

This is, in fact, a very short Bill to correct what was essentially a drafting oversight. Hon. Members will recall that in the last session I introduced amendments to the Supreme Court Act, dealing with the new training requirements for barristers and solicitors. It was subsequently brought to my attention that in a joint press release, dated 30th March 2015, between the Government and the Bar Council we had said this:

‘The new requirements will apply to any barrister or solicitor wishing to enrol as a barrister or solicitor of the Supreme Court at any time after 1 July 2015 except where a solicitor has already been undergoing training in Gibraltar for at least a year on that date.’

The oversight in respect of the amendments made previously was that it did not take into account that exception, so what we did was we passed a Bill, which has now been enacted and now has the force of law and which applies as from 1st July to everyone that it is supposed to apply to; but there is an exception, a category of people that it should not apply to and it is currently applying to. Therefore, we have people who are already undergoing training, and I understand someone is about to finish the two years of training in Gibraltar, having done those two years of training, and that person, under the Act as it currently stands, would have to comply with the new training requirements, including another year of training. That is why we made this particular provision and this exception was provided for and agreed with the Bar Council.

The reason for the urgency is that, because we have an Act which already applies to individuals, it is important to correct that drafting oversight so that, as from 1st July, that exception, which was always intended, should be a matter of law, and therefore this simply corrects that.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Selwyn Figueras.

Hon. S M Figueras: Yes, Mr Speaker, just to confirm that I have discussed this matter with the Hon. Minister. It is not a matter that causes us any difficulty whatsoever. It is entirely sensible in the circumstances and it is a Bill that we will be supporting.

Hon. D A Feetham: Mr Speaker, may I?

Mr Speaker: Yes, the Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, just to say that, as somebody who has been trained in England and Wales. I did my pupillage there for a year, it always seemed to me to be quite odd that we, here in Gibraltar, had a situation – without meaning to offend anybody and the *many, many* lawyers that have effectively gone through the legal system here in Gibraltar, many of which have been extremely distinguished in their own right... that it was very odd that one could just simply finish the bar exams in the United Kingdom and just come to Gibraltar and then appear in a court with absolutely no on-the-job training at all. I have always thought that was one of the major failings of the legal system here in Gibraltar, because one of the things that I found most invaluable in my own career as a lawyer was actually that year’s pupillage that I had in the United Kingdom – six months in Temple and six months in Gray’s Inn – where

all I did was just simply follow a senior barrister around and see exactly how he did things: his approach in court, helping him with his papers, helping him with his cases and effectively learning the trade.

2540 I know that this is a continuation of what was debated in relation to I think it was the University last month, but anything that involves providing proper groundwork and proper training for our lawyers I think merits the support of this Parliament and indeed of the legal profession generally.

2545 **Hon. G H Licudi:** Mr Speaker, the hon. Member opposite, the Leader of the Opposition, is absolutely right. It was an anomaly that has existed for many years. The hon. Member is also right to recognise that there are some members of the legal profession, not least the person to his left, that has not had the benefit of that training, and a number of Members on this side of the House who, despite not having had the benefit of that training, we do not appear to have done too badly in terms of our professional careers.

2550 But certainly, certainly I recall the issues and the difficulties at the very early stages of my career, where almost straight away – I seem to recall within one or two months – I obtained a brief to appear in the Supreme Court on the trial of a case involving importation of 300 kg of drugs, and it was a massive case which went on for three years.

2555 **Chief Minister (Hon. F R Picardo):** There's still good time!

Hon. G H Licudi: Yes! (*Laughter*) In fact, at the end of that case all the defendants were actually discharged. (*Laughter and banging on desks*)

2560 That was the sort of training that I had, actual on-the-job training, but without the sort of guidance that the hon. Member has referred to. We have not had that on-the-job training, being mentored, necessarily, even though my understanding now is that most firms do put in place appropriate training schemes for their young lawyers and do require an element of mentoring and do require an element of that on-the-job training.

2565 But it is not just a question of the on-the-job training that is important. It is the specific training in Gibraltar law that is being put in place and that is also important, because barristers and solicitors will return to Gibraltar after doing their training in the UK, certainly well versed in and qualified in English law, and although there are huge similarities there are also many significant differences. There are some areas of our law which are based entirely on statutes which are quite different from that which applies in the UK and our procedures are often very different.

2570 I am happy to give way to the hon. Member –

Hon. D A Feetham: Yes, Mr Speaker, and I apologise for my intervention at this very late stage, but it is something that interests me at a personal and professional level, and indeed having been Minister for Justice and having envisaged something similar, and of course because of the concerns it is something that is of interest to me.

2575 Does the Hon. the Minister for Justice also envisage as well, and can I commend to him, that as part of the courses that perhaps might be offered by the Gibraltar University as well we also have continuous assessment, continuous professional training of lawyers? Because it is not only the pupillage at the front end, but it is also... Every year in England and Wales – not the United Kingdom, because the legal system in Scotland is separate, but in England and Wales – lawyers are required to do 12 points. I know that him and I are probably the two... I do not know of anybody else who has also got a practice certificate in England and Wales. I appear in the Royal Courts of Justice in a case that he was involved in, that he passed to me when he left Hassans, and of course that requires me, for the purposes of appearing in England as a barrister – which I still do – to undertake continuous professional assessment in the United Kingdom, and I think it is something that we ought to consider here in Gibraltar. Indeed, it would allow more people to hold dual practice certificates, not only here in Gibraltar but also in the United Kingdom, because once we deal with the pupillage situation and also the continuous professional assessment training situation, then of course lawyers in Gibraltar could, as employed barristers, as I do from Hassans, also practise and appear in the Royal Courts of Justice. I think that is something that adds to the string in the bow and in the armament of lawyers here in Gibraltar.

2590 **Hon. G H Licudi:** Mr Speaker, we are having a good afternoon! I also agree with him on this particular point: CPD is important. It is important for all professionals and not least for lawyers. The hon. Member is right in drawing attention to the work that he is doing by appearing in English courts, as I did when I was in practice in Hassans, and certainly having to undergo that professional development and that continuous professional development and those minimum number of hours that have to be done do turn out to be very, very useful indeed.

2595 I can tell the hon. Member that shortly after the new President or the Chairman of the Bar Council, Mr Keith Azopardi QC, was elected I held a meeting with him and one of the issues on our agenda was

precisely this, CPD, and we both agree that it is something that the Government and the Bar Council have to work together to put together a programme which will provide the necessary continuous professional development for lawyers. So we are *ad idem* on that and we are already working on a programme.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supreme Court (Transitional Provision) Act 2015.

**Supreme Court (Transitional Provision) Act 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Pensions (Amendment No.2) Bill 2015 –
First Reading approved**

Clerk: A Bill for an Act to amend the Pensions Act.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Pensions Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Amendment No.2) Act 2015.

**Pensions (Amendment No.2) Bill 2015 –
Second Reading approved**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to move that a Bill for an Act to amend the Pensions Act be now read for a second time.

Mr Speaker, this Bill ensures that the retirement age for customs officers is in line with police, fire and prison officers. This means that the age for compulsory retirement would come down from 60 to 55 and the voluntary age of retirement would come down from 55 to 50. By way of transitional provisions, these amendments, along with an early exit scheme arrangement, form the basis of retirement for customs officers from 1st April 2014 to 1st April 2018 and thereafter.

Pursuant to the early exit scheme agreement, the retirement process is to be staggered by age. Compulsory retirement is available to all officers who have attained the age of 55 or over as at 1st April 2014. Voluntary retirement, on the other hand, is broken down yearly, commencing on 1st April 2014 up to 1st April 2018, in a staggered format, depending on the age of the customs officers and their years of service. The early exit scheme agreement ensures that a large number of customs officers do not all retire at once and, as from 2018, customs officers will be treated equal to police, fire and prison officers in terms of retirement.

In summary, the amendments to the Pensions Act, together with the early exit scheme agreement, places these officers on an equal footing with the police, fire and prison officers as regards their voluntary, compulsory retirement and calculation of pensionable service.

I commend this Bill to the House.

2645 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Pensions Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2650 **Clerk:** The Pensions (Amendment No.2) Act 2015.

**Pensions (Amendment No.2) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2655 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Companies (Amendment) Bill 2015 –
First Reading approved**

2660 **Clerk:** A Bill for an Act to amend the Companies Act 2014.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act 2014 be read a first time.

2665 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies (Amendment) Act 2015.

**Companies (Amendment) Bill 2015 –
Second Reading approved**

2670 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Companies (Amendment) Bill 2015 be read a second time.

Mr Speaker, the Insolvency Faculty has made a number of representations to Government in anticipation of the coming into force of the insolvency practitioner regime on 1st September. This Bill reflects the common position adopted by the Faculty and Government.

2675 First of all, it removes the prohibition on auditors acting as liquidators in voluntary liquidations.

Secondly, it carves out an exemption so that individual or corporate directors engaged in the controlled activity of company management may act as voluntary liquidators, while preserving the general prohibition on directors acting as liquidators in voluntary liquidations.

Thirdly, it extends the filing deadline to 14 days from seven to advertise a liquidation notice.

2680 Fourthly, it clarifies that section 369(1) cannot operate to prevent a voluntary liquidator from resigning his appointment where it transpires that a company is insolvent.

Fifthly, Mr Speaker, as you will be aware, I submitted a letter notifying two amendments to this Bill: the first is to substitute the list of company activities in schedule 5 with a more comprehensive list now used by Companies House; and the second is to correct an omission in the Act in that in section 414(1) on the restoration of dissolved companies the register does not include those companies struck off under section 411 for non-filing of annual returns. These companies were covered in the previous Act's restoration provisions under section 332 but were left out of the current Act by oversight.

Mr Speaker, I commend this Bill to the House.

2690 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Mr Selwyn Figueras.

2695 **Hon. S M Figueras:** Yes, Mr Speaker, rising briefly only to reinforce the fact that the Opposition and the Government are often, in relation to these Bills, on the same page, that we will be supporting this Bill and that, subject only to the scrutiny of the text itself, any initiative that enhances our ability to offer a global competitive product is something that is positive for the community and something that we will support.

2700 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies (Amendment) Act 2015.

**Companies (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

2705 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Income Tax (Amendment) Bill 2015 –
First Reading approved**

2710 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

2715 **Mr 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. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment) Act 2015.

**Income Tax (Amendment) Bill 2015 –
Second Reading approved**

2720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, I have given notice of some amendments I will be moving at the Committee Stage and I propose speaking to the Bill as though such amendments have been made. These amendments arise, Mr Speaker, from a need to make a number of corrections to the Bill and also amendments that the Tax Working Group, which includes industry professionals, have identified as necessary.

2725 Mr Speaker, the purpose of the Bill is to amend the Income Tax Act 2010 to accommodate measures announced in Budget speeches, as well as introducing a number of amendments, including the creation of new offences which are required to improve the administration of the Act. The Bill also makes amendments to subsidiary legislation, including the Income Tax (Gift Aid) Rules 2006, the High Executive Possessing Special Skills Rules 2008 and the Qualifying (Category 2) Individuals Rules 2004, which I will turn to at the appropriate juncture.

2730 Mr Speaker, I have been provided with a very detailed speaking note, which I have circulated to Members so that they have it. Because what I was going to do was go through each of the clauses amending

the Bill – because it is a very technical Bill and it relates to measures that have already been debated in the House in separate Budgets, and other than that it is just technicians wanting to ensure that the Act is entirely up to date with the amendments that have been considered by this Parliament – I thought it would be helpful to hon. Members if I simply circulated the whole note to them and they can have it as read. I think I understand they now have also the whole Act with the amendments in it, so that they can see how the Act stands. And I would simply, Mr Speaker, if hon. Members are satisfied, leave them with that, which I think is a fuller and easier way for them to understand what these very technical amendments are without having to keep people here for longer than necessary to simply read those out onto the record. That they really are very technical and they speak for themselves.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

I will 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 2015.

Income Tax (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Proceeds of Crime Bill 2015; Supreme Court (Transitional Provision) Bill 2015; Pensions (Amendment No.2) Bill 2015; Companies (Amendment) Bill 2015; Income Tax (Amendment) Bill 2015

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause, namely: the Proceeds of Crime Act 2015; the Supreme Court (Transitional Provisions) Act 2015; the Pensions (Amendment No.2) Act 2015; the Companies (Amendment) Act 2015; and the Income Tax (Amendment) Act 2015.

In Committee of the whole Parliament

Proceeds of Crime Bill 2015 – Clauses considered and approved

Clerk: A Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes.

In accordance with the letter of proposed changes I will now start: in the ‘Agreement of Clauses’ substitute the italicised title ‘Property freezing orders’ with ‘Interim receiving orders’.

Mr Chairman: The amendment to the italicised title –

Clerk: No, no I will just go through the usual... as usual.

Mr Chairman: Amendment to the italicised –

2775

Chief Minister (Hon. F R Picardo): If I may be of assistance, given the late hour and given the fact that hon. Members have circulated the amendments and hon. Members opposite have notice of them, if the Chair would be... I am reminded that we are in Committee and you have to sit down. If the Chair would be agreeable, I would propose that the Clerk take the notice of the proposed amendments to have been read and agreed by both sides – the purpose of this is to ensure that the Bill that emanates as legislation is properly amended – and that we call the Bill as amended in respect of the notice given, if all sides agree. I think that would make Mr Speaker's job slightly easier and the Clerk's job slightly easier.

2780

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Chairman, can I then just add one further amendment to the list, and if we can add this one then we can take it all as read.

2785

In clause 186(1) for 'regulation' substitute 'section'. In clause 186(1) refers to 'regulation 185' and it should be 'section 185', so for the word 'regulation' substitute the word 'section' in clause 186(1). It is just one more to add to the list to be taken as read.

2790

Clerk: Clauses 1 to 4.

Mr Chairman: Now, where are we then? I have two amending notes here for the same Bill.

2795

A Member: It's the latest one.

Mr Chairman: Which is the latest one? This is the latest one.

2800

Hon. G H Licudi: Mr Chairman, there is a consolidated amending note attached to the letter dated 24th July 2015. That is the one that we should be looking at.

Mr Chairman: Right, I propose that the amendments, notice of which was given by the Hon. Gilbert Licudi on 24th July, be accepted and incorporated into the Bill. Those in favour? (**Members:** Aye.) Those Against? Carried.

2805

Clerk: Clauses 1 to 4.

Mr Chairman: Stand part of the Bill.

2810

Clerk: Clause 5 as amended.

Mr Chairman: Stands part of the Bill.

2815

Clerk: Clauses 6 to 10.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 11.

2820

Mr Chairman: Stands part of the Bill.

Clerk: Sorry, Clause 11 as amended.

Mr Chairman: Stands part of the Bill.

2825

Clerk: Clauses 12 to 18.

Mr Chairman: Stand part of the Bill.

2830

Clerk: Clause 19 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 20 as amended.

2835 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 21 as amended.

2840 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 22 to 24.

Mr Chairman: Stand part of the Bill.

2845 **Clerk:** Clause 25 as amended.

Mr Chairman: Stands part of the Bill.

2850 **Clerk:** Clauses 26 to 80.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 81 as amended.

2855 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 82 to 108.

2860 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 109 as amended.

Mr Chairman: Stands part of the Bill.

2865 **Clerk:** Clauses 110 to 115.

Mr Chairman: Stand part of the Bill.

2870 **Clerk:** Clause 116 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 117 to 185.

2875 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 186 as amended.

2880 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 187.

Mr Chairman: Stands part of the Bill.

2885 **Clerk:** Schedules 1 to 5.

Mr Chairman: Stand part of the Bill.

2890 **Clerk:** The long title.

Mr Chairman: The rather long title, you mean! Stands part of the Bill.

**Supreme Court (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for transition provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015.

Clauses 1 and 2.

2895

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2900

Mr Chairman: Stands part of the Bill.

**Pensions (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Pensions Act.

2905

Clauses 1 to 3.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2910

Mr Chairman: Stands part of the Bill.

**Companies (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Companies Act 2014.

Clause 1.

2915

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2 as amended.

Mr Chairman: Stands part of the Bill.

2920

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Income Tax (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.

2925

Clause 1.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2 as amended.

2930

Mr Chairman: Stands part of the Bill.

Clerk: Clause 3 as amended.

2935 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 4 to 6.

2940 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 7 as amended.

Mr Chairman: Stands part of the Bill.

2945 **Clerk:** Clause 8.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 9 is deleted.

2950 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 10.

2955 **Mr Chairman:** Stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILLS FOR THIRD READING

**Proceeds of Crime Bill 2015;
Supreme Court (Transitional Provision) Bill 2015;
Pensions (Amendment No.2) Bill 2015;
Companies (Amendment) Bill 2015;
Income Tax (Amendment) Bill 2015 –
Third Readings approved: Bills passed**

2960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Proceeds of Crime Act 2015, the Supreme Court (Transitional Provisions) Act 2015, the Pensions (Amendment No. 2) Act 2015, the Companies (Amendment) Act 2015 and the Income Tax (Amendment) Act 2015 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

2965 **Mr Speaker:** I now put the question which is that the Proceeds of Crime Act 2015, the Supreme Court (Transitional Provision) Act 2015, the Pensions (Amendment No.2) Act 2015, the Companies (Amendment) Act 2015 and the Income Tax (Amendment) Act 2015 be read a third time and passed.

2970 Do hon. Members wish to have a separate vote in respect of each of the Bills? No. We will take them altogether, that they be passed and carried. Those in favour? (**Members:** Aye.) Those against. Carried.

ADJOURNMENT

2975 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the summer looms hot and humid and most of us arrived here this morning clean shaven and are going to leave with an eight o'clock shadow – except, of course, for the hon. Lady, who is going to look as elegant as ever, and those with beards will just have them grow longer – I take the opportunity to wish all hon. Members a restful summer. I hope most are going away on holiday and will enjoy the time with their families. Of course, Mr Bossano is not here to speak to him – he speaks such heresy of holidays!

Mr Speaker, as is always the case, when we reach the stage where we are working together and we are working as a Parliament in unison nobody is here to hear us and nobody is here to watch. They all leave, unfortunately, when the bear pit becomes the co-operative Chamber that it is.

2980 I trust all hon. Members will have a pleasant summer with their families and they will return energised to do the remaining parliamentary work before the next General Election.

Mr Speaker, I therefore now have the honour to move that the House do now adjourn *sine die*.

2985 **Mr Speaker:** Before I put the question, I commend hon. Members to have a reinvigorating summer break, particularly after the mammoth amount of work that has been done by Parliament today.

I now propose that the House do now adjourn *sine die*.

I now put the question that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) The House will now adjourn *sine die*.

The House adjourned at 8.27 p.m.