



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

40 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.

45 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.

85 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.

90 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 sitting 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

160 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.

165 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.

170 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.

175 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.

180 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.

190 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.

195 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.

200 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.

240 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?

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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.

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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.

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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.

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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
 345 *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.
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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.
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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.
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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.
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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?
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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.
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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.
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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
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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
455 glossing over the difference between storage and use. LNG is much safer when it is being stored and 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.

460 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 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.

465 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
470 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
475 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.

480 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.

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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)*

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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’.

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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?

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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.’

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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.

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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.

525 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
530 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
535 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
540 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
545 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
550 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
555 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
560 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
565 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,
575 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
580 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 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 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

635 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
640 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
645 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
650 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.
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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.
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Hon. Chief Minister: Yes, and I am able to reply at the end of that.

Mr Speaker: Very much so.
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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
670 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*)
675 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.
680 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
685 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
690 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,
695 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 dia 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

820 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.

825 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
830 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
835 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,
840 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...

845 **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
850 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.

855 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
860 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.

865 **Hon. Sir Peter Caruana:** Such as e-mails and stuff.

Hon. Chief Minister: Yes, not just carrots! An actual one! (*Laughter*)

870 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.

940 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.

945 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.

950 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.

955 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.’

960 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.

970 **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.

975 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.

980 **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*)

990 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.

995 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.

1000 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.

1005 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.

1010 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.

1015 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.

1020 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.

1030 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 –

1035 **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*)

1045 **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...

1050 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.

1055 **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!

1120 **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 –

1125 **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.

1130 **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.’

1135 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.

1140 **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.

1145 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.

1150 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.

1155 **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.

1165 **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

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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.

1235 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?

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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.

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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.

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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.

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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.

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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*)

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Mr Speaker: Any other contributor to the debate?

Then I call upon the Chief Minister to exercise his right to reply.

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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.

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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.

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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.

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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.

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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,

1360 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.

1365 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.

1370 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 –

1375 **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.’

1385 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.

1390 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.

1395 **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.

1400 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.

1405 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.

1410 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.

1415 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

1420 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.

1425 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.

1430 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.

1435 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.

1440 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.

1455 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.

1465 **Mr Speaker:** That is irrelevant.

Hon. Chief Minister: Well, Mr Speaker –

Mr Speaker: It is new material.

1470 **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.

1475 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 confluations and distortions.

1555 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.

1560 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.

1565 **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.

1570 **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.

1575 **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.

1580 **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...'

1585 So any motion has to have five days' notice.

1590 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.

1595 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.

1655 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.

1660 **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.

1665 **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.

1670 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.

1675 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.

1680 **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.

1685 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.

1690 Mr Speaker, I suggest you put this to the vote and we can then proceed.

Mr Speaker: Does the Opposition want a vote?

1695 **Hon. D A Feetham:** I am totally in Mr Speaker's hands.

1700 **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.

1705 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.

1750

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.

1755

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.

1760

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.

1765

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.

1770

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.

1775

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.

1780

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.

1785

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.

1790

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.

1795

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.

1800

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.

1805

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.

1815 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.

1820 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.

1825 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.

1835 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*)

1840 **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.

1845 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

1855 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.

1865 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 –

1870 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.

1875 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.

1880 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*)

1885 **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.

1890 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.

1895 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.

1900 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!

1905 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.

1910 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.

1915 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.

1920 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.

1965

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.

1970

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.

1975

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.

1980

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.

1985

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*)

1990

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.

1995

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.

2000

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.

2005

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.

2010

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.

2015

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.

2020

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.

2025 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.

2030 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.

2040 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?

2050 **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**

2055 **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 Juaquin 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 Juaquin 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.

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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.

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Hon. Chief Minister: Would the hon. Member give way? I am grateful to the hon. Member.

2250 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.

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.

2260 **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.

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!

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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.

2270 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.

2275 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.

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Mr Speaker: In that case, I will call upon the mover to reply.

Hon. Chief Minister: Mr Speaker, thank you very much.

2285 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.

2290 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.

2295 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.

2300 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.

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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.

2310 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.

2315 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

2320 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.

2325 **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.

2330 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.

2335 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.

2340 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.

2345 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.

2350 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.

2355 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.

2365 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
2370 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.

2375 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.

2380 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.

2385 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.

2390 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.

2395 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?

2400 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.

2405 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.

2410 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.

2415 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?

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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.

2425 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

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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.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**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:

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‘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.’

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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.

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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.

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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.

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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.*]

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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:

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‘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.’

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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.

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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.

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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?

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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.

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Hon. D A Feetham: Mr Speaker, may I?

Mr Speaker: Yes, the Hon. the Leader of the Opposition.

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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

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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

2600 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.

2685

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

2735 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.

2745 **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.

2750 **Clerk:** The Income Tax (Amendment) Act 2015.

**Income Tax (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

2755 **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**

2760 **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**

2765 **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’.

2770 **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.

Mr Chairman: Stands part of the Bill.

2840

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.

Clerk: Clauses 26 to 80.

2850

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.

Mr Chairman: Stand part of the Bill.

2860

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.

Clerk: Clause 116 as amended.

2870

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.

Mr Chairman: Stands part of the Bill.

2880

Clerk: Clause 187.

Mr Chairman: Stands part of the Bill.

2885

Clerk: Schedules 1 to 5.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2890

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.

Clauses 1 to 3.

2905

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.

Clause 1.

2925

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.