



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 5.19 p.m.

Gibraltar, Thursday, 22nd June 2017

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with laying of reports

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of a report on the table.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

PAPERS TO BE LAID

Clerk: Papers to be laid. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

- 5 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. Gilbert Licudi):** Mr Speaker, I have the honour to lay on the table the Tourist Survey Report 2016, the Hotel Occupancy Survey 2016, the Air Traffic Survey 2016 and the Employment Survey Report 2016.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CHIEF MINISTER

Q395/2017

**Expressions of interest and tender for services required –
Difference in definition**

- 10 **Clerk:** We now move back to answers to Oral Questions and we commence with Question 395. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what is the difference between expressions of interest and tender for services required?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, 'seeking expressions of interest' is an open request made to potential suppliers to submit a proposal for a proposed project or scheme to the Government. It is, in effect, a method of obtaining commercial information from the supply market on the viability of a proposed site, project or scheme.

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A 'tender for services required' is an invitation to service providers to submit a fixed-price offer to the contracting authority under sealed bid to provide the detailed service sought.

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Hon. L F Llamas: Mr Speaker, could the Government clarify whether there is a criteria, in terms of, a bracket for example, when services might exceed a certain amount of figure, whether they will go into expressions of interest or a tender?

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Hon. Chief Minister: Mr Speaker, I think I have answered that question in the last few months and very likely in the past six months. I do not know when it was that the hon. Gentleman or one of his colleagues asked us for the threshold which required that matters go out to tender. That is a document which the Chief Secretary circulates to all Departments and he will see in *Hansard* exactly what it provides for when a tender is required under the procurement rules.

Q396/2017

Members of Parliament, public servants and families – Management of conflict of interest in awarding of contracts etc

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Clerk: Question 396. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, what is the Government's policy as regards the management of potential conflicts of interest in the awarding of contracts or purchasing of services as regards the business interests of Ministers, public servants and their families?

40

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the policy of the Government in relation to these matters is set out in the Ministerial Code that was published on 8th September 2015. The Code has to be discussed by the Select Committee on Parliamentary Reform and approved by this House. The Chief Secretary is leading on the production of a separate code for public servants.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

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I believe that press release was dated 8th September 2015 but I cannot actually find a copy of the draft code either on the parliamentary website or the Government website and I would be grateful if he could make it available, although, as he says, it still has to go before the Select Committee.

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If I may ask the Chief Minister, then: given that this code effectively is still in draft, what other measures are in place at the moment?

Hon. Chief Minister: Mr Speaker, as far as I am concerned, I think there is a copy behind him and there has been since the day he was elected to the House. I do not know whether it is there or not, but that was what we agreed at the time it was published, the Code of Conduct for the Members of the Gibraltar Parliament and the Code of Conduct for Ministers. I do not know why the hon. Gentleman felt he had to ask me, but it is here, it is available and he can have a copy if he wishes.

I think all that there is in place at the moment and detailed research at the time disclosed was a note of a *Hansard* of something that had been said some time ago – I think perhaps when Mr Speaker was a Member of the House himself. It may be in the Book of Rulings, which is available in the House, which I think Speaker Alcantara compiled, which sets out the provision of what is the rule as to conflict.

Hon. R M Clinton: Mr Speaker, with your permission, we are just checking the bundle here ... No, Mr Speaker, on this side we have the Parliament Act, the Constitution, Standing Orders and Rules and a notice on the use of microphones and the rules in relation to red beacon lights. Certainly – I am happy to be corrected by Members on this side of the House – we have never been issued, either informally or formally, with copies of that code that would apply to us, let alone the ones that apply to them. But if I may ask the Chief Minister: is it in his mind that this code is actually in effect at the moment?

Hon. Chief Minister: Mr Speaker, the only thing that is in effect at the moment is the existing rule, but as far as I am concerned we have all conducted ourselves in keeping with what we think the rule should be.

Hon. R M Clinton: And, Mr Speaker, I believe he referred to some extract from *Hansard* – I would be grateful if he could make it available to us on this side of the House, or at least the reference to it, the specific reference.

Hon. Chief Minister: No, Mr Speaker. I have told him where it is; he can go and find it for himself. And as far as making available the Ministerial Code, it is available in the Parliament, it is available here, it is available on this side, it is available in there, so he can have as many copies of it as he might care to persuade the staff of the House to make available to him and he can get the copy of the rulings of Mr Speaker, which are available to all Members of the House, and search for himself the bit that deals with conflicts. I know that he is retired, but he needs to behave as somebody who is active at work and not get me to do everything for him.

Hon. R M Clinton: Well, Mr Speaker, would he at least confirm to the House that, as far as he is aware, this information is not available to the public, in that it is not available on any Government website and certainly not on the Parliament's website, and perhaps would he agree with me that it should be on Parliament's website and on the Government's website?

Hon. Chief Minister: I do not agree with him, Mr Speaker, that it is not available on the website of the Parliament. I think if he were to search carefully he might be able to find some references in *Hansard* where this has been read out, certainly in the time that I have been available. But it should be very readily available on the Government website and on the Parliament website, so that people can see what the rules are that apply to public servants, to Members of the House, all of them, and to Ministers. If people think that those are difficult to find, we must fix that as soon as possible so that people can see that they have a Government that behaves entirely in keeping with the higher standards of propriety, as everybody would expect. Those rules are not hidden away. Anybody can come here to the Parliament and seek copies of them, which is what people would have done before websites. But now that websites

are available – and I agree with the hon. Member that once something is available on a website these days it is certainly public – we should put them on the website as soon as possible.

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Mr Speaker: Next question.

Q397-399 and Q411/2017

Lands Agreement 2015 –

**Fortress Headquarters; HM Naval Base warehousing; HMS Rooke site;
dockyard land allocated to Bassadone Motors**

Clerk: Question 397. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if Fortress Headquarters in Rosia Bay has now been released to the Government by the MoD under the Lands Agreement 2015?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo) Mr Speaker, I will answer this question with Questions 398, 399 and 411.

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Clerk: Question 398. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the block of warehousing within HM Naval Base released by the MoD under the Lands Agreement 2015 signed on 13th January 2016 has been sold by the Government; and if so, when, for what consideration, for what term of lease and to whom?

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Clerk: Question 399. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, why and when is the Government proposing to demolish all the buildings on the site of HMS Rooke and what is the anticipated cost of doing so?

Clerk: Question 411. The Hon. M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Has the land at the dockyard allocated to Bassadone Motors been leased or sold?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo) Mr Speaker, the Rosia Bay alternative headquarters facility will be transferred once both MoD and HMGoG agree that Lands Agreements 2004, 2007 and 2011 have been implemented in full.

The block of warehousing at Mid Harbour Road in part released under the 2015 land deal with the MoD has been sold to Waterloo Holdings Ltd, a subsidiary or related entity of Bassadone Motors, in the sum of £3.6 million on 30th November 2016 on the basis of a 150-year lease.

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The Government is demolishing all the buildings on the Rooke site in preparation for the redevelopment of that site. The demolition will enable the Government to provide the land to the developer free of existing buildings and as a brownfield site. The estimated cost of the demolition is £1 million and this would be recovered from the premium to be paid.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response.

In respect of the warehousing in HM Naval Base, did the Government invite any expressions of interest for the sale of the land?

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Hon. Chief Minister: No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, given that it is usually generally accepted that it is good practice to advertise for the highest possible price for the taxpayer on this land, would the Chief Minister care to advise the House why there was no invitation for expressions of interest?

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Hon. Chief Minister: Yes, Mr Speaker, I would be delighted to advise the House of why there was no invitation for expressions of interest. You see, Mr Speaker, as no doubt the hon. Members opposite know, on 12th August 2005 the Government of the GSD entered into an agreement with Toyota Gibraltar Stockholdings Limited in respect of the reclamation in the area of Western Beach. They entered into an agreement in effect to produce a 150-year lease of the area that was going to be reclaimed for £3.6 million. The area that was going to be reclaimed, approximately 62,000 square meters, was going to in effect require the Government to spend approximately £20 million reclaiming, although cleverly the GSD Government had done a deal to lease it for £3.6 million.

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Mr Speaker, in the circumstances and given that it was not possible to proceed with the Western Beach reclamation because it was no longer financially viable, given that it had been presold for less than it would cost to create, we found ourselves in a position of having to find a location for Bassadone Motors, one of the top companies in Gibraltar that employs over 300 people. In the circumstances, Mr Speaker, what we were doing was transferring the obligations of the Government entered into by the GSD administration for this new site, which we were able to sell for the amount that had been agreed between the GSD Government and Basedone Motors in 2015.

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Hon. R M Clinton: Mr Speaker, I do not suppose the Chief Minister would be amenable to giving us a copy of that agreement with Toyota Gibraltar Stockholdings LTD in respect of the Western Beach reclamation?

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Hon. Chief Minister: Mr Speaker, this is not a registered document, it is therefore not a public document, but I have absolutely no difficulty in letting them have it. I do not think they can publish it, but I can let them have it. I do not think it is necessarily a publishable document.

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But look, it is an agreement that their Government did, that the GSD Government did in 2005, Mr Speaker. It really is quite something to see that they appear not to be aware of the things that the Government that they defend the record of did things like this, which made it really quite difficult to see how there may be any financial viability in the reclamation at Western Beach whilst it was encumbered with this obligation.

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Hon. R M Clinton: I am grateful to the Chief Minister for allowing us to have a copy of the documents and we do undertake to keep it confidential.

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If I may move on to the *Rooke* site, I notice that it is going to cost us £1 million to demolish and hopefully that will be recovered from the premium. Do I take it then that the developer will still be London and Regional?

Hon. Chief Minister: That is the developer we are in discussions with.

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Hon. R M Clinton: And as part of my question I did ask as to a date as to when you might propose to demolish on the site.

Hon. Chief Minister: Demolition has begun, Mr Speaker.

Q400/2017
Gibraltar Capital Assets Ltd loan –
Fees to Hassans and TSN

205 **Clerk:** Question 400. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 695/2016, asked on 28th October 2016, and given that the full list of fees paid to all advisers was not provided at the technical meeting held on 6th February 2017, can the Government advise how much in the way of fees Hassans and TSN has been or is due to be paid in respect of work undertaken in respect of the
210 £300 million loan raised by Gibraltar Capital Assets Limited?

Clerk: Answer, the Hon. the Chief Minister.

215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the total amount of fees paid to the firm of which the Leader of the Opposition is a partner was £428,145.65 for dealing with the whole transaction from inception, including structuring, prospectus, key documents including agreements etc; and Triay Stagnetto Neish, £125,300 for dealing with the land aspects exclusively.

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Hon. D A Feetham: Mr Speaker, for the record, the Chief Minister continues to be a partner of that firm and so does Minister Licudi.

225 **Hon. Chief Minister:** Mr Speaker, I am on a sabbatical as a proud partner – *(Interjection by Hon. D A Feetham)* Mr Speaker, I think the jack-in-the-box is getting nervous. I am a proud partner of Hassans on sabbatical, Mr Speaker.

Hon. D A Feetham: He continues, Mr Speaker, to be a partner, whether on sabbatical or not, of Hassans.

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Mr Speaker: No more exchanges, please, because a question is not being asked, statements are being made, and that is not the purpose of Question Time.
We go on to the next question.

Q401/2017
Property developments –
Import duty waiver

235 **Clerk:** Question 401. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 311/2017, can the Government advise for which private property developments it has waived import duty in respect of the construction, fitting out of and equipping of said properties in the period from 11th December 2011 to 31st March 2017?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has waived import duty in respect of construction, fitting out and equipping of one project from 11th December 2011 to
245 31st March 2017, namely Imperial Ocean Plaza.

Hon. R M Clinton: Mr Speaker, given this is applied only to one specific project in six years, could the Chief Minister advise why this particular project was given that particular special treatment in respect of import duty?

250 **Hon. Chief Minister:** Because that was the culmination of the negotiations between the Government and the developer of this project, which the hon. Gentleman may know is delivering much-needed public parking in the area of Glacis and all of the roads towards Ocean Village etc. – incidentally, land which was acquired from the Government by the developer.

255 **Hon. R M Clinton:** Mr Speaker, would I be correct, or could the Chief Minister correct me if I am wrong, in that this would be an exceptional case and he would not envisage it arising again?

Hon. Chief Minister: No, Mr Speaker, there are a number of instances before the past six years where there have been many other instances of full import duty waivers given. We try to resist that, but in commercial circumstances it may be that we decide to do it again in the future if we think it is in the economic interests of Gibraltar.

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Q402 and Q410/2017
Arrears of revenue; tax rebates –
Amounts

Clerk: Question 402. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how much has been collected in respect of arrears of revenue in the financial year 2016-17, broken down by head of revenue?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 410.

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Clerk: Question 410. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many individuals or entities were at 31st March 2017 entitled to tax rebates, and what is the overall value of rebates due?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I expect to report to the House in respect of collection of arrears of revenue in the financial year 2016-17 and tax rebates due to individuals and corporations during the course of the debate on the Second Reading of the Appropriation Bill on Monday.

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Hon. R M Clinton: Mr Speaker, as the Chief Minister knows full well, those details, that level of detail in respect of arrears is not in the Estimates Book, but I will take his word that he will give us the exact information I have asked for in respect of collection of arrears revenue broken down by head of revenue in his Budget speech. I would be most grateful if he could confirm that.

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Hon. Chief Minister: I have not given my word to do that, Mr Speaker. I have said that I will be reporting on these matters during the course of my speech. I will give them in the way that I consider is appropriate.

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Hon. D A Feetham: Well, Mr Speaker, I certainly was not prepared to take his word for it, I have to say, but nonetheless I was right not to have done so, given the answer the hon. Gentleman has just provided.

295 Mr Speaker, this was a subject of public exchanges several weeks ago, and indeed it was the
subject of exchanges across the floor of this House when I asked the question in March: how
much there were currently due in relation to tax rebates. The hon. Gentleman then refused to
answer, not because he said, 'I am going to give you the information,' or 'because I am going to
report on these matters during the Budget'; he said, 'You have not been specific with a date and
therefore I am not going to give you the information – had you been specific and had you said,
300 as you have said in the past, by a particular date, I would have provided you with the
information.' And, Mr Speaker, low and behold, we come back today, I ask the question with
reference to 31st March and he refuses to provide an answer to the question. Now can he
explain that inconsistency in the statements that he has made to this House?

305 **Hon. Chief Minister:** There is absolutely no inconsistency, Mr Speaker. It is very simple. The
year for which he is now asking is the year which I am about to report on. It is the current ... well,
the just completed financial year, and in this House we debate the just completed financial year
in the Appropriation debate and I will be giving the information to the House in the way that I
consider is appropriate in the context of that debate, Mr Speaker – it is very, very simple.

310 He can or cannot take my word for it. My word, Mr Speaker, is not what Mr Clinton was
trying to get my word to be; it is what I have said in the answer which is before the House and
which I have read already. I expect to report to the House in respect of collection of arrears of
revenue in the financial year 2016-17 and tax rebates due to individuals and corporations during
the course of the debate on the Second Reading of the Appropriation Bill on Monday.

315 Mr Speaker, bring it on – I am very much looking forward to it.

Q403-404/2017

Public finances in Overseas Territories – CPA and UK National Audit Office

Clerk: Question 403. The Hon. R M Clinton.

320 **Hon. R M Clinton:** Mr Speaker, can the Government advise its position as regards
participation in the CPA UK three-year project entitled 'UK Overseas Territories Project:
Supporting the Role of Public Accounts Committees & Audit Institutions in Oversight of Public
Funds'?

Clerk: Answer, the Hon. the Chief Minister.

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 404.

Clerk: Question 404. The Hon. R M Clinton.

330 **Hon. R M Clinton:** Mr Speaker, has the Government received a copy of the UK National Audit
Office guide entitled 'Good Practices in Effective Oversight of Public Finances in the UK Overseas
Territories'; and if so, does the Government intend to implement any of its recommendations as
to best practice?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the letter from the CPA, which encloses a draft partnership agreement about this project, is addressed to Mr Speaker and seeks your thoughts. Mr Speaker is aware of the Government's view in respect of Public Accounts Committees in the context of Gibraltar.

340 The Government has not received a copy of the guide referred to by the hon Gentleman. However, the Government understands that a draft was supplied to the Principal Auditor in his capacity as our external auditor when he attended a forum in Miami in March.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response.

345 Mr Speaker, invariably I am going to have to tangentially make reference to correspondence that you have kindly supplied me with. The Chief Minister will be aware of a letter dated 2nd June in respect of copying you with the correspondence on the CPA programme, which I presume the Chief Minister has received and has now read.

350 **Hon. Chief Minister:** No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, is the Chief Minister saying no, he did not receive any communication from Mr Speaker; or no, he has not read them?

355 **Hon. Chief Minister:** Mr Speaker, I have not got a letter of 2nd June; I have got a letter of 1st June.

Hon. R M Clinton: Mr Speaker, I apologise – obviously I have got the wrong letter in front of me. The letter of 1st June then, Mr Speaker, he acknowledges having received, although ... Right I see. I have not had sight of your letter, of course, to the Chief Minister; I have had sight of your letter to the CPA.

360 Given that we have established the date of the letter the Chief Minister did receive as 1st June, I take it that he will have had time now to digest it and the attachments, so does he have any view on participating in the programme? Is that a yes or a no?

365 **Hon. Chief Minister:** Mr Speaker, if he means the programme that is attached to the letter of 15th May, not anything to do with the letters of June, what I see is that our Auditor has already been involved in a lot of the things that are being set out there. So, as far as the Government is concerned, we will consider with the Audit Office what other things it is that they want to participate in. We have never stood in the way of them participating in anything they have considered is helpful to the way that they externally audit the Government.

375 **Hon. R M Clinton:** Mr Speaker, as the Chief Minister will be aware, the CPA programme is targeted also at Parliament itself and not just the involvement of the auditors in a jurisdiction. I take it then from the Chief Minister's response that there is no interest on his side of this House in participating in any parliamentary exchanges with Westminster within this programme.

380 **Hon. Chief Minister:** Mr Speaker, I have been involved in parliamentary exchanges with Westminster since I became involved in politics and Joseph Garcia and I started lobbying the Westminster Parliament and started trying to understand the mechanisms there and the mechanisms here, and I commend that to hon. Members opposite.

385 I see one of the things here is the training of Opposition Members in order of how to ask questions. The Government has no intention of becoming the Opposition and therefore does not intend to be trained in how to ask questions. The Government intends to continue being the Government. If hon. Members think that they need training in the way that they ask questions in this House – which I genuinely believe they do, because I do not think they do a very good job, and I am talking of course about the principal Opposition, which is the one questioning me now

– they should by all means engage in that training as soon as possible because they need to start doing a damned better job than they are doing now.

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Hon. R M Clinton: Well, Mr Speaker, I will obviously try harder, since I obviously have not made any impact on the Government, according to the Chief Minister's measure.

I take it then he has no interest whatsoever in any of the other proposals suggested by the CPA, and certainly I have seen his reaction to Lord Foulkes in respect of the Public Accounts Committee. I take it he has no objection to any other Members of this Parliament participating in that programme and there is no impediment, I take it, from anyone in this House from participating or corresponding with the CPA accordingly. Would I be correct?

Hon. Chief Minister: Mr Speaker, has he read the document? (**Hon. R M Clinton:** I have.) He has. He tells me from a sedentary position that he has read the document. There is, Mr Speaker, as far as I can detect, only one aspect of this code which I think will require that hon. Members do anything, which is a visit to the UK Parliament from Members of the Gibraltar Parliament. That visit would be a delegation from Gibraltar visiting Westminster, a programme for MPs from Gibraltar in Westminster to serve as a familiarisation for Members, and the Clerk, as to the key areas of scrutiny that constitute their role. It will allow for the Chair, Members and Clerk to explore specific areas in practice and procedure with their counterparts and officials in the UK. The rest, Mr Speaker, is really for the Gibraltar Audit Office.

So, if what Mr Clinton is saying to this House is that he wants us to fund a trip for him to London to go to Westminster on a fact-finding visit to learn how to ask me questions ... Well, Mr Speaker, there is funding for CPA events. If there is budget for it, it is up to him to persuade the Leader of the CPA delegation for Gibraltar – I think it is the hon. Lady – that that is a good way of spending our money. Frankly, Mr Speaker, I think he does need to sharpen up his act. I do not think they are doing a very good job of opposition, but maybe something as easily accessible as BBC Parliament, which recently has featured a number of excellent speeches in respect of Gibraltar both at the Chamber of Commerce Annual Dinner at the United Nations, is a good place to start. Prime Minister's Question Time at 12.15 on Wednesday, department Question Time – all of that is what they are going to see, Mr Speaker.

By all means, if they think that they need training in order to subject the Government to scrutiny, how could I stand in their way? I think that a trip to London is exactly what the doctor ordered, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's comments, as usual.

I take it, then, he has also read ... Oh, no, he said he had not seen the Good Practice Guide for Overseas Territories. Would he like me to leave a copy behind the Speaker's Chair for him to peruse at his leisure?

Hon. Chief Minister: Mr Speaker, if he is referring to the 2007 document, I have got it. If it is another document, I do not have it.

Hon. R M Clinton: Mr Speaker, I will gladly provide it to him. It is dated February 2017 and is specifically in respect of Public Finance Governance in the Overseas Territories, which he may find illuminating.

Hon. Chief Minister: Mr Speaker, I do not want a copy, thank you. I am very grateful that he has offered it, but frankly there was a Chief Minister before me and one before him and one before him and one before him, all of whom felt that we were not going to be told how to do business in this House from outside of this House.

He will find, Mr Speaker, there is a lot of literature on NAO documents of that type, and indeed Foreign Office documents of that type about what it is that they intended to achieve.

440 They are not intended to achieve, I would advise him, the sort of objective that he might be wishing to achieve; they are intending to achieve a slightly deeper objective, which is not necessarily in the best interests of each of the Overseas Territories in question.

He might also like to know, Mr Speaker, that the forerunner of that document, the 2007 document, actually led to the suspension of a constitution in one instance and the calling of a general election in another Overseas Territory. All of those, Mr Speaker, in our view, were not exercises which assisted each of those Overseas Territories in having their people progress in the post-colonial nature of the way that we would want to see our Parliament progressing.

450 At the end of the day hon. Members can decide that they now think – because they did not before the 9th December 2011 – that everything that is done in Westminster must now be done in Gibraltar. I will give him the plethora of quotes from their former leader, the man they say is the greatest Gibraltarian of all time, that suggests that that is not the way for Gibraltar to be progressing.

Our position, Mr Speaker, on the public finances of Gibraltar, on the possibility of a Public Accounts Committee in Gibraltar, is well known, and I will just remind the hon. Gentleman, in case he has not understood it, that we think that a Public Accounts Committee is bad for Gibraltar, that the Commission that we set up, which was independent and included a number of people who had sat with the GSD or the AACR on the benches in this House, thought it was a bad thing for Gibraltar and that we have been consistent in that approach in Government and in Opposition. And should they, Mr Speaker, win an election, there will still not be a Public Accounts Committee in Gibraltar, because if we are the Opposition we will not agree to form part of it.

That is our position, it is our policy position, because we think that is in the best interests of Gibraltar, because we think that is how we best defend Gibraltar's public finances and how we ensure that Gibraltar's public finances are robust at the same time as they are transparent and at the same time as we are accountable. Just because it is done in one way in one Parliament does not mean it is the right way to do it here.

470 But we can have this argument, Mr Speaker, for the next two and a half years: they are not going to change our mind. They are not going to persuade us simply because they come up with a document that suggests that it is done that way somewhere else. We are aware of that. We have factored that into the equation. We have had a debate about that in the context of a motion that he brought in this House. Our position, I think, could not be clearer.

Hon. D A Feetham: Mr Speaker, can I start by thanking the Hon. the Chief Minister. I do not often thank him but I want to thank him. I want to thank him because the fact that he says that the Opposition is doing a bad job is a huge confidence boost to this side of the House, because I know that when he says that we are doing a bad job we must be doing a very good job indeed.

Mr Speaker, when the hon. Gentleman refers – as he has on many occasions, for support for his argument that there should not be a Public Accounts Committee – to the report of the committee that the Hon. Mr Speaker, in a different capacity of course, chaired on parliamentary reform, does he not accept that in fact there have been significant factors post that report that make a Public Accounts Committee all the more necessary? I am referring in particular to the fact that the Government, since 2013, has been using and indeed borrowing through Government-owned companies and using for the purpose of Government expenditure nearly £800 million, of which it does not account to this House, and therefore, in the light of that, a Public Accounts Committee becomes all the more necessary because it is the only way that this side of the House can in fact examine how that money in those Government-owned companies is being spent – because the Hon. the Chief Minister certainly does not answer questions on this issue from across the floor of the House.

490 **Hon. Chief Minister:** Mr Speaker, it is not me that says they are not doing a good job. *(Interjection by Hon. D A Feetham)* I think they are doing an excellent job, Mr Speaker. I want

495 them to continue to do the job that led them to a historic defeat in a two-horse race at the last
General Election. I do not want them to change, I do not want him to go – I do not want them to
change him, Mr Speaker. It is the CPA that thinks that they need training and I have said that if
they think that they need training ... because I do not think they are doing a good job at
Question Time, but as an Opposition they are superb. I could not have invented them myself –
apart from the hon. Lady. I am talking about the official Opposition, Mr Speaker.

500 They have an offer from the UK Parliament to go and spend a couple of days in London: I
would take it – London is the most marvellous city in the world, as far as I am concerned. But do
I think that any of the things that he has referred to should lead us to a Public Accounts
Committee? Mr Speaker, this demonstrates to me that the hon. Gentleman, the Leader of the
Opposition, gets up to talk because he wants to hear his own voice, even though he does not
have a clue what he is talking about.

505 First of all, I do not accept any of the amounts that he has bandied about, £800 million etc.
But to get up and say, 'Because you have got £800 million in companies I must have a Public
Accounts Committee and that therefore is essential' is to belie the reason why a Public Accounts
Committee exists. A Public Accounts Committee exists for the House, Opposition and
Government, to quiz civil servants about public expenditure, i.e. the expenditure going through
the book, i.e. not the expenditure going through companies. So he has just demonstrated his
510 complete debased understanding of what a Public Accounts Committee is by saying 'I need it to
find out what is going through the Government companies.' He has just utterly and completely
demonstrated to anybody who on a hot Thursday afternoon may be watching us that at every
point that they have been requesting a Public Accounts Committee they do not know what they
are asking for. They are saying to the public we must, in order to hold the Government to
515 account, move from a system of pure political parliamentary scrutiny to a system of
parliamentary scrutiny of the administration. That is what the PAC does. What Daniel Feetham
and Roy Clinton want to do is cross examine civil servants. They want to bring heads, controlling
officers, heads of department and the Financial Secretary to this House and ask them questions
as if they were in court, with Ministers sitting alongside them also able to ask them questions as
520 if they were in court, to try and grill them, to interrogate civil servants. That is what Mr Feetham
and Mr Clinton want to do. That is the system that they want to bring into Gibraltar, and what
we have been consistent in saying as one of the arguments that we deploy against the PAC is
that we are answerable in this House and that they have to ask the questions of *us*. They may
not like the answers, Mr Speaker, they are not very good at confecting the answers in most
525 instances, but we will not accept that they should have the opportunity to grill civil servants, to
cross examine them and to interrogate them as if they were in a court of law.

530 The politicians in this community have to stand up and put up to defend the spending that
they do, as we do, Mr Speaker, as we will and, as they will have to realise, is the only way that
we will accept is the right way to do politics in this community when it comes to assessing the
public finances of Gibraltar.

Mr Speaker: Let me make my position clear. Hon. Members are now beginning to debate the
whole question of the Public Accounts Committee. They did that last October and you can do it
again next week or the week after, if you want to. But this afternoon there is not going to be any
535 debate on the question of a Public Accounts Committee.

After that lengthy intervention from the Chief Minister I will allow another intervention
either from the Hon. Roy Clinton or the Hon. the Leader of the Opposition and then we are
moving on.

540 **Hon. D A Feetham:** Mr Speaker, I have a political question; my hon. Friend Mr Clinton has a
technical question.

Mr Speaker: I will allow one from each of you.

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

545 I have to say that one has to admire the very clever foot shuffle, because that is what came to mind when I was hearing the hon. Gentleman give his reply to my question to the Hon. Chief Minister. He moves from 'Mr Feetham does not understand what he is talking about' to trying to turn, in one answer, the public service against the Opposition.

Mr Speaker, of course we want senior public servants to come before this House as part of a Public Accounts Committee to ask them questions within their realms of responsibility – or doesn't the hon. Gentleman realise that that nearly £800 million in Government-owned companies, which no one knows how they are spending, is actually being run by the directors of those companies, who are public servants? And does he not realise as well that if he, as he has answered in this House on numerous occasions in the past, says to me, 'I am not answerable for the expenditure of Government-owned companies because they have got their own directors, they are public servants,' the only way that we are going to be able to get to the bottom of how that £800 million of *the people's money* is being spent is by asking questions of the very same people that he himself has drawn our attention to: those public servants?

555 There is absolutely nothing, and does he not accept that there is absolutely nothing wrong with that, because that is the essence and indeed happens all the time in other parliamentary democracies, including the United Kingdom, Mr Speaker?

Mr Speaker: The Hon. Roy Clinton.

565 **Hon. Chief Minister:** No, Mr Speaker, I...

Mr Speaker: Together, and then that is it.

Hon. Mr R M Clinton: Mr Speaker, I will keep my intervention brief. Would the Chief Minister accept that Public Accounts Committees, certainly in the UK, have for many years now also included in their remit Government-owned and controlled companies, and so therefore it was incorrect for him to say that we on this side of the House do not know what we are talking about?

575 **Hon. Chief Minister:** Let me start at the end, Mr Speaker: no.

Mr Speaker, I have, I think, a political question and a technical question. Well, one of them did not sound very political and the other one did not sound very technical, Mr Speaker.

For 16 years, when hon. Members had a Government of the hue that they defend, there was no Public Accounts Committee in Gibraltar, Mr Speaker. (*Interjection* by the **Hon. D A Feetham:** Because the Hon. Joe Bossano did not want it.) For 16 years there was no Public Accounts Committee in Gibraltar, when they were in Government.

585 Now, let's be very clear: he can admire me more or he can admire me less, he can be jealous of my achievements or deprecating of my achievements – and I know he is deprecating, certainly at least when the cameras are rolling he is deprecating. Sometimes through gritted teeth there might be some reluctant recognition of achievement, but it does not matter, Mr Speaker. I do not live my life for his admiration, for his recognition or for his jealousy. I live my life to make this place better for my children.

So I do not accept the figure of £800 million. I think that he just conjects these figures and then wants us to accept them. The figure that he gives is the figure that he gives. He says that nobody knows what we are spending this money on, Mr Speaker, but then he goes on to say that it is all being managed by public servants, so obviously public servants know what we are spending that money on. And of course the projects in many instances which are involved with the companies are announced and the accounts of the companies are put online by the Government – in respect of Credit Finance, there will be accounts of companies which will be filed, so the attempt to create a veneer of secrecy about something that is public is just useless.

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600 But of course, that does not mean that those are the public accounts of Gibraltar in the sense that they are not the Estimates before the House. Neither does it mean – to deal with this alleged technical point, as if the hon. Member were a mechanic of finance – that Public Accounts Committees in the UK deal with Government companies and therefore I was wrong in the point I was making. Well, if there were a Public Accounts Committee in Gibraltar it could only deal with the things that the House already deals with, which means that Government companies would not be within it; so the hon. Gentleman is wrong, because he is assuming that if we were to create one we would create it in the way that *he* wants, and we would not. But we will not create one anyway.

605 Frankly, Mr Speaker, what they do not understand on the other side is that Gibraltar is not a nation of 60 million people, and I know why they do not understand it. They do not understand it because even when they were in Government one of their number said in answer to a question, ‘Oh, I’m not dealing with that, that is being dealt with by central Government’, as if we had a huge Government with local authorities etc. which had to be brought together by a Public
610 Accounts Committee. That is not the reality. This is a small administration and we are answerable for the spending. They might not like the answers that they get, they might not like that Gibraltar is doing so well, they might not like the fact that we are successful, they might not like that people agree with us, but that is the reality and we are not going to interpose for ourselves as a shield between us and them, civil servants. Civil servants today, as controlling
615 officers, spend in keeping with the Estimates Book that we are going to defend next week, and when that spending is done we come to this House to defend it. We stand up to their questioning, we provide the information, and if they do not like it they have the chance to ask many, many supplementaries. That is the way that they can drill down. And that is what they will be told, if they happen to go for the weekend off in London, that is what they will be told that
620 they have to do: that they have to ask searching questions to which they will get detailed answers, to which they will pretend they have not had an answer to go and create the veneer of a lack of accountability and a lack of transparency which is not there because this is the most transparent and accountable Government Gibraltar has had in its history – so transparent and so
625 accountable that we put most of the information in the public domain and they do not even bother to check it, but the public can and they know that their spending and their public finances are safe in the hands of a prudent, responsible, accountable and transparent Government of GSLP Liberal hue.

Q405/2017

**Financial Services Commission –
Licences issued since Brexit referendum**

Clerk: Question 405. The Hon. R M Clinton.

630 **Hon. R M Clinton:** Mr Speaker, can the Government please provide a breakdown by type of licence of the 21 licences issued by the FSC since the date of the Brexit referendum to the date of the Chamber of Commerce Dinner on 26th April 2017?

Clerk: Answer, the Hon. the Chief Minister.

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I told those gathered at the Annual Dinner of the Society of Accountants last night – I was surprised not to see him there – I have an apology to make for having misled some of you who might have attended the recent Chamber of Commerce Annual Dinner, from which I understand this question derives. I told the Chamber
640 then that the FSC had issued 21 new licences since 24th June last year, the date of the result of

645 the referendum, but when I tried to stand that figure up, I confess it was an error. In fact, 26
new financial services licences have been issued since the result of the Brexit referendum was
announced. I stand delighted and corrected, Mr Speaker. Two are category 3 MIFID licences, four
are for new corporates licences as company managers, six are for individuals licensed as company
managers, three are AIFIM licences, two are EIF director licences, one is for an EIF fund, one is for
a new insurance company, another is for a new insurance intermediary company, one is for an
occupational pension, two more are for MIFID branches, one is for a prospectus and two are for
statutory auditors. That is the total of 26. In addition, Mr Speaker, you might also like to know
that there have been two licence extensions in the insurance sector also.

650 I am sorry, Mr Speaker, to have provided such an extensive list, but I understand that there
are some doubting Thomases out there. I have, I hope, nonetheless given the House a feel for
some of the more important areas of business that are being licensed and the areas of business
we are working on developing further.

Q406-408/2017

**Counter-terrorism and terrorism financing –
Number of trained police officers receiving**

655 **Clerk:** Question 406. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many of our current active
police officers have received training in counter-terrorism?

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

Chief Minister (Hon. F R Picardo): I will answer with Question 407 and 408.

Clerk: Question 407. The Hon. E J Phillips.

665 **Hon. E J Phillips:** Mr Speaker, can the Government state how many of those active police
officers who have received counter-terrorism training have also undertaken specific training in
terrorism financing?

670 **Clerk:** Question 408. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether or not there is a specific branch of the
Royal Gibraltar Police which is focused on counter-terrorism?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, these questions seek information about the
capabilities of our law enforcement agencies in dealing with terrorism. It is not in our
community's common interest for us to be publicly debating these capabilities. This is a matter
on which I am happy, nonetheless, to brief the hon. Members privately, if they wish.

680 Indeed, in the opinion of the Government, Mr Speaker, it is equally foolish to advertise
potential security issues such as breaches at the frontier fence. Luckily, however, when the
Member opposite issued his press statement this week in respect of a breach at the frontier
fence, that breach had been repaired some three weeks before.

685 When there are security issues which concern Members opposite it goes without saying that
the prudent thing for them to do is to call the office of the Chief Minister and seek to speak to

me or their relevant opposite number, in this case the Minister for Justice. Perhaps if they get no joy they might then want to take further action, but to issue a statement with a photograph of a breach of the frontier fence is a nonsensical approach to an alleged security issue. It is to offer an illustration of an alleged vulnerability, an advertisement of a potential danger.

690 The Government is dealing daily with such breaches. In fact, when we were first elected in December 2011 the frontier fence to the east of the commercial gate up to Eastern Beach was a single chain-link fence. A second Heras fence line running parallel to the original frontier fence was erected six months later in June 2012 and the space between the fences was filled with razor wire coils. The project cost for that second layer of protection for Gibraltar was £110,000.
695 Mr Speaker, it was this side of the House that invested in that double filter to make accessing Gibraltar harder. So perhaps, Mr Speaker, less cheap and immature point scoring and more responsible and mature thinking from the Hon. Member opposite might better serve Gibraltar.

I note, Mr Speaker, that the Hon. Ms Hassan Nahon expressed similar sentiments in an exchange of emails to which I was copied, in which she herself picked up the irresponsibility of these questions from the Hon. Members opposite.
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Hon. E J Phillips: Mr Speaker, dealing with a number of points raised by the Chief Minister, I have a number of questions.

The first relates to the reasons why the Chief Minister says that he cannot provide answers to those questions, albeit he is prepared to give the answers behind the Speaker's Chair. Does the
705 Chief Minister not agree with me that in countries in Europe, and particularly in the United Kingdom, where there are specific departments that deal with counter-terrorism, the information is readily available to Members of Parliament of those particular jurisdictions, and particularly in the United Kingdom, where counter-terrorism agencies provide information to,
710 for example, the Home Office by way of committee, questions are asked of Ministers as to resources? Has he not forgotten that in London of late there have been significant questions asked to Ministers in that jurisdiction regarding the resources and capability of the Metropolitan Police Force and the security services in the United Kingdom? Don't you think it is right, Chief Minister, that we should be allowed to ask questions –

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Mr Speaker: No, you are addressing the Chair: 'Don't you think it is right, Mr Speaker ...'

Hon. E J Phillips: Don't you think it is right, Mr Speaker, that I can ask questions about the capability of our force here, so that members of the public can be reassured as to the capability,
720 capacity or otherwise of our security services in this jurisdiction? It happens everywhere else. We do not know why it cannot happen here.

Hon. Chief Minister: It is not that we cannot provide the information, Mr Speaker; it is that I have told him I am prepared to offer it to him but not across the floor of this House. Maybe he
725 had forgotten that that is what I said when I started giving the answer.

It is not that Members of Parliament in the United Kingdom have been engaged in debate as to capabilities, Mr Speaker; they have been engaged in debate as to numbers of police officers. Mr Speaker, the numbers of police officers are in the Estimates Book – he can see what the numbers are.

730 Nobody is saying that we should not debate the numbers of police officers, but drilling down to ask specific questions about capability in a place the size of Gibraltar does start to create issues. Let's be very clear. If you are talking about a place the size of the United Kingdom and you talk about the capability there – even a place the size of London, Mr Speaker – it is impossible for somebody who is observing that area to say the capability is here or there. When
735 you are talking about a place the size of Gibraltar and we start talking about specific capabilities, it is very easy to start to assess vulnerabilities. Is he saying to me that he does not consider it is

possible that debating those capabilities publicly could not expose potential vulnerabilities, and is he prepared to take the risk that he might be wrong?

740 **Hon. E J Phillips:** I believe he is asking me a question and I am not prepared to answer that question. I have asked a question not about capability; I have asked the Chief Minister, Mr Speaker, very specifically about numbers, about personnel. I have not asked about capability. He is trying to corner this debate and argument in capability. It is not the question I put to him. Will the Chief Minister answer that question? The question I put to him is about numbers, not
745 about capability, and in light of that is he prepared to answer it?

Hon. Chief Minister: Oh, it is very illustrative, Mr Speaker, that he was not prepared to answer the rhetorical question, isn't it? The minute that responsibility passes for the consequences of potential risk, the hon. Member steps back: 'It's not going to be my fault if
750 something goes wrong, let it be yours.'

Mr Speaker, he *has* asked about capability. He has asked about the numbers of police officers trained in a particular area. That is asking about capability. The debate in the United Kingdom has been about numbers of police officers; this is about numbers of police officers trained in specific skills.

755 Again, I am not saying no to him; I am saying to him 'not across the floor of this House'. If he is genuinely concerned, Mr Speaker, why hasn't he said, 'Fair enough, let me have the information not across the floor of this House'? If he is genuinely concerned, why doesn't he want to have the information? If he is genuinely concerned, why does he just want to have a tennis match about the information, a political tennis match across the floor of this House?
760 Answer, Mr Speaker: because he is not genuinely concerned.

Hon. E J Phillips: Mr Speaker, I have a number of questions in relation to these points. I am not after a tennis match with the Chief Minister on this issue. I accept his invitation to go behind the Speaker's Chair and for him to give me that information so that I can have that reassurance,
765 so that if anyone asks me in town, up and down town, about that question I can say to them the Chief Minister has reassured me these questions are nothing to worry about. I am quite happy to accept that open invitation.

I was asking very pertinent questions, innocuous questions about numbers. I have the answer from him and I am satisfied with that, and we will take the subject up behind the Speaker's
770 Chair.

One of the points that was made, obviously, by the Chief Minister was in relation to the hole in the fence, Mr Speaker, and I think the Chief Minister forgets completely what he did in 2013. He accuses me and Members on this side of the House that we have somehow neglected Gibraltar and shown the world that there is a hole in the fence to climb through – shown
775 terrorists that there is a hole to climb through the fence, Mr Speaker. Well, in 2013 he highlighted the significant danger to security. He does not even read his own press releases, Mr Speaker. How does the Chief Minister reconcile his statement in December 2013 – and I am happy to quote it to him – with what he is suggesting the Opposition is doing now?

780 **Hon. Chief Minister:** I really wish Peter Caruana was back in this House, Mr Speaker, so we had some real in-depth intellectual logic at least coming to us from the other side of the House.

I do not know whether the hon. Gentleman has detected that what I am saying he did, which was irresponsible, was publish the photograph of what he obviously thought – unless he was saying something in his press release which was known to him not to be true – was then a
785 current hole in the fence. That is what he said, Mr Speaker, and that is the photograph that he published. In other words, he said, 'Hole in fence: come into Gibraltar here.' Luckily, three weeks before, we had covered that hole in the fence. I am telling him that there is a security issue at the fence. I am not saying that talking about a security issue at the fence is against the interests

790 of Gibraltar. It is obvious there is a security issue at the fence. We have talked about it, we have said we are dealing with it, we have added a second layer of fence and barbed wire. What we have not done is told people where there is a hole in the fence so they can go and come in to Gibraltar through there. That is what creates the security issue for Gibraltar.

I am quite happy to have a detailed debate about this with him, but can we please have it on things that are pertinent and can we please make this a little bit more intellectually rigorous.

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Hon. D A Feetham: Mr Speaker, there we go with the feet shuffling again, I have to say.

Does he not accept that there are inherent inconsistencies in the statement that the Chief Minister is making to this House and also publicly – as many inconsistencies as there are holes in the fence? He comes to this House and he says, ‘Well, the real problem was that you published a photograph of a hole in the fence, and that is a security risk for Gibraltar,’ – the same hole, it has to be said, that he says was covered three weeks ago. But does he not accept that actually there is more than one hole in the fence and that indeed only yesterday 34 people with sticks and with stones came in, not flying but through the holes in the fence, and in fact were only deterred because the RGP and our law enforcement officers had to deploy in riot gear with dogs? Does he not accept that there is a fundamental inconsistency in the statements that he is making to this House and publicly?

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Hon. Chief Minister: I genuinely miss Sir Peter – genuinely, Mr Speaker.

The hon. Gentleman can try and do the Harlem shuffle and try and play the shuffle joke as many times as he likes, but this is too serious for joking. It is too serious even to see him dancing on a pin head as he is trying to do now.

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There are no holes in the fence, Mr Speaker. There will be holes in the fence probably tonight. They will be covered again tomorrow. Every day there is an ongoing exercise of covering holes in the fence, not because we have fencing that can be cut – because we are seeking to implement fencing that cannot be cut, what is known as category 4 fencing – but because there is not a secure area on the Spanish side. That means that people drive their 4x4 vehicles up to the fence, attach them to the fence and pull it away, and that can happen in a moment. But on the same day that these 34 that the hon. Gentleman talks about were stopped and searched by the Police, by the way – he does know that they were not arrested but stopped and searched by the Police and the law enforcement agencies of Gibraltar, including Customs and the GDP, who do a magnificent job there and elsewhere in keeping Gibraltar safe – he does know that somebody swam in. So the holes in the fence, which today they are making the central cause célèbre that they bring to this Parliament, were not how a gentleman swam into Gibraltar to hand himself in to the Royal Gibraltar Police because he was wanted in the United Kingdom. Or are they not aware of that? Or is it that they do not go to the local beaches and see people on jet-skis go from one part of the European geography to another, something which is entirely common, proper and appropriate?

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Mr Speaker, the Government deals with the issue of holes in the frontier fence every single day. Every morning we deal with the issues. Some mornings there are more, some mornings there are less, Mr Speaker. Maybe the next thing that will happen is that he will get up and he will say, ‘I will build a wall and I will get Spain to pay for it!’ It is politics which has proved dramatically successful somewhere else. He might want to take a leaf out of that book. I know that he tweets that people who do not appear to be doing well in polls then do remarkably better than people expect, but let it be that he decides that his policy after he leaves here today is to build a wall and get Spain to pay for it.

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We have a serious security issue which we deal with every single day. We never deal with it by publishing photographs of the hole in the fence, because if the Hon. Mr Phillips published the photograph thinking, as his press release discloses, that it was still there and it needed to be dealt with and the next thing he knew, 34 people had come in through a hole in the fence, was he at least thinking, ‘Oh, my goodness, did they gain access to Gibraltar through Phillips’ gap or

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Phillips' gate? Was it that they found where I had said the hole was and that was the warren that they used to get into Gibraltar?' He should at least have had that concern, given that he had published a photograph thinking there was a current hole in the fence.

845 We can have this political debate until the cows come home, Mr Speaker, but Gibraltar has a security issue there that the Government deals with every day, and getting up and accusing me of dancing, of doing the waltz or doing the shuffle, does not help, and publishing photographs of holes in the fence which they say make Gibraltar vulnerable, thinking the holes are still there, is just damned right *irresponsible*. The most irresponsible action that a politician could take is to think he has identified a vulnerability and to publish it so that it might be exploited. That is
850 absolutely disgraceful, Mr Speaker. It is one thing to recognise that there is a security issue and it is quite another to publish where it is and to invite illegal access to Gibraltar through that particular advertised hole that he thought was there. Disgraceful, Mr Speaker!

Mr Speaker: Before I allow another supplementary, I want to make it clear that we have here
855 three questions on the Order Paper, all dealing with the question of counter-terrorism, which is loosely connected, I suppose, with holes in the fence –

Hon. D A Feetham: No, he raised the hole in the fence.

860 **Mr Speaker:** But it is now. The Chief Minister chose to widen the whole aspect of the matter by dealing with the question of the holes in the fence, and therefore I have been patient and liberal in allowing a number of exchanges on that matter. But that is not the subject of the three questions, and the three questions the Chief Minister has given an indication that he is prepared to give the information necessary. There is not much room behind my Chair, but I suppose it will
865 be in No. 6, or somewhere else. But that is it. I do not think that the hon. Member should continue to flog any further the issue of the holes. I heard today on GBC a very detailed report and news item on the matter, and now the hon. Members are transposing it from GBC here to Parliament.

870 Since the Chief Minister has been the last Member to rise, I am prepared to allow one other intervention from hon. Members of the Opposition. If it is a question I will allow an answer from the Government and that is it – we leave the holes behind and hope that somebody takes care of them.

875 **Hon. E J Phillips:** Mr Speaker, there is one question relating to certain allegations that the Hon. the Chief Minister has thrown across the floor in relation to how disgraceful the conduct of the Opposition is in identifying a hole and somehow creating a danger for those that wish to harm this community, but it is completely inaccurate.

The Chief Minister, with the greatest of respect to him, in 2013 told the world that there was a danger in the frontier fence, which had holes in it. I will read it to him:

We are continuing to extend the powers available to HM Customs and Royal Gibraltar Police officers in dealing with illicit tobacco activity and investing in repairing those parts of the frontier fence which have been damaged by those involved in this trade. Last year Government spent £129,513.96 on repairs to the frontier fence and erecting new fencing which is harder to damage. The work we commissioned had not been done for years, but now requires further action to protect not just against this illicit trade in tobacco and the danger to our hard working law enforcement officials arising from it, but also the security danger posed by potential unauthorised access to Gibraltar through holes in the frontier.

880 It is the Chief Minister who puts to the wide world the security danger of the fence, not this side of the House, Mr Speaker. And what has he done in three years to deal with the question of the frontier fence: spent £130,000 and the fence is falling apart. Does my hon. Friend agree with me?

885 **Hon. D A Feetham:** Hear, hear. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, I really do not know how to start.

The hon. Gentleman, I am very grateful, has read a press release of 2013 where it illustrates a danger that I have confirmed is the case. I have gone into detail about that danger, Mr Speaker.
890 Doesn't he understand that what he did was not talk about the danger – he issued a press release with a photograph of where he thought there was a current actual hole in the fence. There are no holes in the fence today. Every morning they are dealt with. There are holes in the fence at night, which are made by people who seek to access Gibraltar illegally. The Royal Gibraltar Police and the Customs and GDP sometimes also deploy to stop people getting access
895 to Gibraltar illegally. The operation is not just there; it is in different areas to prevent the access to Gibraltar of people who come in not through the recognised entry points.

There is a danger, however, Mr Speaker, that with a fence we are not able to do much. If we built the best fence in the world ... I have just told him, Mr Speaker, if you attach the best fence in the world to the bumper of a 4x4, because there is not a secure area on the Spanish side, you
900 can pull the fence down. That is the challenge we are dealing with. Am I disclosing something, Mr Speaker? Well, those who attach the 4x4s to the fence and pull it off already know. But those who did not know that that hole existed in the fence had its existence, as he thought that it was, advertised to them by him. So he thought, 'Ha, ha! I'm going to embarrass the Government. I have a photograph of a hole in the fence – I'm going to publish the hole in the fence so that the
905 Government is embarrassed.' Embarrassed was he when he was told that three weeks before that hole in the fence had been fixed; but he published it thinking it was there, advertising it to anyone who that day felt that they should come into Gibraltar and did not have the cutters available. That is what he did, Mr Speaker. That is what I am saying is disgraceful. He created, thinking it was there, a manual for the illegal access into Gibraltar for anyone who cared to read
910 GSD press releases. Luckily, I do not think many people do.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I, please? The Hon. the Chief Minister was just reflecting that I did raise my concerns about these questions to be raised, and I obviously wholeheartedly agree that it is a security risk to discuss these sensitive matters in Parliament. I
915 have to say that I am absolutely flabbergasted that two long-established lawyers here – (**Hon. D A Feetham:** Is there a question there?) Yes, there is a question if you wait, thank you very much. (**Chief Minister:** We always have to wait for you.)

Hon. Ms M D Hassan Nahon: We always have to wait about half an hour to listen to the
920 question mark.

Mr Speaker: Order! Order!

Hon. Ms M D Hassan Nahon: Mr Speaker, I am flabbergasted that two lawyers from Gibraltar
925 here do not understand the danger of discussing security details in a Parliament in a community of 30,000 people in today's world, the way things are. I, as a mother, am worried sick every single day and that is why I was worried sick when I saw the questions, because releasing our vulnerabilities in a small community like Gibraltar cannot be anything but dangerous.

So what I want to ask is, for those of us who genuinely care and want to discuss security in a
930 prudent manner, is the Chief Minister willing to provide us with a forum where we can properly and privately discuss these matters and get an update on risks and threats moving forward, please?

Hon. Chief Minister: Mr Speaker, the hon. Lady is reflecting the thing I said when I started,
935 that I was happy to meet behind the Speaker's Chair, which, as the Speaker has rightly said, would be in my office. But I think that she is wrong not also to reflect that very often she has

raised things with me directly and had the opportunity to have my thinking and the thinking of others with responsibility in this area in relation to any particular issue that has concerned her. And I think that is absolutely the right way to proceed.

940 I have on a number of occasions proposed something like the Privy Council, called the Gibraltar Consultative Council, that would be progressing in the United Kingdom where leaders of the opposition and members of the opposition are brought into Privy Council national security briefings on the basis of swearing an oath of non-disclosure. We have had the debate about oaths of non-disclosure in this House already. There are some people in this House apparently
945 who think the Privy Council is just about letters before your name, nonsensically – but never mind.

So, yes, Mr Speaker, I am prepared, as with the hon. Gentleman who I have made the offer to, to extend to her the opportunity to discuss these issues and to brief her in respect of any issues that concern her, not in this House. I commend her, Mr Speaker, for never having raised
950 these issues in public, for never having printed photographs of things that she has considered vulnerabilities that others might be able to exploit and for taking quite the most mature attitude to this debate that I have seen from that side of the House this afternoon.

Mr Speaker: Let us now move on to the next item on the Agenda.

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Hon. D A Feetham: [inaudible]

Clerk: Question 409. The Hon. D A Feetham.

960 **Hon. Ms M D Hassan Nahon:** You are the most toxic person and you are the common denominator of the whole opposition, rather than one by one.

Q409/2017

Public service employees with criminal convictions – Government policy

Clerk: Question 409. The Hon. D A Feetham.

965 **Hon. D A Feetham:** Mr Speaker, what is the policy in relation to the employment of individuals within the public service, including the GDC, Government-owned companies, authorities and agencies, who have been convicted of criminal offences?

Clerk: Answer, the Hon. the Chief Minister.

970 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman really should pick on me and not on anybody else. I am delighted to take him on.

Mr Speaker: Next question.

975 **Hon. Chief Minister:** Mr Speaker, Her Majesty's Government of Gibraltar has a legal obligation to vet all applicants and to consider any convictions disclosed by the applicant or the relevant vetting scheme in line with the provisions and guidelines under paragraph 25, of the 'Rehabilitation of Offenders', of the Criminal Procedure and Evidence Act 2011.

980 Through these guidelines Her Majesty's Government of Gibraltar makes provisions to protect those applicants who have committed a crime in the past, but who have reformed their ways, from being marked forever with the tag of 'criminal' – something I thought there was a large

measure of agreement on across the floor of this House, Mr Speaker. Therefore, after a period of time, as specified under Schedule 11 of the Act, these convictions will be spent, meaning that they cannot, under normal circumstances, be referred to in the future and there is no need for a person convicted to reveal the conviction when applying for a job or for it to be taken into account when the person has been vetted for employment.

985 However, there are some exceptions to regarding convictions as being spent for some professions, posts and appointments. In these circumstances prospective applicants are obliged to reveal any spent convictions so that HMGoG may be aware of them, and so that they may be taken into account only if relevant.

990 Furthermore, the law recognises the needs of employers to consider the background of individuals in order to ensure that vulnerable groups, such as children or vulnerable adults, are protected. Therefore, in line with Schedule 12 of the Act, a number of offices and employments are exempt from the rehabilitation periods and, due to the sensitive nature of the work entailed, any previous convictions an applicant may have are not considered as spent.

Hon. D A Feetham: Mr Speaker, I thank the Hon. the Chief Minister for the answer.

1000 I had the pleasure of moving the Criminal Procedure and Evidence Act in 2011 that dealt with the provisions that the Hon. the Chief Minister has just referred to in relation to rehabilitation of offenders.

1005 My question is more focused on situations where people have not been rehabilitated. Could the Hon. the Chief Minister provide me with some information in relation to that: where you have somebody who is not rehabilitated, what is the general Government policy in relation to offering employment to that person with that unspent conviction, if there is one?

Hon. Chief Minister: Mr Speaker, there may be some instances where individuals offend whilst they are in the employment of the Government, and the Government, depending on the nature of the offence, may work with the individual to deal with matters – which, for example, might relate to addiction – or may find that it has no alternative but to dismiss the individual if matters relate to dishonesty, for example.

1010 Then there are situations where individuals are in the job market and the Government opens a vacancy in one of the Government companies, the GDC, the authorities or the agencies. That is a competitive process, and in the context of somebody who has a conviction, given the number of applications we tend to get when we go out for vacancies to the public, it would be unusual to see somebody who has a conviction being the successful individual, but depending on the conviction it is not impossible that somebody might be employed given the criteria provided for the employment and what it is that their conviction relates to.

1015 We are talking in such wide parameters, Mr Speaker, it is almost impossible to zero in on an issue.

1020 **Hon. D A Feetham:** So, Mr Speaker, the position really, as I understand it, is that the Government and the public service remain flexible in relation to this issue and will look at all the circumstances of the case, including the gravity of the conviction and also the relevance of any conviction to the employment, before making a decision, and that there is no complete bar on the employment of an individual with a criminal conviction. That is the question.

1025 May I also in this regard thank ... I said to the Hon. Minister Costa that I would thank him across the floor of this House. He is not here to hear my gratitude expressed to him, but the reason why this question arises and the reason for my thanks to Minister Costa – and I posed this question in March of this year, so it is quite a long time ago – is that we had an incident with three nurses who had been recruited, and then three weeks into their employment they found that each one had a criminal conviction and each one was then essentially dismissed. I raised the matter with Minister Costa and Minister Costa looked at each individual case, and I know that at least one of those nurses has now been reinstated and I am extremely grateful to him yet again

1035 for listening to concerns that I have raised with him. But the question was posed so that I could understand and I could then advise – because it is not the first time that this issue has arisen – advise constituents in relation to what is the position of the Government on this.

1040 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he is grateful to Minister Costa. The same three nurses came to see me and I think I dealt with the one who was able to take employment, because you see the one thing that is not set out in the question that the hon. Gentleman has put and the way he has developed it, is what type of offence we are dealing with. If you are dealing with somebody who, as a juvenile, is involved in a harassment or a fight with somebody and is in their early 20s and has not got into trouble again, although the thing might not have been spent in keeping with the rules, then frankly the reason for a particular agency like the Care Agency or the Health Authority etc. to have a rule on convictions which really relates to having people in a secure area with drugs, does not engage; whilst if you have got others who have been involved in more serious offences which are more recent, then it does engage. So I will take the thanks on behalf of the Government, Mr Speaker. I do not require him to thank me. It is quite enough that the lady in question was delighted that we had been able to resolve their problems.

1050 Mr Speaker, the question posed is too wide. When you are dealing with one particular type of conviction it may be possible to accept somebody into employment, and when you are dealing with another it might not be. So I think we need to understand that this is a question of degree, that there is a risk assessment done in the context of each particular post of employment, and that issues are not black and white. We would be fighting against a black and white rule that said a conviction completely excludes you from the possibility of having a job. We would think that that is not appropriate. There have to be degrees of understanding. There has to be something more nuanced than just black or white. I have got convictions for parking my car in the wrong place, Mr Speaker, and I have put my hands up to them on occasions and paid the £25 fine – although these days I tend not to drive myself to most places. But one is a conviction as much as the conviction of murder, so that is why these things are not black and white or set in stone.

1065 **Hon. D A Feetham:** Yes, Mr Speaker, I agree that they are not black and white, but there is a need for a little bit of clarity and guidance, I think, to the individuals within the public service that are making these decisions. In the example that I have given, and I am not going to go into specifics of the convictions that we are concerned with, but one of the people that was not reinstated had a more minor – and, Mr Speaker, I hope the House takes my word for that, bearing in mind that I am a lawyer, but anyway, it is my view ... a more minor conviction than the person who was reinstated. I know that Minister Costa is in fact dealing with this, but the fact that we are in a situation where one has been reinstated, two have not, one of them, in my view a lesser conviction, still has not, I think does show that perhaps it is something that the Government ought to look at in the provision of some guidance in relation to this.

1075 **Hon. Chief Minister:** Mr Speaker, I think I have set out very clearly what the position of the Government is. What the position of the public sector will be when dealing with these issues, whether an offence is serious or less serious, whether the conviction is for the commission of an offence at the top of the scale or at the bottom of the scale, is a matter of degree. A black and white rule would be unfair both in respect of those who have committed offences that are deemed to be more minor and in respect of those who might have been criminals who are convicted of a very serious level of crime in respect of what might otherwise be seen as a minor offence.

1080 So I think it is right that this should no longer be simply an issue that is black and white. That is where all of the thinking has been; that is what the rehabilitation of offenders provision is all about. And, Mr Speaker, given that the hon. Gentleman spends most of his time telling us to

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employ fewer people in the public sector, I am surprised he is trying to pursue this line of questioning at this time, but hope springs eternal.

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Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W40/2017 to W115/2017 inclusive.

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Mr Speaker: Ordered to lie.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended to proceed with Government motions

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

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

I beg to move under Standing Order 59 to proceed with the suspension of Standing Order 19 in order to proceed with Government Motions.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT MOTIONS

Freedom of the City of Gibraltar – Mr Christian Hook

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:

RECOGNISES the outstanding achievements by Christian Hook in the world of the arts, where his skill and dedication have made him a recognized master in his profession and he can count

on his works being in the most important private collections and notable museums and galleries;

CONGRATULATES Christian Hook most notably for the extraordinary accolade of having work displayed in the permanent collections of the Scottish National Gallery, the Museum of Liverpool and the Bolton Museum, and for being the first ever Gibraltarian to have his work exhibited in the National Portrait Gallery in London, thereby making him a major international artistic presence particularly in the UK;

NOTES his work has been selected to appear in the book 100 Masterpieces from the National Galleries of Scotland;

RECALLS him winning the Sky Arts Portrait Artist of the Year, the extraordinary successes that have followed and that his longstanding popularity in Gibraltar has been extended beyond our borders and that his work is in great demand internationally;

TAKES NOTE that at every opportunity he refers to himself as a Gibraltarian artist and by his heritage always being at the forefront thereby promotes Gibraltar;

COMMENDS him for, in addition to his artistic achievements, dedicating his time to charitable and community acts despite his overwhelmingly busy schedule;

CONSIDERS that Gibraltar should rightly be proud of these remarkable achievements; and

HEREBY DECLARES that the Freedom of the City of Gibraltar be conferred on Christian Hook in view of his magnificent accomplishments and successes in the arts.

1100 Mr Speaker, I am delighted to bring this motion. There is no doubt that Christian Hook is a great Gibraltarian talent and a talent that has become internationally recognised in a short period of time.

1105 He is, of course, someone who needs no introduction. As Gibraltarians we have all known of Christian's talents for many years. I certainly have, Mr Speaker, having been at school with Christian when his skill was already apparent to us who sat next to him at art at an early age. His accomplishments and level of acclaim have reached new heights in the last few years and these are indeed remarkable.

1110 Having known Christian since childhood, I am therefore, of course, a follower of his work. His style is original, his paintings are rooted in tradition and yet have freshness and vitality – and aren't I pleased that I bought one of them before he won Sky Arts Artist of the Year, Mr Speaker! He describes his style as constructing paintings and deconstructing them and he has a fascination with the broken image. His originality is in the way that he captures motion and light in his paintings and he certainly has a very unique way of painting. You cannot but help admire his work.

1115 The most notable of his achievements must be that of his works displayed in the permanent collections of not one but three important museums in the United Kingdom: a portrait of actress Sue Johnson is displayed at the Museum of Liverpool and forms part of its collection; his portrait of Amir Khan is at the Bolton Museum; and the portrait of actor Alan Cumming is displayed at the Scottish National Portrait Gallery. This tremendous accomplishment clearly makes him a
1120 major artistic presence and his portrait of Alan Cumming has in fact been deemed to be one of the 100 greatest masterpieces in Scotland's National Galleries. The decision was made by the Director General of Scotland's National Galleries in his book, in which 100,000 works were considered and Christian's managed to make it into the last 100, featured alongside artists such as Vincent van Gogh, Pablo Picasso and Diego Velázquez.

1125 Christian has been extremely dedicated to his work throughout his career. He studied illustration at Middlesex University, London, before initially establishing a career as an illustrator at the Royal College of Art, and he has undertaken many notable works in the UK before returning to Gibraltar to work as a teacher. That changed in around 2014 when he was named Sky Arts Portrait Artist of the Year and the rest of the UK came to know what we all in Gibraltar
1130 already knew, that his talent is remarkable and unique.

1135 Since the Sky Arts programme, Christian has truly been catapulted internationally. Not many people can say that they can count on their works being in the most important private collections, museums and galleries. His work is even included in the collection of His Royal Highness, Prince Edward. He has had several exhibitions at the Clarendon Gallery in London, painting many high-profile figures including the Duchess of York, Sarah Ferguson, and he has had a documentary programme for Sky. He published two books last year and also painted the Maharaja of Jodhpur. Recently he featured in the *Financial Times* Smart Arts Supplement – in fact, Mr Speaker, on the front page.

1140 This weekend his original works will be displayed for a limited period on board the *Queen Victoria* cruise ship when it leaves from the Port of Gibraltar on Sunday. As an artist he is clearly in very high demand, but notwithstanding his status and extremely busy schedule Christian never forgets Gibraltar and that he is from the Rock. That is one of the things that makes Christian different from so many and a true Gibraltarian. Early last year Christian was involved in assisting the service users at St Bernadette’s Resource Centre by preparing art work for an exhibition that would take place locally and in Milan. Later in the year he spoke at our Gibunco Gibraltar Literary Festival, and earlier this year he spoke at the University of Gibraltar’s Beacon series of lectures. Not only does he dedicate his time to supporting Gibraltar events and is associated with local causes, but at every opportunity he always declares himself a proud Gibraltarian.

1150 Mr Speaker, it is only right and proper that we recognise Christian’s efforts, his professional attainment and achievements. It is important that accomplished Gibraltarians are recognised and it is right and proper that someone who has reached this level of professional attainment and international acclaim and who so faithfully represents Gibraltar at all times be acknowledged in this most unique and honoured manner. I therefore, Mr Speaker, commend the motion to the House. (*Banging on desks*)

1155 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Chief Minister.

1160 The Hon. Edwin Reyes.

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

1165 Can I start off by thanking the Leader of the Opposition for giving me this opportunity to reply. It is a motion presented by the Chief Minister and the unwritten rule would normally have seen the Leader of the Opposition reply, but given that I am, from this side of the House, the one who has known Christian for the longest, I volunteered to come up with some words and express a bit more intimacy with this extraordinary Gibraltarian, as the Chief Minister has very kindly tried to explain his relatively short life so far in such a comprehensive but yet succinct manner.

1170 I remember Christian as a very, very young lad. He grew up in Varyl Begg Estate, their family of course being relatively close neighbours of mine, and we had this [inaudible] and I concur with the Chief Minister, who recalls him from his school days: from an extremely young age he had that special talent, that gift that us non-artistic persons can only feel but envious about, and I am really glad to see that Christian put that to use to make a career out of it, because after his study at Middlesex University in London – I think the Chief Minister highlighted that – he actually started, like everyone does in life, doing things that at first seem a bit menial and so on. But certainly not for Christian, because he was an illustrator for Disney – that is not known by many people – and for *Reader’s Digest*, certainly a booklet that has become very popular for many families. And of course he got involved with English Heritage and the National Trust, among many other publishers, so he has always been there waiting for that big break to come. And before that big break came, he threw his hand at lecturing and illustration in the Royal College of Art, and luckily for Gibraltar he returned and our students had the benefit of having him as an art teacher. So the ladies were really lucky at Westside School, in that they were taught by

1185 someone who will go down not only in local history but in the international history books as being an artist very worthy of his works, to be compared with the likes of people like those who were, according to Christian, influences in his development of art. Cézanne gave him a great interest because Christian was always following a motto that said we are always on the move, if not physically at least mentally. And therefore Christian spent time studying others. Lucien Freud, for example, came to be someone who influenced him and he has developed that specific style that luckily some in Gibraltar ...

1190 I am glad to be on the same wavelength as the Chief Minister. He and I are both lucky enough to own a personal painting done by Christian before he got that fame, the prices of which I do not think either the Chief Minister or I nowadays could afford because they are certainly going into six-figure sums. Someone who can exhibit and within hours have his works of art sold in Mayfair is certainly worthy of at least ... I am always willing to take my hat off to him. But I am really grateful, Christian, that you came to that deal with my wife many years ago somehow or other. It was all above board, but she liked what you were drafting and I hope that my granddaughter so far ... If we have any further grandchildren we will have to cut it in pieces, this lovely portrait that my wife commissioned Christian to do of me. I am really proud and will now put a little sticker below it saying, 'Honorary Freeman of the City of Gibraltar'.

1200 Christian will follow in the footsteps of Gustavo Bacarisas, our first recipient of the Freedom of the City of Gibraltar. I am going to drop a hint that the Mayor may wish to take up in future. If we go to the City Hall today, in the Mayor's Parlour there is this lovely Gibraltar scene done by Gustavo Bacarisas, so maybe one day – since Christian will also join that roll of Freemen of the City of Gibraltar – we can have something by Christian Hook alongside it. I know Gustavo's painting was done on the occasion of the visit by Her Majesty the Queen, but I do not think anyone on either side of this House would have any objections if the Queen decides to come along and then we will get Christian to do yet another painting that can also be exhibited there at the City Hall and enhance that beautiful Mayor's Parlour.

1210 Yes, it is true that – the Chief Minister already pointed out – Christian has had successes. His Royal Highness Prince Edward already owns paintings done by Christian, and of course the subject of Alan Cumming was what gave him that extra break that perhaps he needed by winning the Sky Arts Competition. But certainly a worthwhile investment, for those who like the world of books, is getting Sir John Leighton's book with a hundred masterpieces, in which a hundred were selected from, I am told, well over 100,000 pieces of work. So that is quite an achievement and we, as Gibraltarians, feel extremely proud that Christian has made it into it, that Christian at no time shies away from being a son of Gibraltar, that Christian will continue for many years to come, hopefully, putting Gibraltar onto the map and will attract a new interest in the arts by all the youngsters we have.

1220 I have always been a supporter, whether I hold a portfolio or just a shadow portfolio in the arts, but certainly Steven Linares and I have shared many interesting times watching the potential of our youngsters – and perhaps, Steven, within our own lifetime will have a second Christian Hook coming up and producing good work.

1225 So, with those thoughts, Mr Speaker, we on this side of the House – and I hope the hon. Lady would also join us – we are more than grateful for the motion put forward and extremely happy to support granting the Freedom of the City to Christian and wishing him all the best for the future. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is with great pride that I rise to endorse such a prestigious accolade like the Freedom of the City for the modern master in our midst, Christian Hook.

As someone with a degree in the history of art, I feel qualified to validate this gifted artist in this distinguished Chamber by saying a few words about his art. We are all now aware and

1235 familiar with Christian's achievement as a Gibraltarian, but I would also like to offer an insight into his credentials as an artist.

For those of us who have appreciated or looked into Hook's work, we will note his diverse talent in his compositions. On a technical level Hook's focus is on defragmentation and it is very intense, especially when you appreciate how he manages to, at the same time, retain the likeness and empathy with the object or the sitter while keeping, at the same time, his work relevant and modern and always seeking to capture time and movement. This balance, Mr Speaker, can only be achieved by a true virtuoso.

1240 So in retrospect, Mr Speaker, it is of no surprise that in 2014 Christian Hook rose to fame in the Sky Arts *Portrait Artist of the Year* programme. This young and promising Westside School art teacher, who had taken some time off to focus on his craft and suddenly wowed the international art world and media, saw his life change in a flash as Gibraltarians beamed with pride at yet another gifted member of our community punching above his weight, painting A-list celebrities like Sarah Ferguson, Amir Khan and Alan Cumming, the latter portrait now sitting in the Scottish National Gallery and only a couple of weeks ago defined as one of the 100 great masterpieces of Scotland.

1250 Sitting alongside the greats of Gibraltar, like Gustavo Bacarisas and Jacobo Azagury, Hook is not just with these great men but is also today compared to Picasso and other world-celebrated artists, and therefore there is no doubt or question as to the merit of Christian Hook's Freedom of the City Award. So for my part, Mr Speaker, I commend this motion to the House and congratulate Christian Hook and his family on this wonderful accolade. (*Banging on desks*)

Mr Speaker: The Hon. Samantha Sacramento.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, it gives me great pleasure to support this motion as a friend of Christian Hook and for longer as a fan of his work. I do not, unfortunately, own a work of his – (*Interjections*) Not yet, Mr Speaker.

1260 But I want to speak from the point of view of having been a fan of Christian for so long and seeing how his style has developed into such a unique style. I remember, when I was about 12 or 13 years old, walking into a picture gallery and being struck by a portrait that was there for framing, looking at it and just being absolutely astounded, looking at the outstanding quality of the likeness of the person who was sitting. I thought, 'Goodness, who has painted that?' and the person in the gallery said it was Christian Hook. We are talking about almost 30 years ago, Mr Speaker, so even then Christian Hook's talent stood out from so many.

1270 I think, just like every other Gibraltarian, we have been following Christian's progress, and back in December 2014 I remember watching the final of the Sky Arts *Portrait Artist of the Year* and thinking, 'Well, wouldn't it be great if Christian Hook won,' and we all know how that ended. I am so grateful that it did end like that, because that was pretty much his platform internationally. As the Chief Minister said, we have all known about Christian Hook's outstanding talent, but really it has been in great measure due to the Sky Arts Portrait Artist programme that he has been able to promote himself. The hon. Members here have all listed the celebrities and high-profile people he has already painted, and I am sure that he has quite a waiting list of people who have commissioned portraits from him.

1280 But, Mr Speaker, quite apart from the obvious talent and the quality of the work that he does, he is such a lovely and humble gentleman. He very kindly invited me to the opening of his exhibition at the Clarendon last October. I felt so overwhelmingly proud, as a Gibraltarian, to be walking into the gallery at this exhibition by a Gibraltarian. It was absolutely buzzing and full of people and it was so wonderful to see him, his family and his friends there among the clients of the gallery.

1285 He was extremely busy that week and a couple of months earlier I had asked him if he would be so kind as to speak at our Literary Festival, and he did so, Mr Speaker, and that was a few days after the exhibition. The venue that we chose was the biggest venue that we had for the

1290 Literary Festival and it was completely sold out. He told us about his professional journey in the arts and it was so fascinating to learn that throughout his university life his professors, who demanded such a high standard from him, continuously told him that the way that he was working was wrong. He tried different styles and he was told that they were wrong, but he persevered and he continued to persevere – in the wrong way, he was told. I think, Mr Speaker, that is a lesson to us all: that we cannot fit in other people's boxes and it is important that we have our own styles and develop our own flare, because if the way that Mr Hook does things is wrong, then I think we really need to take a leaf out of his book.

1295 Not only that, I would also like to commend and thank him for other things that he has done in the community. Last year, when I had the responsibility for Social Services, we were invited for some service users from St Bernadette's Resource Centre to paint some paintings to be exhibited at a gallery in Milan. I asked him if he would collaborate with our service users to give them that additional level of importance, and this gentleman who is extremely busy – busy with his work, busy travelling all over the world, busy painting portraits of celebrities – took time out of his incredibly busy schedule to spend time with people from St Bernadette's, learning how they were and what they like and what styles they like in art, and helping us produce a collaborative piece which we then exhibited here and in Milan.

1300 I think everybody has been following Christian Hook and everybody is familiar with his unique and outstanding style, but I wanted to make the point of how Christian also goes out of his way to help community groups and to help local groups. Not many people who make it outside of Gibraltar remember their roots and even acknowledge that they are from Gibraltar, but Christian Hook does both and I think that really speaks volumes, Mr Speaker, and on the basis of all those extraordinary accomplishments, of course I support this motion. *(Banging on desks)*

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Mr Speaker: The Hon. Albert Isola.

1315 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, unlike many of the speakers this afternoon, especially the last speaker, I do not know Christian Hook particularly well; I have the misfortune of knowing his brother better than I do Christian.

1320 What is striking about Christian is that the stage of the success that he has achieved at such a young age is really quite remarkable, because artists with the fame and the notoriety that he enjoys today is not common to people so young as he. Nor is it, I must say, common to have people that young being awarded the highest accolade this Parliament can give to someone in being granted the Freedom of the City. And so I think it is absolutely right that even at his young age we are this afternoon deliberating the Granting of the Freedom on Christian because of his exceptional ability, his exceptional talent, and yes, as other speakers have referred to already, his complete commitment to Gibraltar and its people, because he has never forgotten us and he continues to help and support us in every single way that he possibly can, and I think that that too is absolutely remarkable.

1325 I think the whole of Gibraltar has enjoyed and shared in his success. We watch him closely, we take great pleasure and delight in the work that he produces, and because it is so different and it is so unique I think perhaps we enjoy it more than we normally should.

1330 Mr Speaker, it is with huge pleasure and support that I join my colleagues and, I imagine, the whole of the House in congratulating Christian on what he has done, not just for himself but for the whole of Gibraltar and the pride he has brought to so many of us. Mr Speaker, I commend the motion to the House. *(Banging on desks)*

1335 **Mr Speaker:** The Hon. Steven Linares.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, as the Minister for Culture it is a great honour and privilege to be the Minister and to have this motion coming to this House.

1340 One of the things about Christian – which the young people and ... as the hon. Member said about his youth – is that he is a role model and he is a person that every single young Gibraltarian should follow, because he gives a lot of motivation to young people that we, as Gibraltarians, can reach the heights that Christian has actually attained.

1345 One of the things that strikes me most is that we have had many exhibitions and, like the hon. Member Mr Reyes said before, from a very young age Christian has been competing in many of our exhibitions – our youth art exhibitions, our international exhibitions – and many people used to say, ‘Why is it that Christian wins so many?’ Well, he won so many because he is so good, he is so talented, and therefore I am glad to say that, on the back of him winning many exhibitions, the Ministry of Culture have quite a number of Hooks, which means that soon we can probably organise an exhibition of the assets, that we have at the Ministry, of Christian Hook. So it is with that that I say that it is an honour and privilege to be the Minister of Culture and to support this motion. *(Banging on desks)*

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Mr Speaker: The Hon. Roy Clinton.

1355 **Hon. R M Clinton:** Mr Speaker, I must confess a deep jealousy of the Chief Minister and my hon. colleague in having been able to acquire a Christian Hook. Alas, I sadly do not have that good luck.

I, over the years, have developed a deep appreciation and respect for our local artists. Although never having been trained as an artist and having no particular talent in that department, I do appreciate the effort and work that goes into a good work of art.

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We have in the past perhaps in Gibraltar focused too much on as it were, our local dead artists, the ones that perhaps should have had more recognition in their time, the likes of Bacarisa, Leni Mifsud and Azagury to name but a few, and in fact Manier as well. But we have an opportunity today to recognise a living artist. We can all go to his studio, which I would recommend if anybody has an opportunity, and see him actually at work. I think it is a unique opportunity for this House and Gibraltar as a whole to recognise Christian’s talent as a living artist. Of course, we also have the artists who have come before him and also are in our community at the moment and are still working. Obviously we must not forget Mario Finlayson, who probably inspired a lot of these young artists today, and although I do have one or two of Mario’s paintings, unfortunately I did not manage to grab Christian in time – and the Chief Minister will be delighted to know that beige is not my favourite colour – but there you have it.

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Mr Speaker, what is more important and I think what is coming out of the commentaries that we are getting this afternoon is that Christian has not forgotten his roots. He has not gone and opened his workshop in Mayfair. He is quite locally based in Horse Barrack Court and is there to be seen at work and his work is still being done here in Gibraltar, and I think for that he is to be commended, but especially so in that he is still approachable, he is still an individual. As the hon. Lady on the Government benches said, he still does work for Gibraltar.

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What struck me most was that this is an individual who must be extremely busy but he still took time to engage with students at sixth-form level who are undertaking their Young Enterprise projects, and – Minister Cortes will recognise this – that he contributed his own experiences in the book that was published at the Young Enterprise programme. I think, Mr Speaker, perhaps in his own words is probably the best way of summing up his experience. He said in his contribution:

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I believe that my journey from being an illustrator to a teacher and suddenly turning my luck around and achieving this success in life should show others that if I can do it, anyone and everyone can do it too. There are no rules on how to better yourself as there is no formula for success. Personally, I feel that the only person who can stop you from achieving your goals is you, by thinking that it is not possible when it is possible.

I think, Mr Speaker, I cannot possibly add to those words and I fully endorse this motion. *(Banging on desks)*

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Mr Speaker: The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

1390 Mr Speaker, I think I must share an anecdote with this House. Many years ago – 12, perhaps 15 –
when in another life I was working in the Botanic Gardens, we were producing a booklet on the
wildlife of the Upper Rock. We had a number of photographs of plants and birds but we had
1395 none of butterflies. We really wanted to illustrate the butterflies of the Upper Rock and
someone suggested that we should talk to this young teacher in Westside School and get
Christian Hook to do it for us. Christian, always willing to help everybody in the community, very
willingly designed and drew this beautiful picture of a number of Gibraltar's butterflies, which
subsequently got published as the centrepiece of the book. As I was taking the original with me
in the back of my car with other papers, inadvertently it slipped out as I was getting out of the
car and I lost it. And Gibraltar being what Gibraltar is, a couple of days later I got a phone call
1400 saying, 'Mr Cortes from the Alameda Gardens, I found a picture of butterflies – it must belong to
you.' That's Gibraltar! I was very pleased because actually we wanted it in order to be able to
publish it, so I got it back. So I must be the first person ever to have lost a Christian Hook original
and then found it again. I had to share that on this occasion.

Obviously I have since got to know Christian better. I heard his Beacon lecture, absolutely
fascinating. As I think we have said, *muy buena gente*, and obviously we must all support this
1405 motion. (*Banging on desks*)

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

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

1410 I associate myself with the comments that everybody has made during the course of this
motion – in particular, it has to be said, the hon. Lady, Samantha, Minister Sacramento. I
thought her description of Kevin Hook was particularly germane and particularly on the button,
if I may say so. (**Hon. Miss S J Sacramento:** Christian.) Christian, I beg your pardon. He is always
and has always been a person who has made himself available. He is a person who is *extremely*
1415 approachable and, as the hon. Lady has also said, is somebody who is always available in order
to do his bit for Gibraltar. The Hon. the Chief Minister also said that he is a proud Gibraltarian
and I think that is absolutely true. Not always is there a direct correlation between somebody
who is successful and also being proud of his roots and where he comes from and Gibraltar, and
that is certainly true of Christian Hook.

1420 Mr Speaker, Mr Isola said that we all share that sense of pride in his achievements and I think
that that is also a particularly germane comment. Every single time that I see or read an article
referring to Christian Hook about his achievements internationally I feel a sense of pride in the
fact that this gentleman comes from my home town. There is almost a sense of ownership of
part of Christian Hook that makes me feel proud of his achievements.

1425 I also, on a personal level, want to congratulate his parents, Denis and Elvira. They, together
with Christian and Kevin, lived for many years in Varyl Begg. They grew up in Varyl Begg, where I
also grew up. They had the Beehive Store. I do not know whether people are familiar with Varyl
Begg in this Chamber, but they had the Beehive Store for many years and I have to say that this
accolade of Freedom of the City could not have happened to nicer people than the Hook family.

1430 For all those reasons, Mr Speaker, and for all the reasons that have been expressed around
this Chamber, I have absolutely no hesitation in supporting this motion. (*Banging on desks*)

Mr Speaker: I call on the mover to reply. The Hon. the Chief Minister.

1435 **Hon. Chief Minister:** Mr Speaker, I want to thank all hon. Members who supported the
motion.

1440 I think that listening to the hon. Lady made me think of the moment that I saw Christian win the Sky Arts programme. I confess I knew before it was aired but, despite that, I still felt just like I felt when I actually saw it, just like I felt when Kaiane won Miss World. It really was one of those moments when you saw extraordinary world-beating Gibraltarian achievement actually happen. I think Gibraltarians will remember where they were when Kaiane was Miss World and where they were when Christian Hook won Sky Artist of the Year.

1445 I certainly will always remember where I was when Christian Hook photographed me for the portrait, because it was downstairs in front of the words 'Gibraltar Parliament' and that I bought it, Mr Speaker, because it took 10 kilos off what I looked like at the time, which was much needed, and it was a reflection of a better me, I thought. I think Christian manages to capture a better subject than even the one that he is seeing.

1450 If I may say so, Mr Speaker, he has done an excellent job in particular of the portrait of Her Majesty the Queen, which won a competition organised by Momy Levy and which now hangs in No. 6 Convent Place. I asked Momy whether he would agree that the gift he had made to Governor Adrian Johns of that portrait could actually be transferred to No. 6, and we now therefore have a very prominent Christian Hook portrait of Her Majesty the Queen which gives the subject of the portrait great life and I think is one of the best depictions of Her Majesty that I have seen.

1455 I am very happy, therefore, Mr Speaker, that when he came to see me – I forget the year ... He came to see me and said, 'Look, I've got this competition but I'm going to have to leave school for a few months and it is an extended period of time, therefore the Department says political clearance is required. I really want to go for this: would you agree?' and I said, 'Of course I will – this is a Gibraltarian ready to take on the world: why not?' He took it on, he won, 1460 and I think the best description I have heard this afternoon is the one used by the hon. Lady across the way: he is now recognised as a modern master. (*Banging on desks*)

1465 **Mr Speaker:** Before I put the question, may I say that as someone who in the art room in the grammar school was known to have painted the sea purple and tree trunks blood red, I do not feel competent to comment on Christian's work, (*Laughter*) but I am delighted that I have had the opportunity to sign this certificate conferring the Gibraltar Medallion of Honour, which also goes with the Freedom of the City, and I congratulate him and his family for that tremendous achievement.

1470 I now put the question in the terms of the motion moved by the Chief Minister. All in favour? (**Members:** Aye.) All against. By acclamation, I would say, the motion is carried.

ADJOURNMENT

1475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, now that Christian Hook can safely walk up Main Street with his goat, if he wishes to in exercise of the Freedom of the City and Garrison of Gibraltar, I move that the House do now adjourn to Monday, 26th June at 11 a.m. when the House will consider the debate on the Appropriation Bill 2017 as its first order of business.

Mr Speaker: The House will now adjourn until Monday, 26th June at 11 in the morning.

The House adjourned at 5.19 p.m.